

JOURNAL
OF THE
SENATE

STATE OF MINNESOTA

SEVENTY-THIRD LEGISLATURE

1983

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Introduction

The November, 1982 election brought twenty-one new Senators to the Seventy-Third Legislature, and re-elected forty-six Senators. Of the twenty-one new Senators, nine had prior service in the House of Representatives; twelve were members of the DFL Caucus and nine were members of the Independent Republican Caucus. An unprecedented number of women were elected; three new female DFL-ers, two new female Independent Republicans, bringing the total to nine women Senators; five caucusing with the DFL-ers, four with the Independent Republicans.

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

Senator Jerome M. Hughes, Maplewood, was elected President of the Senate.

Senator James Ulland, Duluth, was elected Senate Minority Leader.

The political makeup of the 1983 Senate, Seventy-Third Legislature, was 42 DFL-ers and 25 Independent Republicans.

Members of the Senate

Adkins, Betty A. (DFL)*	Luther, William P. (DFL)
Anderson, Don A. (IR)**	McQuaid, Phyllis W. (IR)
Belanger, William V., Jr. (IR)	Mehrkens, Lyle G. (IR)
Benson, Duane D. (IR)	Merriam, Gene (DFL)
Berg, Charles A. (IR)	Moe, Donald M. (DFL)
Berglin, Linda (DFL)	Moe, Roger D. (DFL)
Bernhagen, John (IR)	Nelson, Tom A. (DFL)
Bertram, Joe (DFL)	Novak, Steven G. (DFL)
Brataas, Nancy (IR)	Olson, Gen (IR)
Chmielewski, Florian (DFL)	Pehler, James C. (DFL)
Dahl, Gregory L. (DFL)	Peterson, Collin C. (DFL)
Davis, Charles R. (DFL)	Peterson, Darrel L. (IR)
DeCramer, Gary M. (DFL)	Peterson, Donna C. (DFL)
Dicklich, Ronald R. (DFL)	Peterson, Randolph W. (DFL)
Diessner, A.W. "Bill" (DFL)	Petty, Eric D. (DFL)
Dieterich, Neil (DFL)	Pogemiller, Lawrence J. (DFL)
Frank, Don (DFL)	Purfeerst, Clarence M. (DFL)
Frederick, Mel (IR)	Ramstad, Jim (IR)
Frederickson, Dennis R. (IR)	Reichgott, Ember D. (DFL)
Freeman, Michael O. (DFL)	Renneke, Earl W. (IR)
Hughes, Jerome M. (DFL)	Samuelson, Don (DFL)
Isackson, Doran L. (IR)	Schmitz, Robert J. (DFL)
Johnson, Dean E. (IR)	Sieloff, Ron (IR)
Johnson, Douglas J. (DFL)	Solon, Sam G. (DFL)
Jude, Tad (DFL)	Spear, Allan H. (DFL)
Kamrath, Randy P. (IR)	Storm, Donald A. (IR)
Knaak, Fritz (IR)	Stumpf, LeRoy A. (DFL)
Knutson, Howard A. (IR)	Taylor, Glen (IR)
Kroening, Carl W. (DFL)	Ulland, James (IR)
Kronebusch, Patricia Louise (IR)	Vega, Conrad M. (DFL)
Laidig, Gary W. (IR)	Waldorf, Gene (DFL)
Langseth, Keith (DFL)	Wegscheid, Darril (DFL)
Lantry, Marilyn M. (DFL)	Willet, Gerald L. (DFL)
Lessard, Bob (DFL)	

*DFL—Democratic-Farmer-Labor

**IR—Independent Republican

Senate Leaders

Roger D. Moe	Majority Leader
William P. Luther	Assistant Majority Leader
Gregory L. Dahl	Majority Whip
Marilyn M. Lantry	Majority Whip
Tom A. Nelson	Majority Whip
James Ulland	Minority Leader
Nancy Brataas	Assistant Minority Leader
Darrel L. Peterson	Assistant Minority Leader
Jim Ramstad	Assistant Minority Leader
Ron Sieloff	Assistant Minority Leader
Glen Taylor	Assistant Minority Leader

Officers of the Senate

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

Desk Assistants to the Secretary of the Senate:

Colleen J. Barry Third Assistant Secretary
Scott Magnuson Fourth Assistant Secretary

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-THIRD LEGISLATURE

FIRST DAY

St. Paul, Minnesota, Tuesday, January 4, 1983

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, Marlene Johnson.

Prayer was offered by Sister Michelle McGurran.

The Lieutenant Governor then appointed Mr. Donald M. Moe as Clerk Pro Tem.

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

First District	LeRoy A. Stumpf
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	Charles A. Berg
Twelfth District	Don A. Anderson
Thirteenth District	Don Samuelson
Fourteenth District	Florian Chmielewski
Fifteenth District	Dean E. Johnson
Sixteenth District	Joe Bertram
Seventeenth District	James C. Pehler
Eighteenth District	Charles R. Davis
Nineteenth District	Randolph W. Peterson
Twentieth District	Randy P. Kamrath
Twenty-first District	John Bernhagen
Twenty-second District	Betty A. Adkins
Twenty-third District	Dennis Frederickson
Twenty-fourth District	Glen Taylor
Twenty-fifth District	Clarence M. Purfeerst
Twenty-sixth District	Lyle G. Mehrkens
Twenty-seventh District	Gary M. DeCramer
Twenty-eighth District	Doran L. Isackson
Twenty-ninth District	Darrel L. Peterson
Thirtieth District	Mel Frederick

Thirty-first District	Tom A. Nelson
Thirty-second District	Duane D. Benson
Thirty-third District	Nancy Brataas
Thirty-fourth District	Patricia Louise Kronebusch
Thirty-fifth District	Earl W. Renneke
Thirty-sixth District	Robert J. Schmitz
Thirty-seventh District	Darril Wegscheid
Thirty-eighth District	Howard A. Knutson
Thirty-ninth District	Conrad M. Vega
Fortieth District	Michael O. Freeman
Forty-first District	William V. Belanger, Jr.
Forty-second District	Donald A. Storm
Forty-third District	Gen Olson
Forty-fourth District	Phyllis W. McQuaid
Forty-fifth District	Jim Ramstad
Forty-sixth District	Ember D. Reichgott
Forty-seventh District	William P. Luther
Forty-eighth District	Tad Jude
Forty-ninth District	Gene Merriam
Fiftieth District	Gregory L. Dahl
Fifty-first District	Don Frank
Fifty-second District	Steven G. Novak
Fifty-third District	Fritz Knaak
Fifty-fourth District	Jerome M. Hughes
Fifty-fifth District	Gary W. Laidig
Fifty-sixth District	A. W. "Bill" Diessner
Fifty-seventh District	Carl W. Kroening
Fifty-eighth District	Lawrence J. Pogemiller
Fifty-ninth District	Allan H. Spear
Sixtieth District	Linda Berglin
Sixty-first District	Donna C. Peterson
Sixty-second District	Eric D. Petty
Sixty-third District	Neil Dieterich
Sixty-fourth District	Ron Sieloff
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 Douglas K. Amdahl, Chief Justice of the Supreme Court.

ELECTION OF PRESIDENT

Mr. Purfeerst nominated Mr. Jerome M. Hughes for President.

Mr. Ulland seconded the nomination of Mr. Jerome M. Hughes.

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

Adkins	Brataas	Frank	Jude	Lantry
Anderson	Chmielewski	Frederick	Kamrath	Lessard
Belanger	Dahl	Frederickson	Knaak	Luther
Benson	Davis	Freeman	Knutson	McQuaid
Berg	DeCramer	Hughes	Kroening	Mehrrens
Berglin	Dicklich	Isackson	Kronebusch	Merriam
Bernhagen	Diessner	Johnson, D.E.	Laidig	Moe, D.M.
Bertram	Dieterich	Johnson, D.J.	Langseth	Moe, R.D.

Nelson	Peterson, D.L.	Reichgott	Spear	Waldorf
Novak	Peterson, R.W.	Renneke	Storm	Wegscheid
Olson	Petty	Samuelson	Stumpf	Willet
Pehler	Pogemiller	Schmitz	Taylor	
Peterson, C.C.	Purfeerst	Sieloff	Ulland	
Peterson, D.C.	Ramstad	Solon	Vega	

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

OATH OF OFFICE

Mr. Jerome M. Hughes subscribed to the oath of office as administered by the Honorable Douglas K. Amdahl, Chief Justice of the Supreme Court.

Mr. Jerome M. Hughes then briefly addressed the Senate in accepting the office as President.

MEMBERS EXCUSED

Mr. Frederick was excused from the balance of today's Session.

ELECTION OF OFFICERS

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

Mr. Ulland seconded the nomination of Mr. Flahaven.

The roll was called. The following Senators voted for Mr. Patrick E. Flahaven.

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

Mr. Patrick E. Flahaven received 66 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.

Mr. Chmielewski nominated Janine Mattson for First Assistant Secretary.

Mr. Willet nominated Patrice Dworak for Second Assistant Secretary.

Mr. Solon nominated Kay Ganje for Engrossing Secretary.

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

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

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

Mr. Johnson, D.J. nominated Sister Michelle McGurran for Chaplain.

The roll was called. The following Senators voted for the nominees.

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

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

OATH OF OFFICE

The First Assistant Secretary, the Second Assistant Secretary, the Engrossing Secretary, the Engrossing and Appointments Clerk, the Sergeant at Arms, 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 James Ulland.

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 73rd session of the Legislature.

BE IT RESOLVED, by the Senate:

The permanent rules of the Senate for the 72nd session of the Legislature are adopted as the temporary rules of the 73rd 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 ~~11~~ 10 o'clock a.m. unless the Senate directs otherwise.

STANDING COMMITTEES

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

- Agriculture and Natural Resources—18
- Economic Development and Commerce—15*
- Education—18
- Elections and ~~Reapportionment~~—11 *Ethics*
- Employment—13
- Energy and Housing—14
- Finance—24
- ~~General Legislation and Administrative Rules—10~~
- Governmental Operations—12
- Health, ~~Welfare and Corrections~~—13 *Human Services*
- Judiciary—13
- Local ~~Government~~ and Urban Affairs—13 *Government*
- ~~Public Employees and Pensions—9~~
- Public Utilities and State Regulated Industries*
- Rules and Administration—26
- Taxes and Tax Laws—24
- Transportation—16
- ~~Veterans Affairs—19~~ *and General Legislation*

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. The subcommittee shall consist of 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.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 of the State of Minnesota, the House of Representatives concurring therein:

The Joint Rules of the Senate and the House of Representatives for the 72nd session are adopted as the temporary joint rules of the 73rd 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

COMMITTEE ON EMPLOYMENT (14)

Chmielewski, Chairman	Kroening
Diessner, Vice Chairman	Nelson
Belanger	Pehler
Brataas	Peterson, C.C.
Dicklich	Ramstad
Frank	Taylor
Frederick	Vega

COMMITTEE ON ENERGY AND HOUSING (13)

Vega, Chairman	Kroening
Peterson, D.C., Vice Chair	McQuaid
Adkins	Olson
Anderson	Peterson, D.L.
Frank	Pogemiller
Freeman	Reichgott
Kamrath	

COMMITTEE ON FINANCE (25)

Willet, Chairman	Luther
Dicklich, Vice Chairman	Mehrkens
Brataas	Nelson
Dahl	Purfeerst
Frederickson	Ramstad
Hughes	Renneke
Johnson, D.E.	Samuelson
Knutson	Schmitz
Kroening	Solon
Kronebusch	Spear
Langseth	Taylor
Lantry	Waldorf
Lessard	

COMMITTEE ON GOVERNMENTAL OPERATIONS (13)

Moe, D.M., Chairman	Lantry
Wegscheid, Vice Chairman	McQuaid
Benson	Peterson, C.C.
Berglin	Pogemiller
Frederickson	Renneke
Jude	Spear
Knaak	

COMMITTEE ON HEALTH AND HUMAN SERVICES (14)

Berglin, Vice Chair	Johnson, D.E.
Petty, Vice Chairman	Knutson
Benson	Lantry
Brataas	Moe, D.M.
Chmielewski	Solon
Dicklich	Ulland
Diessner	Waldorf

COMMITTEE ON JUDICIARY (14)

Spear, Chairman	Freeman
Reichgott, Vice Chair	Johnson, D.E.

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 73rd session have the membership shown in this resolution.

COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES (18)

Merriam, Chairman	Laidig
Davis, Vice Chairman	Lessard
Berg	Novak
Bernhagen	Peterson, C.C.
Bertram	Peterson, R.W.
Dahl	Storm
DeCramer	Stumpf
Frederickson	Wegscheid
Isackson	Willet

COMMITTEE ON ECONOMIC DEVELOPMENT AND COMMERCE (15)

Solon, Chairman	Kronebusch
Freeman, Vice Chairman	Laidig
Adkins	Luther
Anderson	Peterson, D.C.
Belanger	Petty
Benson	Samuelson
Dahl	Wegscheid
Kroening	

COMMITTEE ON EDUCATION (21)

Pehler, Chairman	Mehrkens
Stumpf, Vice Chairman	Merriam
Anderson	Nelson
Dahl	Olson
Davis	Peterson, D.C.
Dicklich	Peterson, D.L.
Dieterich	Peterson, R.W.
Hughes	Ramstad
Kamrath	Reichgott
Knutson	Taylor
Langseth	

COMMITTEE ON ELECTIONS AND ETHICS (11)

Hughes, Chairman	Peterson, D.C.
Luther, Vice Chairman	Peterson, D.L.
Frederickson	Samuelson
Johnson, D.E.	Storm
Johnson, D.J.	Willet
Moe, R.D.	

Jude
Kamrath
Knaak
Luther
Merriam

Peterson, R.W.
Petty
Pogemiller
Ramstad
Sieloff

COMMITTEE ON LOCAL AND URBAN GOVERNMENT (13)

Schmitz, Chairman
Adkins, Vice Chair
Bertram
Davis
Freeman
Isackson
Kamrath

McQuaid
Olson
Reichgott
Renneke
Stumpf
Wegscheid

COMMITTEE ON PUBLIC UTILITIES
AND STATE REGULATED INDUSTRIES (14)

Dieterich, Chairman
Jude, Vice Chairman
DeCramer
Frank
Isackson
Johnson, D.J.
Knaak

Novak
Peterson, D.L.
Purfeerst
Sieloff
Spear
Storm
Waldorf

COMMITTEE ON RULES AND ADMINISTRATION (27)

Moe, R.D., Chairman
Luther, Vice Chairman
Belanger
Berglin
Bernhagen
Chmielewski
Dieterich
Frederick
Hughes
Johnson, D.J.
Knutson
Lessard
Merriam
Moe, D.M.

Nelson
Pehler
Peterson, C.C.
Purfeerst
Renneke
Schmitz
Sieloff
Solon
Spear
Taylor
Ulland
Vega
Willet

COMMITTEE ON TAXES AND TAX LAWS (25)

Johnson, D.J., Chairman
Novak, Vice Chairman
Belanger
Benson
Berg
Berglin
Bernhagen
Bertram
Chmielewski
Davis
Dieterich
Frank
Frederick

Jude
Laidig
Merriam
Moe, D.M.
Pehler
Peterson, C.C.
Peterson, R.W.
Petty
Pogemiller
Sieloff
Ulland
Vega

COMMITTEE ON TRANSPORTATION (17)

Purfeerst, Chairman	Laidig
DeCramer, Vice Chairman	Langseth
Adkins	Lantry
Anderson	Mehrkens
Berg	Novak
Bernhagen	Schmitz
Diessner	Stumpf
Frederick	Vega
Kronebusch	

COMMITTEE ON VETERANS AND GENERAL LEGISLATION (12)

Lessard, Chairman	Diessner
Bertram, Vice Chairman	Isackson
Berg	Kronebusch
Brataas	Samuelson
Chmielewski	Schmitz
DeCramer	Storm

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 of the State of Minnesota, 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 73rd 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 73rd 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Bernhagen	DeCramer	Freeman	Kamrath
Anderson	Bertram	Dicklich	Hughes	Knaak
Belanger	Brataas	Diessner	Isackson	Knutson
Benson	Chmielewski	Dieterich	Johnson, D.E.	Kroening
Berg	Dahl	Frank	Johnson, D.J.	Kronebusch
Berglin	Davis	Frederickson	Jude	Laidig

Langseth	Moe, R.D.	Peterson, R.W.	Schmitz	Vega
Lantry	Nelson	Petty	Sieloff	Waldorf
Lessard	Novak	Pogemiller	Solon	Wegscheid
Luther	Olson	Purfeerst	Spear	Willet
McQuaid	Pehler	Ramstad	Storm	
Mehrkens	Peterson, C.C.	Reichgott	Stumpf	
Merriam	Peterson, D.C.	Renneke	Taylor	
Moe, D.M.	Peterson, D.L.	Samuelson	Ulland	

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 4: A Senate resolution relating to postage.

BE IT RESOLVED, by the Senate:

For the 1983 session of the 73rd 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 Senate Minority Leader; four other members of the minority designated by the Senate Minority Leader; and four members of the majority designated by the Senate Majority Leader.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 5: 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 five to act with a similar committee of the House of Representatives to notify the Honorable Rudy Perpich, 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. Lessard, DeCramer, Pehler, Benson and Frank.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. introduced—

Senate Resolution No. 6: A Senate resolution relating to appointment of a committee to notify the House of Representatives that the Senate is organized.

BE IT RESOLVED, by the Senate:

The President of the Senate shall appoint a committee of five to notify 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.

APPOINTMENTS

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

Mr. Samuelson, Ms. Peterson, D.C.; Messrs. Jude; Johnson, D.E. and Mehrkens.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. introduced—

Senate Resolution No. 7: A Senate resolution relating to the schedule of standing committee meetings.

BE IT RESOLVED, by the Senate:

The standing committees shall meet during the 73rd Legislature according to the following schedule:

SENATE COMMITTEE SCHEDULE

Committee	Chairman	Office Room Number	Direct Line Number	Hearing Room Number	Hour
MONDAY					
296-					
Employment Floor Session	Chmiewlewski	325	8865	112	8-10 A.M. 10-12 Noon
Governmental Operations	Moe, D.M.	309	4175	15	1-3 P.M.
Veterans and General Legislation	Lessard	328	1771	112	1-3 P.M.

Education	Pehler	306	4185	118	1-3 P.M.
Finance	Willet	121	6436	112	3-6 P.M.
Taxes and Tax Laws	Johnson, D.J.	205	4839	15	3-6 P.M.

TUESDAY

Education	Pehler	306	4185	118	8-10 A.M.
Governmental Operations	Moe, D.M.	309	4175	15	8-10 A.M.
Veterans and General Legislation	Lessard	328	1771	112	8-10 A.M.
Judiciary	Spear	27	4191	15	10-12 Noon
Transportation	Purfeerst	303	4186	112	10-12 Noon
Economic Development and Commerce	Solon	303	4158	118	1-3 P.M.
Public Utilities and State Regulated Industries	Dieterich	235	1767	15	1-3 P.M.
Agriculture and Natural Resources	Merriam	24	4157	112	3-6 P.M.
Energy and Housing	Vega	29	8864	118	3-6 P.M.
Health and Human Services	Berglin	323	4151	15	3-6 P.M.

WEDNESDAY

Employment	Chmielewski	325	8865	112	8-10 A.M.
Judiciary	Spear	27	4191	15	10-12 Noon
Transportation	Purfeerst	303	4186	112	10-12 Noon
Local and Urban Government	Schmitz	235	4150	15	1-3 P.M.
Finance	Willet	121	6436	112	3-6 P.M.
Taxes and Tax Laws	Johnson, D.J.	205	4839	15	3-6 P.M.

THURSDAY

Education	Pehler	306	4185	118	8-10 A.M.
Governmental Operations	Moe, D.M.	309	4175	15	8-10 A.M.
Veterans and General Legislation Floor Session	Lessard	328	1771	112	8-10 A.M.
Economic Development and Commerce	Senate Chamber				10-12 Noon
Public Utilities and State Regulated Industries	Solon	303	4158	118	1-3 P.M.
Agriculture and Natural Resources	Dieterich	235	1767	15	1-3 P.M.
Energy and Housing	Merriam	24	4157	112	3-6 P.M.
Health and Human Services	Vega	29	8864	118	3-6 P.M.
	Berglin	323	4151	15	3-6 P.M.

FRIDAY

Employment	Chmielewski	325	8865	112	8-10 A.M.
Judiciary	Spear	27	4191	15	10-12 Noon
Transportation	Purfeerst	303	4186	112	10-12 Noon
Local and Urban Government	Schmitz	235	4150	15	1-3 P.M.
Finance	Willet	121	6436	112	3-6 P.M.
Taxes and Tax Laws	Johnson, D.J.	205	4839	15	3-6 P.M.

ON CALL

Elections and Ethics	Hughes	328	8866		
Rules and Administration	Moe, R.D.	208	4196		
Education Aids Subcommittee	Nelson	301	4871	118	

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

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Wednesday, January 5, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SECOND DAY

St. Paul, Minnesota, Wednesday, January 5, 1983

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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

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

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 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

Daniel L. Kane, First Assistant Chief Clerk

Albin A. Mathiowetz, Second Assistant Chief Clerk

Aliceann Murphy, Postmaster

Andy Remke, Assistant Postmaster

Shirley Tschida, Assistant Sergeant at Arms

Teresa Kittridge, Assistant Sergeant at Arms

Stephen E. Fischer, Index Clerk

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 4, 1983

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.

Anderson, G., Chairman; Knuth; Otis; Burger and Schafer have been appointed to such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 4, 1983

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 5, 1983, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota, said message to be delivered at 12:00 noon, Wednesday, January 5, 1983.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 4, 1983

MOTIONS AND RESOLUTIONS

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 5, 1983, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Resolution No. 8: 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 Rudy Perpich, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, January 5, 1983, 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. Dicklich, Freeman, Purfeerst, Belanger and Laidig.

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 has appointed a committee of seven 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 5, 1983, said Joint Convention to be convened at 11:45 a.m. and said message of the Governor to be delivered at 12:00 noon. “

Battaglia, Elioff, Minne, Murphy, Begich, Neuenschwander and Carlson, D. have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 4, 1983

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Berglin, Messrs. Moe, R.D.; Johnson, D.J. and Mrs. Brataas introduced—

S.F. No. 1: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Messrs. Dicklich, Vega, Mrs. Lantry, Messrs. Pehler and Solon introduced—

S.F. No. 2: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Messrs. Solon, Frank, Ulland and Sieloff introduced—

S.F. No. 3: A bill for an act relating to taxation; abolishing a tax on on-sale liquor; repealing Minnesota Statutes 1982, section 340.986.

Referred to the Committee on Public Utilities and State Regulated Indus-

tries.

Mr. Berg introduced—

S.F. No. 4: A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the governor; authorizing the governor to declare by proclamation a public economic emergency under certain conditions, limiting its duration, and providing nullifying powers in the legislature; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, chapter 582A.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 5: A bill for an act relating to taxation; clarifying the provision governing payment of sales tax; amending Minnesota Statutes 1982, section 297A.27, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski and Diessner introduced—

S.F. No. 6: A bill for an act relating to workers' compensation; creating a competitive state workers' compensation insurance fund; changing benefits; requiring notices of injury; providing for rules related to excessive health care services; providing for the release of medical data; providing for a panel to review clinical health care services provided to injured workers; regulating supplemental benefits; providing for benefit adjustments; providing for interest on delayed benefit payments; providing for a legislative commission to study various aspects of workers' compensation; defining terms; providing for continuance of certain insurance coverages; providing for deductible workers' compensation insurance policies; clarifying the responsibilities of governmental licensing and contracting agencies regarding workers' compensation insurance; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 79.25, subdivision 1, and by adding a subdivision; 79.34, subdivision 2; 79.63, subdivisions 1, 2, and 4; 147.20; 176.011, subdivisions 3 and 9, and by adding a subdivision; 176.021, subdivisions 3 and 3a, and by adding a subdivision; 176.081, subdivisions 1, 2, 3, 4, and 6; 176.101, subdivisions 1, 2, and 3, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and by adding subdivisions; 176.105, by adding a subdivision; 176.111, subdivisions 1, 18, and 21, and by adding subdivisions; 176.121; 176.131, subdivisions 1, 1a, 8, and 10; 176.132, subdivisions 1 and 2; 176.133; 176.135, subdivisions 1 and 1a; 176.136; 176.182; 176.221, subdivisions 2, 3, and 7; 176.225, subdivisions 1 and 5; 176.231, subdivision 10; 176.235, by adding a subdivision; 176.241, subdivision 4; 176.331; 176.391, subdivision 3; 176.591, subdivisions 1 and 3; 176.641; and 352E.04; amending Laws

1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapters 79 and 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 79.211, subdivision 1; 79.63, subdivision 3; 176.011, subdivisions 14 and 18; 176.061, subdivisions 8 and 9; 176.095; 176.101, subdivisions 4 and 5; 176.102, subdivision 1a; 176.105, subdivisions 1, 2 and 3; 176.152; 176.541, subdivisions 2, 3, 4, 5, 6, and 8; 176.551; 176.561; 176.571; 176.581; 176.603; and 176.611.

Referred to the Committee on Employment.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 7: A bill for an act relating to St. Louis County; providing for the tort liability of the St. Louis County promotional bureau.

Referred to the Committee on Judiciary.

Ms. Peterson, D.C.; Messrs. Diessner, Luther and Freeman introduced—

S.F. No. 8: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

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

S.F. No. 9: A bill for an act relating to state employees; establishing Martin Luther King's birthday as an optional holiday; amending Minnesota Statutes 1982, section 645.44, subdivision 5.

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. Moe, R.D. introduced—

Senate Concurrent Resolution No. 3: A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on January 5, 1983, the House of Representatives may set its next day of meeting for 2:00 p.m. on Monday, January 10, 1983.

2. Upon its adjournment on January 5, 1983, the Senate may set its next day of meeting for 11:00 a.m. on Monday, January 10, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

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.

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 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 4, 1983

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 4, 1983

ADJOURNMENT

Mr. Nelson moved that the Senate do now adjourn until 11:00 a.m., Monday, January 10, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRD DAY

St. Paul, Minnesota, Monday, January 10, 1983

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

Prayer was offered by the Chaplain, Rev. James D. Gorman.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Berg and Vega were excused from the Session of today.

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. 3: A Senate concurrent resolution relating to adjournment of the Senate and House of Representatives for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 5, 1983

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that the name of Ms. Reichgott be added as a co-au-

thor to S.F. No. 1. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Dahl be added as a co-author to S.F. No. 8. The motion prevailed.

Ms. Berglin moved that the name of Mr. Solon be added as a co-author to S.F. No. 9. The motion prevailed.

Mr. Benson introduced—

Senate Resolution No. 9: A Senate resolution congratulating LeRoy-Ostrander High School chapter of the Future Farmers of America upon winning the Farm Mechanics contest in 1980, 1981, and 1982.

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. Ramstad, Mrs. McQuaid, Mr. Storm, Mrs. Brataas and Mr. Knaak introduced—

S.F. No. 10: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Mr. Johnson, D.J. introduced—

S.F. No. 11: A bill for an act relating to taxation; exempting certain leasehold interests in property owned by Independent School District No. 692, Babbitt, from the property tax.

Referred to the Committee on Education.

Mr. Johnson, D.J. introduced—

S.F. No. 12: A bill for an act relating to taxation; extending 3cc treatment to homesteads of recipients of private disability pensions; amending Minnesota Statutes 1982, section 273.13, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 13: A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

Referred to the Committee on Veterans and General Legislation.

Mr. Chmielewski introduced—

S.F. No. 14: A bill for an act relating to taxation; providing that property

taxes payable shall not be reduced by the amount of the power line credit for purposes of computing the property tax refund or special property tax refund; allowing refund claims on taxes payable in 1982; appropriating money; amending Minnesota Statutes 1982, sections 290A.03, subdivision 13; and 290A.04, subdivision 2d.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Schmitz, Luther, Knutson, Jude and Hughes introduced—

S.F. No. 15: A bill for an act relating to metropolitan government; redrawing metropolitan council districts; requiring that metropolitan council boundaries be redrawn after each federal census; amending Minnesota Statutes 1982, sections 473.123, subdivisions 2 and 3; and 473.141, subdivisions 2 and 5.

Referred to the Committee on Elections and Ethics.

Messrs. Ulland and Storm introduced—

S.F. No. 16: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Mr. Taylor introduced—

S.F. No. 17: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Messrs. Moe, R.D.; Johnson, D.J. and Willet introduced—

S.F. No. 18: A bill for an act relating to the legislature; delaying submission of the budget to the legislature to February 15, 1983.

Referred to the Committee on Rules and Administration.

Mr. Diessner introduced—

S.F. No. 19: A bill for an act relating to workers' compensation; providing for deductions from compensation for pre-existing conditions; amending Minnesota Statutes 1982, section 176.021, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Moe, D.M. introduced—

S.F. No. 20: A bill for an act relating to the operation of state government; clarifying certain provisions regarding the term of the legislative auditor; amending Minnesota Statutes 1982, section 3.97, subdivision 4.

Referred to the Committee on Governmental Operations.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, January 12, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTH DAY

St. Paul, Minnesota, Wednesday, January 12, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Richard Goebel.

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

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

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. Davis, Knutson, Purfeerst and Vega were excused from the Session of today.

MOTIONS AND RESOLUTIONS

Mr. Johnson, D.J. moved that the name of Mr. Dicklich be added as a co-author to S.F. No. 12. The motion prevailed.

Mr. Storm moved that his name be stricken as a co-author to S.F. No. 16. The motion prevailed.

Mr. Pehler moved that S.F. No. 11 be withdrawn from the Committee on Education and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Moe, R.D. introduced —

Senate Resolution No. 10: A Senate resolution relating to expenses of interns.

BE IT RESOLVED, by the Senate:

For the 1983 Session of the 73rd 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.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 4: A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on January 12, 1983, the Senate may set its next day of meeting on Monday, January 17, 1983.

2. Upon its adjournment on January 12, 1983, the House of Representatives may set its next day of meeting on Monday, January 17, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

indicated.

Messrs. Spear, Petty and Ms. Berglin introduced—

S.F. No. 21: A bill for an act relating to health; allowing any interested person to seek enforcement of certain patient rights; amending Minnesota Statutes 1982, section 144.651.

Referred to the Committee on Health and Human Services.

Messrs. Frank; Dahl; Dicklich; Johnson, D.J. and Mrs. Lantry introduced—

S.F. No. 22: A bill for an act relating to public utilities; regulating and restricting disconnection of service to residential units during periods of cold weather; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Mr. Taylor introduced—

S.F. No. 23: A bill for an act relating to local government; authorizing the city of Mankato and the city of North Mankato to impose a tax on the gross receipts from the furnishing of certain lodging.

Referred to the Committee on Local and Urban Government.

Mrs. Lantry and Mr. Solon introduced—

S.F. No. 24: A bill for an act relating to health; removing the term "epileptic" from the Minnesota Statutes.

Referred to the Committee on Health and Human Services.

Messrs. Spear, Dahl, Pogemiller, Knaak and Petty introduced—

S.F. No. 25: A bill for an act relating to crimes; prohibiting adulterating products intended for use by persons with substances causing bodily harm or death; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Mr. Spear, Ms. Reichgott, Messrs. Pogemiller, Petty and Knaak introduced—

S.F. No. 26: A bill for an act relating to crimes; providing a criminal penalty for false declarations of insurance coverage; amending Minnesota Statutes 1982, section 65B.67, subdivisions 2, 3, and 4, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Jude; Bertram; Peterson, R.W.; Frank and Ms. Olson intro-

duced—

S.F. No. 27: A bill for an act relating to taxation; income; adopting federal income tax treatment of certain retirement plans; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended and 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Jude, Bertram, Frank, Meses. Olson and Reichgott introduced—

S.F. No. 28: A bill for an act relating to taxation; income; increasing the amount of corporate income subject to lower income tax rates; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Samuelson and Frank introduced—

S.F. No. 29: A bill for an act relating to occupations and professions; cosmetology; providing for the licensing of cosmetologists and certain related occupations; establishing a board of cosmetology; providing for the powers, duties, terms, compensation, and removal of members; authorizing the board to promulgate rules; prescribing penalties; appropriating money; proposing new law coded as Minnesota Statutes, chapter 155B; repealing Minnesota Statutes 1982, sections 155A.01 to 155A.18.

Referred to the Committee on Economic Development and Commerce. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon introduced—

S.F. No. 30: A bill for an act relating to workers' compensation; excluding certain taxicab drivers from coverage; amending Minnesota Statutes 1982, section 176.011, subdivision 9a.

Referred to the Committee on Employment.

Messrs. Chmielewski and Lessard introduced—

S.F. No. 31: A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licensees; amending Minnesota Statutes 1982, section 168.12, subdivision 2.

Referred to the Committee on Transportation.

Mr. Chmielewski introduced—

S.F. No. 32: A bill for an act relating to highway traffic regulations; prescribing enhanced penalties for drivers of motor vehicles who are involved in accidents with motorcycles if they fail to yield the right-of-way; amending Minnesota Statutes 1982, section 169.20, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 33: A bill for an act relating to taxation; aggregate removal tax; making the tax optional for each county; amending Minnesota Statutes 1982, section 298.75, subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 34: A bill for an act relating to elections; requiring representation of unorganized townships in appointment of election judges by certain county boards; amending Minnesota Statutes 1982, section 204B.21.

Referred to the Committee on Elections and Ethics.

Mr. Chmielewski introduced—

S.F. No. 35: A bill for an act relating to transportation; providing for the erection of a directional sign designating marked trunk highway No. 23, the Evergreen Memorial Drive, as the Scenic Route to Duluth; amending Minnesota Statutes 1982, section 161.14, subdivision 6.

Referred to the Committee on Transportation.

Messrs. Petty, Luther, Mrs. Adkins, Messrs. Wegscheid and Kroening introduced—

S.F. No. 36: A bill for an act relating to credit insurance; broadening the scope of the credit insurance laws; requiring certain disclosures; establishing presumptive premium loss ratios; prohibiting insurance on small debts; restricting insurance of multiple debtors in certain situations; providing for insurance in connection with open-end credit; prohibiting duplicate charges; prohibiting extras charges for insurance in connection with deferrals, refinancings, and consolidations; restricting sale of property and liability insurance in connection with credit transactions; making technical changes; amending Minnesota Statutes 1982, chapter 62B; proposing new law coded in Minnesota Statutes, chapter 62B.

Referred to the Committee on Economic Development and Commerce.

Messrs. Pogemiller, Petty, Spear, Hughes and Dieterich introduced—

S.F. No. 37: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Messrs. Solon, Dicklich and Luther introduced—

S.F. No. 38: A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, section 2.021.

Referred to the Committee on Elections and Ethics.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, January 17, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTH DAY

St. Paul, Minnesota, Monday, January 17, 1983

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

Prayer was offered by the Chaplain, Rev. Richard K. Smith.

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

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

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

Mrs. Brataas, Messrs. Davis; Johnson, D.E.; Johnson, D.J.; Knutson; Moe, R.D.; Purfeerst; Solon and Taylor 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 1982 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; Metropolitan Transit Commission, 1982 Capital Budget; Metropolitan Waste Control Commission, 1982 Budget, Objectives and Programs; Metropolitan Council, 1981 Annual Report; Metropolitan Council, Appendix to the 1981 Annual Report, 1982; State Arts Board, Regional Arts Council Issues; Department of Health, Statewide Birth Defects Surveillance, 1982; Department of Health, Statewide Cancer Surveillance, 1982; Department of Transportation, Small Business Report for Federal and State Fiscal Year, 1980-81; Zoological Garden, Annual Report,

1981; Legislative Commission on Waste Management, Survey and Analysis of Waste Stream Control Mechanisms, 1982; Metropolitan Council, Need for Speedskating Rink in the Twin Cities Metropolitan Area, 1982; Department of Transportation, Directional Signing Study Report, 1982; Department of Natural Resources, Division of Waters, Violations Procedure Report, 1982; Minnesota Office of Health Facility Complaints, Annual Report, 1982; Department of Energy, Planning and Development, Office of Human Resources Planning, Review of the Hearing Impaired Services Act of 1980, 1982; Council on the Economic Status of Women, Sexual Harassment Task Force Report, 1982; Council on the Economic Status of Women, Pay Equity and Public Employment, 1982; Metropolitan Sports Facilities Commission, Annual Report, 1981; University of Minnesota, Progress Report on Planning, 1982; University of Minnesota, Progress Report on Energy Conservation, 1982; Southwest Regional Development Commission, Overall Work Program for Fiscal Year 1983; Northwest Regional Development Commission, Annual Report 1982; Southwest Regional Development Commission, Fiscal Year 1982, Annual Report; Department of Administration, Surplus State Lands, 1980-1982; Department of Administration, Summary of Reports from Licensing Boards; Board of Dentistry, Biennial Report, 1980-1982; Department of Education, Aids to School Districts, 1982; Small Business Finance Agency, Annual Report, 1981; Small Business Finance Agency, Annual Report, 1982; Indian Affairs Intertribal Board, Annual Report, 1982; Legislative Commission on Minnesota Resources, 1982; Department of Education, Minnesota Multi-county Multi-type Library Cooperation Program; Department of Education, Minnesota Public Library Development Program; Department of Administration, Summary Reports of the Non-Health Related Boards Biennial Reports and the Reports of their Servicing Departments, 1982; Department of Agriculture, Annual Report, 1982; Board of Assessors, 1982; State Auditor, Small Business Finance Agency Loans, 1982; Department of Public Safety, Bureau of Criminal Apprehension, 1982; Department of Administration, Reorganization Study of the Department of Commerce, 1982.

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. 4: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 12, 1983

MOTIONS AND RESOLUTIONS

Mr. Solon moved that the name of Mr. Bertram be added as a co-author to S.F. No. 3. The motion prevailed.

Mrs. Lantry moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 24. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Dahl be added as a co-au-

thor to S.F. No. 31. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ulland be added as a co-author to S.F. No. 33. The motion prevailed.

Mr. Samuelson moved that S.F. No. 29 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

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

Senate Concurrent Resolution No. 5: A Senate concurrent resolution commemorating the life and work of Martin Luther King.

WHEREAS, January 15 marks the anniversary of the birth of Martin Luther King; and

WHEREAS, his life was devoted to the elimination of segregation and prejudice against his people; and

WHEREAS, he sought to fulfill his goals exclusively by nonviolent means; and

WHEREAS, his life and career were ended by assassination; and

WHEREAS, his life and work were typified by great personal sacrifice and devotion to the welfare of his fellowman; and

WHEREAS, the actions and efforts of Martin Luther King have served as an inspiration to all the citizens of the State of Minnesota; and

WHEREAS, the State of Minnesota wishes to recognize the great achievements in human and civil rights that were accomplished, in great part, through the efforts of Martin Luther King; NOW, THEREFORE,

BE IT RESOLVED by the Senate, the House of Representatives concurring, that the State of Minnesota recognizes the immense contributions of Martin Luther King in creating a high quality of life for all citizens of this country regardless of race, creed, or color.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to enroll this resolution, to be authenticated by his signature and those of the President, the Speaker of the House of Representatives, and the Chief Clerk of the House of Representatives, and that it be presented to the Commissioner of Administration and to Coretta Scott King.

Ms. Berglin moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Peterson, D.L. introduced—

Senate Resolution No. 11: A Senate resolution congratulating the Truman Bluejays team from Truman High School for winning the 1982 Class C High School Football Championship.

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.

Messrs. Davis, Bernhagen, Renneke, Bertram and Ms. Olson introduced—

S.F. No. 39: A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

Referred to the Committee on Local and Urban Government.

Mrs. Adkins, Messrs. Bernhagen, Davis, Stumpf and Isackson introduced—

S.F. No. 40: A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J.; Peterson, C.C. and Novak introduced—

S.F. No. 41: A bill for an act relating to taxation; income; delaying the effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knaak introduced—

S.F. No. 42: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

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

S.F. No. 43: A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

Referred to the Committee on Local and Urban Government.

Mr. Nelson introduced—

S.F. No. 44: A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Nelson; Frank; Davis and Wegscheid intro-

duced—

S.F. No. 45: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Mrs. Adkins introduced—

S.F. No. 46: A bill for an act relating to the legislature; establishing a legislative commission on efficiency and economy in state government; appropriating money; proposing new law coded in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations.

Messrs. Novak; Peterson, C.C.; Lessard; Merriam and Berg introduced—

S.F. No. 47: A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; proposing new law coded in Minnesota Statutes, chapter 97.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ramstad, Jude, Taylor, Sieloff and Ms. Olson introduced—

S.F. No. 48: A bill for an act relating to the legislature; fixing the number of senators and representatives in 1993 and thereafter; amending Minnesota Statutes 1982, section 2.021.

Referred to the Committee on Elections and Ethics.

Messrs. Peterson, C.C.; Stumpf; Samuelson; Lessard and Anderson introduced—

S.F. No. 49: A bill for an act relating to economic development; providing assistance for tourism advertising; appropriating money.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty, Ramstad, Freeman, Mses. Reichgott and Berglin introduced—

S.F. No. 50: A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, section 609.255; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 51: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Messrs. Bertram, Stumpf and Jude introduced—

S.F. No. 52: A bill for an act relating to county attorneys; providing for the prosecution of certain offenses by county attorneys other than county attorneys from Hennepin and Ramsey counties; amending Minnesota Statutes 1982, section 388.051; repealing Minnesota Statutes 1982, section 487.25, subdivision 10.

Referred to the Committee on Judiciary.

Messrs. Spear, Freeman, Ms. Reichgott and Mr. Ramstad introduced—

S.F. No. 53: 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 1982, 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. Spear and Ms. Reichgott introduced—

S.F. No. 54: 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 1982, chapter 562.

Referred to the Committee on Judiciary.

Messrs. Spear; Peterson, R.W. and Pogemiller introduced—

S.F. No. 55: 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 Governmental Operations.

Messrs. Spear; Jude; Johnson, D.J. and Dieterich introduced—

S.F. No. 56: A bill for an act relating to liquor; adding definitions; converting references to metric system; authorizing prosecution as a gross misdemeanor for certain unlawful sales; authorizing exclusive liquor stores to sell additional alcohol-related products; prohibiting clubs from serving guests; authorizing first class cities to issue an unlimited number of off-sale licenses; increasing certain license fees; defining ownership interest for purposes of license transfers; prohibiting licenses for certain felons; prohibiting retailers from wholesaling; prohibiting licensees from allowing unlawful possession or consumption on their premises; changing minimum age of bar employees to 19; making unlawful manufacture or transportation a felony; eliminating liquor control enforcement power over druggists; re-

pealing certain obsolete provisions; making technical changes; amending Minnesota Statutes 1982, sections 340.001; 340.02, subdivision 7; 340.031; 340.033; 340.07, subdivision 13; 340.11, subdivisions 11, 13, and 14; 340.13, subdivisions 9 and 12, and by adding subdivisions; 340.14, subdivisions 1a and 2; 340.19; 340.403; repealing Minnesota Statutes 1982, sections 340.13, subdivision 11; 340.73; 340.74; 340.76; 340.77; 340.78; 340.81; 340.83; 340.88; 340.89; 340.90; 340.91; 340.92; and 340.93.

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

Messrs. Spear and Petty introduced—

S.F. No. 57: A bill for an act relating to intoxicating liquor; giving local governing authorities exclusive control over the process of issuing off-sale licenses and enforcement of liquor regulations without review by the commissioner of public safety; requiring filing of off-sale licenses with the commissioner of public safety; removing licensing requirements for distribution of sacramental wine, nonpotable alcohol, and medicinal alcohol; removing requirements for filing wholesale liquor prices with the commissioner of public safety; abolishing the liquor control division; making technical changes; amending Minnesota Statutes 1982, sections 299A.02, subdivisions 1 and 2; 340.069; 340.07, subdivision 5, and by adding a subdivision; 340.10; 340.11, subdivisions 4, 8, 10, 10a, 11, 13, 15, and 20; 340.119, subdivisions 3 and 5; 340.14, subdivision 2; 340.17; 340.18; 340.19; 340.355; 340.356; 340.44; 340.485, subdivisions 2 and 3; 340.492; 340.515; 340.55; and 340.85, subdivision 2; repealing Minnesota Statutes 1982, sections 340.081; 340.13, subdivision 2; 340.87; and 340.983.

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

Messrs. Hughes; Moe, R.D.; Peterson, C.C.; Nelson and Peterson, D.L. introduced—

S.F. No. 58: A bill for an act relating to education; creating a legislative commission to evaluate education planning, policy development, and finance in Minnesota; appropriating money; proposing new law coded in Minnesota Statutes, chapter 3.

Referred to the Committee on Education.

Mr. Johnson, D.J. introduced—

S.F. No. 59: A bill for an act relating to traffic regulations; providing penalties for failing to stop for a school bus; amending Minnesota Statutes 1982, section 169.44, subdivision 1c.

Referred to the Committee on Transportation.

Messrs. Dicklich and Frank introduced—

S.F. No. 60: A bill for an act relating to public utilities; providing for rights

of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Messrs. Luther, Pogemiller, Davis, Ms. Reichgott and Mr. Ramstad introduced—

S.F. No. 61: A bill for an act relating to crimes; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, section 169.09, subdivisions 1, 3, 6, 7, and 14.

Referred to the Committee on Judiciary.

Messrs. Davis, Kamrath, Mrs. Adkins, Messrs. Renneke and Bertram introduced—

S.F. No. 62: A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

Referred to the Committee on Local and Urban Government.

Mrs. Adkins, Messrs. Renneke, Bertram, Isackson and Kamrath introduced—

S.F. No. 63: A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

Referred to the Committee on Local and Urban Government.

Mr. Davis, Mrs. Adkins, Messrs. Renneke, Bertram and Johnson, D.E. introduced—

S.F. No. 64: A bill for an act relating to local government; permitting towns to issue off-sale liquor licenses; amending Minnesota Statutes 1982, section 340.11, subdivision 10b.

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

Mrs. Adkins, Messrs. Stumpf, Renneke, Bertram and Kamrath introduced—

S.F. No. 65: A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

Referred to the Committee on Local and Urban Government.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 2:00 p.m., Thursday, January 20, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTH DAY

St. Paul, Minnesota, Thursday, January 20, 1983

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

Prayer was offered by the Chaplain, Rev. Ambrose J. Mahon.

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

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

Mrs. Brataas, Messrs. Mehrkens, Merriam, Renneke, Sieloff and Vega were excused from the Session of today. Mr. Frank and Ms. Peterson, D.C. were excused from the early part of today's Session.

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. 14.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 17, 1983

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 14: A bill for an act relating to the legislature; delaying submission of the budget to the legislature to February 15, 1983.

SUSPENSION OF RULES

Mr. Moe, R.D. 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. 14 and that the rules of the Senate be so far suspended as to give H.F. No. 14 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 14 was read the second time.

H.F. No. 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 54 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Samuelson
Anderson	Diessner	Kronebusch	Olson	Schmitz
Belanger	Dieterich	Laidig	Pehler	Solon
Berg	Frederick	Langseth	Peterson, C.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Moe, D.M.	Purfeerst	Wegscheid
Davis	Jude	Moe, R.D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

Messrs. Benson, Frederickson, Kamrath and Knaak voted in the negative.

So the bill passed and its title was agreed to.

REPORTS OF COMMITTEES

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

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

S.F. No. 41: A bill for an act relating to taxation; income; delaying the effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 9.

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

Page 3, line 10, delete "*H.R. 6056, 97th Session*"

Page 3, line 11, delete "*of Congress,*" and insert "*Public Law Number 97-456*"

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

SECOND READING OF SENATE BILLS

S.F. No. 41 was read the second time.

MOTIONS AND RESOLUTIONS

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

Mrs. Adkins moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 46. The motion prevailed.

Mr. Spear moved that the name of Mr. Sieloff be added as a co-author to S.F. No. 54. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Dahl be added as a co-author to S.F. No. 60. 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. Ulland introduced—

S.F. No. 66: A bill for an act relating to game and fish; authorizing nontribal member residents of the Fond du Lac Indian reservation to hunt within the reservation; amending Minnesota Statutes 1982, section 98.45, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bertram; Mehrkens; Wegscheid; Peterson, R.W. and Davis introduced—

S.F. No. 67: A bill for an act relating to agriculture; modifying the use of state livestock weighers; amending Minnesota Statutes 1982, section 17A.10.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frank introduced—

S.F. No. 68: A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1982, section 210A.43, subdivision 4.

Referred to the Committee on Elections and Ethics.

Messrs. Peterson, C.C.; Nelson; Pehler and Luther introduced—

S.F. No. 69: A bill for an act relating to workers' compensation; creating a competitive state workers' compensation insurance fund; changing benefits; providing for rules related to excessive health care services; regulating supplemental benefits; providing for benefit adjustments; providing for continuance of certain insurance coverages; providing for deductible workers' compensation insurance policies; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 62A.10, subdivi-

sion 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 79.211, subdivision 1; 79.25, subdivision 1, and by adding a subdivision; 79.63, subdivisions 1, 2, and 4; 176.081, subdivisions 1, 2, 3, 4, and 6; 176.101, subdivisions 1 and 3, and by adding a subdivision; 176.105, by adding a subdivision; 176.111, subdivisions 1 and 18, and by adding a subdivision; 176.131, subdivision 10; 176.132, subdivisions 1 and 2; 176.136; 176.181, subdivision 3; 176.391, subdivision 3; 176.591, subdivisions 1 and 3; Laws 1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapters 79 and 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 79.63, subdivision 3; 176.061, subdivisions 8 and 9; 176.101, subdivision 6; 176.102, subdivision 1a; 176.152; 176.541, subdivisions 2, 3, 4, 5, 6, and 8; 176.551; 176.561; 176.571; 176.581; 176.603; and 176.611.

Referred to the Committee on Employment.

Mr. Frank introduced—

S.F. No. 70: A bill for an act relating to public welfare; directing the commissioner of public welfare to pay for medical assistance and general assistance medical care no more than once every 30 days; amending Minnesota Statutes 1982, sections 256B.041, by adding a subdivision; and 256D.03, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mrs. Lantry and Mr. Frank introduced—

S.F. No. 71: A bill for an act relating to children; changing obsolete references to certain children; amending Minnesota Statutes 1982, sections 127.27, subdivision 6; 144.225, subdivision 2; 256.01, subdivision 2; 256.88; 256.91; 256.93; 257.34, subdivision 1; 260.221; 393.07, subdivision 1; 423.387, subdivision 2; 423.58, subdivision 2; 487.19, subdivision 1; 525.172; 525.173; 609.37; and 617.22.

Referred to the Committee on Judiciary.

Messrs. Wegscheid; Moe, D.M.; Pogemiller; Luther and Lessard introduced—

S.F. No. 72: A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, section 214.04, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Wegscheid, Vega, Schmitz, Mehrkens and Knutson introduced—

S.F. No. 73: A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

Referred to the Committee on Local and Urban Government.

Messrs. Nelson and Solon introduced—

S.F. No. 74: A bill for an act relating to education; extending the time period to apply for life licensure by the Minnesota board of teaching.

Referred to the Committee on Education.

Messrs. Peterson, D.L.; Davis; Benson; Frederickson and Berg introduced—

S.F. No. 75: A bill for an act relating to agriculture; creating an agricultural revitalization trust fund and board of trustees; authorizing the expenditure of funds for agricultural revitalization; altering the distribution of property taxes levied by taxing districts; appropriating money; proposing new law coded as Minnesota Statutes, chapter 17C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon and Purfeerst introduced—

S.F. No. 76: A bill for an act relating to alcoholic beverages; authorizing the sale of intoxicating liquor and nonintoxicating malt liquor on election days; amending Minnesota Statutes 1982, sections 340.034, subdivision 1; and 340.14, subdivision 1.

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

Messrs. Lessard; Chmielewski; Ms. Peterson, D.C.; Messrs. Schmitz and Berg introduced—

S.F. No. 77: A bill for an act relating to veterans; providing funds for the Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Mrs. Lantry, Messrs. Bertram, Solon and Anderson introduced—

S.F. No. 78: A bill for an act relating to commerce; providing procedures for opening checking accounts; extending civil liability for issuing a worthless check; clarifying conciliation court jurisdiction regarding dishonored checks; modifying procedures to prove issuance of a worthless check; expanding types of worthless checks prohibited; requiring banks to release certain checking account information; increasing penalties for issuing a worthless or forged check; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3; 609.535, subdivisions 2, 3, 5, 6, 7, and 8, and by adding subdivisions; and 609.625, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 48, 332, and 609.

Referred to the Committee on Economic Development and Commerce.

Messrs. Purfeerst, Frank, Jude, Benson and Peterson, D.L. introduced—

S.F. No. 79: A bill for an act relating to horse racing; creating a Minnesota

racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

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

Mr. Chmielewski introduced—

S.F. No. 80: 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 V, sections 3 and 5; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing for a unicameral legislature of 101 to 135 members.

Referred to the Committee on Elections and Ethics.

Mr. Purfeerst introduced—

S.F. No. 81: A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

Referred to the Committee on Governmental Operations.

Mr. Knaak, Mrs. McQuaid, Ms. Reichgott, Messrs. Petty and Kamrath introduced—

S.F. No. 82: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the use of a dangerous weapon or firearm in crimes committed against the elderly and handicapped; prescribing penalties; amending Minnesota Statutes 1982, section 609.11, subdivisions 4, 5, 7, and 8, and by adding a subdivision.

Referred to the Committee on Judiciary.

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

S.F. No. 83: A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1982, 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.

Mr. Jude, Mrs. Adkins, Mr. Schmitz, Ms. Olson and Mr. Purfeerst introduced—

S.F. No. 84: A bill for an act relating to agriculture; providing that certain agricultural operations are not private or public nuisances; amending Minnesota Statutes 1982, section 561.19, subdivisions 2 and 5.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, January 24, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTH DAY

St. Paul, Minnesota, Monday, January 24, 1983

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

Prayer was offered by the Chaplain, Rev. George Weinman.

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

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

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

Mrs. Brataas, Messrs. Knutson and Mehrkens were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

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.)

April 24, 1981

The Honorable Jack Davies
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:

Ronald Stevens, Route 2, Box 200, Montevideo, Chippewa County, has been appointed by me, effective April 24, 1981, for a term expiring the first Monday in January, 1985.

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

June 5, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Kenneth Strom, 807 W. Oakland Avenue, Austin, Mower County, has been appointed by me, effective June 5, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Judiciary.)

June 24, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Virginia Olson, 12929 Maywood Lane, Hopkins, Hennepin County, has been appointed by me, effective July 1, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Governmental Operations.)

January 4, 1982

The Honorable Jack Davies
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 January 4, 1982, for a term expiring the first Monday in January, 1986.

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

January 4, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Thomas G. Reichert, 1229-13th Avenue North, St. Cloud, Stearns County, has been appointed by me, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Governmental Operations.)

January 4, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Lauren Larsen, 109 E. Anoka Street, Duluth, St. Louis County, has been appointed by me, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

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

January 4, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the State Council on Affairs of Spanish-Speaking People is hereby respectfully submitted to the Senate for confirmation as required by law:

Enrique Serra, 1930 East 86th Street, Bloomington, Hennepin County, has been appointed by me, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Veterans and General Legislation.)

February 26, 1982

The Honorable Jack Davies

President of the Senate

Dear Sir:

The following appointment to the Minnesota Housing Finance Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Michael D. Finch, 861 24th Avenue S.E., Minneapolis, Hennepin County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Energy and Housing.)

April 2, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Energy Policy Development Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Donn Larson, 3925 Lake Avenue South, Duluth, St. Louis County, has been appointed by me, effective April 2, 1982, for a term expiring June 30, 1983, or the first Monday in January, 1985, if the Council is continued.

(Referred to the Committee on Energy and Housing.)

May 5, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Cornelius A. Van Doren, 456 Woodhill Drive, Roseville, Ramsey County, has been appointed by me, effective May 5, 1982, for a term expiring the first Monday in January, 1985.

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

May 18, 1982

The Honorable Jack Davies
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:

William W. McCutcheon, 2238 Edgebrook Street, St. Paul, Ramsey County, has been appointed by me, effective May 18, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Elections and Ethics.)

July 6, 1982

The Honorable Jack Davies
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:

Leonard C. Myrah, Route 2, Spring Grove, Houston County, has been appointed by me, effective July 6, 1982, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Elections and Ethics.)

July 6, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Minnesota-Wisconsin Boundary Area Commission is hereby respectfully submitted to the Senate for confirmation as required by law:

Goodwin S. Anderson, 715 Mt. Curve Blvd., St. Paul, Ramsey County, has been appointed by me, effective July 6, 1982, for a term expiring July 1, 1986.

(Referred to the Committee on Governmental Operations.)

August 11, 1982

The Honorable Jack Davies
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:

Faith Zwemke, 111 North 12th Avenue, Princeton, Mille Lacs County, has been appointed by me, effective August 11, 1982, for a term expiring the first Monday in January, 1984.

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

December 13, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the State Council on Affairs of Spanish-Speaking People is hereby respectfully submitted to the Senate for confirmation as required by law:

Paula Villegas, 241 South Brimhall, Apt. 305, St. Paul, Ramsey County, has been appointed by me, effective December 13, 1982, for a term expiring

the first Monday in January, 1984.

(Referred to the Committee on Veterans and General Legislation.)

Sincerely yours,

Albert H. Quie, Governor

MOTIONS AND RESOLUTIONS

Mr. Johnson, D.J. moved that the name of Mr. Frederick be added as a co-author to S.F. No. 41. The motion prevailed.

Mrs. Adkins moved that the name of Mr. Davis be added as a co-author to S.F. No. 46. The motion prevailed.

Mr. Spear moved that the name of Mr. Merriam be added as a co-author to S.F. No. 53. The motion prevailed.

Mr. Spear moved that the name of Mr. Merriam be added as a co-author to S.F. No. 55. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Dahl be added as a co-author to S.F. No. 59. The motion prevailed.

Mr. Frank moved that the name of Mr. Dahl be added as a co-author to S.F. No. 68. The motion prevailed.

Mr. Nelson moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 74. The motion prevailed.

Mr. Solon moved that the name of Mr. Lessard be added as a co-author to S.F. No. 76. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 80. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Merriam be added as a co-author to S.F. No. 80. The motion prevailed.

Mr. Pehler introduced—

Senate Resolution No. 12: A Senate resolution acknowledging and commending the revival of "Minnesota," a musical rendition of Minnesota history.

Referred to the Committee on Rules and Administration.

GENERAL ORDERS

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

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

S.F. No. 41, which the committee recommends to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Solon introduced—

S.F. No. 85: A bill for an act relating to taxation; providing a property tax credit to certain veterans awarded the congressional medal of honor; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nelson; Merriam; Peterson, R.W.; Dieterich and Taylor introduced—

S.F. No. 86: A bill for an act relating to education; modifying the state aid and levy provisions governing community education; amending Minnesota Statutes 1982, sections 124.271, subdivision 2a; and 275.125, subdivision 8.

Referred to the Committee on Education.

Mr. Petty, Mrs. Lantry and Mr. Benson introduced—

S.F. No. 87: A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of guardianship of children whose parents are deceased and for evaluations of abusive parents; eliminating the evidentiary privilege of medical health professionals in actions or proceedings for neglect, dependency, or termination of parental rights; prohibiting exclusion of evidence in any proceeding arising out of alleged neglect or physical or sexual abuse; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child's interests shall prevail over parental rights; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivisions 1 and 4; 260.011, subdivision 2; 260.151, by adding a subdivision; 260.242, subdivision 2, and by adding a subdivision; 364.09; 595.02; 626.556, subdivisions 8 and 10; and 626.557.

Referred to the Committee on Health and Human Services.

Mmes. McQuaid, Lantry, Ms. Olson, Messrs. Ulland and Waldorf introduced—

S.F. No. 88: A bill for an act relating to taxation; income; providing a credit for home care of the elderly; appropriating money; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mrs. McQuaid, Messrs. Ramstad and Sieloff introduced—

S.F. No. 89: A bill for an act relating to crimes; providing for additional sentences for theft against the elderly; requiring the sentencing guidelines commission to modify the sentencing guidelines to require application of incarcerative sanctions for theft against the elderly; prescribing penalties; amending Minnesota Statutes 1982, section 609.52, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Diessner; Peterson, C.C.; Chmielewski and Nelson introduced—

S.F. No. 90: A bill for an act relating to workers' compensation; providing for a clinical health care review panel within the department of labor and industry; proposing new law coded in chapter 176.

Referred to the Committee on Employment.

Mrs. Adkins, Messrs. Bertram, Frederick, Stumpf and Schmitz introduced—

S.F. No. 91: A bill for an act relating to towns; authorizing the town electors to exercise certain powers at the annual meeting; amending Minnesota Statutes 1982, section 365.10.

Referred to the Committee on Local and Urban Government.

Messrs. Bertram, Renneke, Kamrath, Schmitz and Johnson, D.E. introduced—

S.F. No. 92: A bill for an act relating to towns; requiring other government units to give notice to towns of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 365.

Referred to the Committee on Local and Urban Government.

Messrs. Bertram, Lessard, Davis, Stumpf and Peterson, C.C. introduced—

S.F. No. 93: A resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Solon introduced—

S.F. No. 94: 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 1982, chapter 354.

Referred to the Committee on Governmental Operations.

Messrs. Johnson, D.E.; Laidig; Benson and Merriam introduced—

S.F. No. 95: A bill for an act relating to taxation; income; adopting federal income tax treatment of certain retirement plans; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended and 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Dicklich and Lessard introduced—

S.F. No. 96: A bill for an act relating to the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; and 298.297; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, sections 298.295; and 298.298.

Referred to the Committee on Governmental Operations.

Messrs. Davis; Luther; Chmielewski; Peterson, D.L. and Peterson, R.W. introduced—

S.F. No. 97: A bill for an act relating to the environment; requiring notice of intent to develop uranium; creating an advisory committee; requiring an environmental analysis and report to the legislature; requiring adoption of a state policy; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 116C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis, DeCramer, Bertram, Stumpf and Merriam introduced—

S.F. No. 98: 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 1982, 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.

Messrs. DeCramer, Langseth, Schmitz and Anderson introduced—

S.F. No. 99: A bill for an act relating to taxation; sales; expanding the definition of farm machinery to include repair and replacement parts; amending Minnesota Statutes 1982, section 297A.01, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Merriam; Peterson, C.C. and Novak introduced—

S.F. No. 100: A bill for an act relating to taxation; providing that Minnesota itemized deductions for individuals shall be federal itemized deductions with certain modifications; amending Minnesota Statutes 1982, sec-

tions 290.01, subdivision 19; 290.06, subdivision 11; 290.077, subdivision 2; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 6; 290.14; 290.18, subdivisions 1 and 2; 290.21, subdivisions 1 and 3; 290.23, subdivision 5; 290.31, subdivisions 2 and 3; 290.39, subdivision 2; 290.92, subdivision 2a; 290A.16; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 290.09, subdivisions 10, 15, 22, and 27; and 290.21, subdivision 3a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Waldorf and Mrs. Lantry introduced—

S.F. No. 101: A bill for an act relating to the city of St. Paul; providing for the reinstatement of St. Paul policeman's pension fund benefits in certain circumstances.

Referred to the Committee on Governmental Operations.

Mr. Diessner, Ms. Reichgott, Messrs. Freeman and Jude introduced—

S.F. No. 102: A bill for an act relating to commitment of persons who are mentally ill, mentally ill and dangerous, or chemically dependent; requiring committing courts to participate in a statewide results-oriented evaluation with respect to treatment; providing for appointment of counsel guardians; requiring the commissioner of public welfare to collect statistics on treatment of patients; proposing new law coded in Minnesota Statutes, chapter 253B.

Referred to the Committee on Health and Human Services.

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

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that S. F. No. 50 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Lessard moved that S. F. No. 85 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Veterans and General Legislation. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, January 27, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTH DAY

St. Paul, Minnesota, Thursday, January 27, 1983

The Senate met at 10:00 a. m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Leslie G. Svendsen.

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

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

Mrs. Brataas was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

January 21, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1983 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 preser-

vation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
	14	I	January 21	January 21

Sincerely,
Joan Anderson Grove
Secretary of State

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that his name be stricken as a co-author to S.F. No. 83. The motion prevailed.

Mr. Solon moved that the name of Mr. Lessard be added as a co-author to S.F. No. 85. The motion prevailed.

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

Ms. Olson introduced—

Senate Resolution No. 13: A Senate resolution congratulating Bonnie Smith for winning the Handicapped Athlete of the Year award.

Referred to the Committee on Rules and Administration.

Messrs. Laidig, Lessard, Isackson, Chmielewski and Schmitz introduced—

Senate Resolution No. 14: A Senate resolution requesting the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia; joining with the families of those who are missing in the hope that their long wait will soon be over.

WHEREAS, a decade ago, on January 27, 1973, the Paris Peace Accords were signed to end American involvement in the war in Southeast Asia; and

WHEREAS, one of the conditions of that agreement was provision for a return or accounting for prisoners of war and persons missing in action; and

WHEREAS, the government of Vietnam has only provided information on a few of the missing and this only through the pressure of determined families and dedicated congressmen; and

WHEREAS, 2,490 Americans, including 48 Minnesotans, remain unaccounted for with investigation of their status arrested by failure of the Socialist Republic of Vietnam and its allied governments to cooperate and assist; and

WHEREAS, there have been repeated verified sighting reports that some of the missing men are still alive in Southeast Asia; and

WHEREAS, the sorrow, anxiety, and frustration of the families of these men cannot be dispelled by delay or neglect; and

WHEREAS, it is America's duty to ensure, through an authentic, comprehensive investigation, the return of Americans still in Southeast Asia and to account for Americans who have perished there; and

WHEREAS, it is absolutely essential that the governments of the United States and the Socialist Republic of Vietnam act NOW to account for the missing; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it joins with the families of the missing men in maintaining a constant vigil of anticipation and hope for a true accounting of their loved ones and the immediate return of the remains of those who died as a result of the war or imprisonment.

BE IT FURTHER RESOLVED that the government of the United States should do all it can to answer the questions surrounding the status of the missing men, to secure the return of any living prisoners or missing persons, and to secure the return of the remains of the dead.

BE IT FURTHER RESOLVED that the Socialist Republic of Vietnam should immediately yield all information it has on the status of the missing especially since there is no reason for them to refuse to give this information other than a calculated effort to protract the agony of the families of the missing.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to send enrolled copies of this resolution, authenticated by his signature and that of the President, to the President of the United States, the Speaker and Chief Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the chairman of the Committee on Foreign Affairs of the United States House of Representatives, the chairman of the Committee on Foreign Relations of the United States Senate, to the Minnesota Representatives and Senators in Congress and to the Permanent Representatives of the Socialist Republic of Vietnam to the United Nations.

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

Mr. Moe, R.D. introduced—

Senate Resolution No. 15: 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.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

CALENDAR

S.F. No. 41: A bill for an act relating to taxation; income; delaying the effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 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 63 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam and Peterson, R. W. 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. Frederick, Bernhagen and Renneke introduced—

S.F. No. 103: A bill for an act relating to state government; rescinding increases in employee contributions and reductions in employer contributions to various public retirement programs; amending Laws 1982, Third Special Session chapter 1, article II, section 2, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Novak introduced—

S.F. No. 104: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Messrs. Frank and Vega introduced—

S.F. No. 105: A bill for an act relating to utilities; regulating delinquency fees or charges on certain unpaid accounts; regulating the disconnection of services on these accounts; proposing new law coded in Minnesota Statutes, chapter 222; repealing Minnesota Statutes 1982, section 222.75.

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

Messrs. Frank and Vega introduced—

S.F. No. 106: A bill for an act relating to public utilities; authorizing utilities to bring civil actions for treble damages for the unauthorized taking or diversion of electricity, gas, or water; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Messrs. Samuelson, Langseth, Berg, Anderson and DeCramer introduced—

S.F. No. 107: A bill for an act relating to agriculture; providing for regulation of apiaries; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davis introduced—

S.F. No. 108: A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davis introduced—

S.F. No. 109: 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.

Messrs. Dahl; Johnson, D.J.; Lessard; Moe, R.D. and Peterson, C.C. introduced—

S.F. No. 110: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

Referred to the Committee on Economic Development and Commerce.

Mr. Dieterich, Ms. Berglin, Mr. Frank, Ms. Peterson, D.C. and Mr. Ramstad introduced—

S.F. No. 111: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Peterson, C.C.; Spear; Renneke; Frederickson and Pogemiller introduced—

S.F. No. 112: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees.

Referred to the Committee on Governmental Operations.

Messrs. Petty; Johnson, D.J.; Jude; Belanger and Frank introduced—

S.F. No. 113: A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich, Vega and Storm introduced—

S.F. No. 114: A bill for an act relating to the legislature; reducing the number of members of the senate; amending Minnesota Statutes 1982, sections 2.021; and 2.031, subdivision 1; repealing Minnesota Statutes 1982, sections 2.031, subdivision 2; and 2.041 to 2.712.

Referred to the Committee on Elections and Ethics.

Mr. Kroening, Ms. Peterson, D.C.; Mr. Pogemiller; Mrs. Adkins and Mr. Spear introduced—

S.F. No. 115: A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal building commission; amending Laws 1903, chapter 247, section 5.

Referred to the Committee on Local and Urban Government.

Mr. Petty, Ms. Berglin, Messrs. Pogemiller, Kroening and Spear introduced—

S.F. No. 116: A bill for an act relating to the city of Minneapolis; permitting the establishment of special service districts; providing taxing and other financial authority for Minneapolis.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J. and Schmitz introduced—

S.F. No. 117: 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 1982, section 168.013, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Johnson, D.J.; Dicklich and Lessard introduced—

S.F. No. 118: A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 and 14.

Referred to the Committee on Economic Development and Commerce.

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

S.F. No. 119: A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear for personal safety because of race, color, religion, sex, affectional or sexual orientation, or national origin; amending Minnesota Statutes 1982, sections 609.595, subdivision 1; and 609.713.

Referred to the Committee on Judiciary.

Messrs. Pehler, Davis, Willet and Purfeerst introduced—

S.F. No. 120: A bill for an act relating to counties; authorizing counties to enact ordinances against trespassing under certain conditions; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 373.

Referred to the Committee on Local and Urban Government.

Messrs. Pogemiller, Luther and Spear introduced—

S.F. No. 121: A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Johnson, D.J.; DeCramer; Wegscheid and Belanger introduced—

S.F. No. 122: A bill for an act relating to taxation; providing an income tax credit for employers who create new jobs; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Langseth and Moe, R.D. introduced—

S.F. No. 123: A bill for an act relating to cities; directing the department of energy, planning and development to identify border city equalization zones; providing disparity relief measures; providing development powers to cities; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; 273.1312, subdivision 4; 273.75, subdivision 1; 290.06, by adding a subdivision; and 290.08, by adding a subdivision; and proposing new law coded in Minnesota Statutes, chapter 459.

Referred to the Committee on Local and Urban Government.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, January 31, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINTH DAY

St. Paul, Minnesota, Monday, January 31, 1983

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:

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

April 26, 1982

The Honorable Jack Davies
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:

Myra S. Greenberg, 756 Pontiac Place, Mendota Heights, Dakota County, has been appointed by me, effective April 25, 1982, for a term

expiring the first Monday in January, 1985.

(Referred to the Committee on Elections and Ethics.)

September 29, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment as Chief Hearing Examiner of the State Office of Administrative Hearings is hereby respectfully submitted to the Senate for confirmation as required by law:

Duane R. Harves, 10924 Ridgewood Court, Burnsville, Dakota County, has been appointed by me, effective July 1, 1982, for a term expiring June 30, 1988.

(Referred to the Committee on Governmental Operations.)

Sincerely yours,

Albert H. Quie, Governor

January 25, 1983

The Honorable Jerome M. Hughes
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:

Sandra Hale, 2308 West Lake of the Isles Parkway, Minneapolis, Hennepin County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Governmental Operations.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Jim Nichols, Rural Route #2, Lake Benton, Lincoln County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

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

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

John Chisholm, 207 Fifth Avenue S.W., #106, Rochester, Olmsted County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Economic Development and Commerce.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Reynaud Harp, 4217 Park Avenue So., Minneapolis, Hennepin County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Economic Development and Commerce.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Commissioner of Securities and Real Estate, Department of Commerce, is hereby respectfully submitted to the Senate for confirmation as required by law:

Mike Hatch, 1042 Naumkeag Street, Shakopee, Scott County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Economic Development and Commerce.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Orville Pung, 14499 North 57th Street, Stillwater, Washington County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Health and Human Services.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Barbara Beerhalter, 3343 Girard Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Employment.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Nina Rothchild, 14 Hickory Street, Mahtomedi, Washington County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Governmental Operations.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Irene Gómez-Bethke, 4649 Decatur Avenue No., New Hope, Hennepin County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Judiciary.)

January 25, 1983

The Honorable Jerome M. Hughes
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:

Steve Keefe, 334 East 44th Street, Minneapolis, Hennepin County, has

been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Employment.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Joseph Alexander, 931 Kennard, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

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

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Sally Martin, 2208 Irving Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

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

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Arthur C. Roemer, 2139 Sioux Blvd. N.W., New Brighton, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Taxes and Tax Laws.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Richard Braun, 1275 Lincoln Terrace N.E., Columbia Heights, Anoka County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Transportation.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Director of the Bureau of Mediation Services is hereby respectfully submitted to the Senate for confirmation as required by law:

Paul Goldberg, 176 Kent Street, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Employment.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

James J. Solem, 615 East Orange Avenue, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Energy and Housing.)

Sincerely,

Rudy Perpich, Governor

January 28, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Executive Director of the Minnesota State Board of Investment is hereby respectfully submitted to the Senate for confirmation as required by Minnesota Statutes, Section 11A.07:

Howard J. Bicker, 1597 Rome Avenue, St. Paul, Ramsey County, has been appointed by the Minnesota State Board of Investment, effective January 3, 1983, for an indeterminate term.

Sincerely,
Rudy Perpich, Governor
Joan Anderson Growe
Secretary of State
Arne Carlson
State Auditor
Robert Mattson
State Treasurer
Hubert H. Humphrey, III
Attorney General

(Referred to the Committee on Governmental Operations.)

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 13. The motion prevailed.

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

S.F. No. 71: A bill for an act relating to children; changing obsolete references to certain children; amending Minnesota Statutes 1982, sections 127.27, subdivision 6; 144.225, subdivision 2; 256.01, subdivision 2; 256.88; 256.91; 256.93; 257.34, subdivision 1; 260.221; 393.07, subdivision 1; 423.387, subdivision 2; 423.58, subdivision 2; 487.19, subdivision 1; 525.172; 525.173; 609.37; and 617.22.

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

- Page 1, lines 15, 22 and 27, after "*married*" insert "*to the child's father*"
- Page 2, line 7, strike "*thereof*" and insert "*of them*"
- Page 2, line 15, strike "*may from time to time be*" and insert "*are*"
- Page 2, line 17, strike "*defective*" and insert "*handicapped*"
- Page 2, line 19, after "*married*" insert "*to the children's fathers*"
- Page 2, line 27, strike everything after "*persons*"
- Page 2, line 28, strike everything before the period
- Page 2, line 29, strike everything after "*The*"
- Page 2, line 30, strike "*include the authority and power to*" and insert "*commissioner may*"
- Page 3, line 18, strike "*may, from time to time, hereafter be*" and insert "*are*"
- Page 3, line 20, strike "*hereby specifically constituted*" and insert "*designated*"
- Page 3, line 22, strike everything after "*Minnesota*"
- Page 3, line 23, strike everything before the comma

- Page 3, line 26, strike "All of said"
- Page 3, strike lines 27 to 32
- Page 5, line 29, strike "hereinafter" and insert "*otherwise*"
- Page 5, line 29, strike "otherwise"
- Page 5, line 30, strike "now or hereafter"
- Page 5, line 32, strike "defective"
- Page 5, line 32, before the second comma insert "*handicapped*"
- Page 5, line 34, after "*married*" insert "*to the children's fathers*"
- Page 5, line 35, strike everything after "persons"
- Page 5, line 36, strike "insane" and insert "*determined to be mentally retarded, mentally ill or chemically dependent*"
- Page 5, line 36, strike "now or"
- Page 6, line 1, strike "hereinafter in force"
- Page 6, line 1, strike everything after "be"
- Page 6, line 2, strike "and made into" and insert "*kept in*"
- Page 6, lines 12 and 29, strike "defective" and insert "*handicapped*"
- Page 6, line 14, after "*married*" insert "*to the children's fathers*"
- Page 6, line 15, strike everything after "persons"
- Page 6, line 16, strike "insane" and insert "*found to be mentally retarded, chemically dependent or mentally ill*"
- Page 6, line 19, strike "thereof" and insert "*in it*"
- Page 6, line 23, after "welfare" insert a comma
- Page 6, lines 24 and 36, strike "such" and insert "*the*"
- Page 6, line 31, after "*married*" insert "*to the child's father*"
- Page 7, lines 2, 3 and 4, strike "such" and insert "*the*"
- Page 7, line 3, strike "the same" and insert "*it*"
- Page 7, line 3, strike "thereof"
- Page 7, line 10, after "*married*" insert "*to the child's father*"
- Page 9, lines 1, 26 and 30, after "*married*" insert "*to the child's father*"
- Page 9, line 5, strike "such" and insert "*the*"
- Page 9, line 18, strike "and regulations"
- Page 9, line 22, strike "such"
- Page 11, line 20, after "I." insert "[JURISDICTION.]"
- Page 11, line 28, strike "sections 518.41 to 518.53" and insert "*chapter 518C*"
- Page 11, line 35, after "*married*" insert "*to the child's father*"

Page 12, lines 5, 20 and 30, after "*married*" insert "*to the child's father*"

Page 13, line 2, strike "; and" and insert a period

Page 13, line 2, strike "woman" and insert "*person*"

Page 13, line 3, strike "of her body,"

Page 13, line 4, strike "which if born alive would"

Page 13, lines 4 and 5, delete the new language

Page 13, line 6, strike the first "such" and insert "*any*"

Page 13, line 6, strike the second "such" and insert "*that*"

Page 13, line 7, strike "such" and insert "*subsequent*"

Page 13, line 8, strike "in the Minnesota correctional"

Page 13, line 9, strike "facility-Stillwater"

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

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

S.F. No. 25: A bill for an act relating to crimes; prohibiting adulterating products intended for use by persons with substances causing bodily harm or death; 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:

Delete everything after the enacting clause and insert:

"Section 1. [609.687] [ADULTERATION.]

Subdivision 1. [DEFINITION.] "Adulteration" is the intentional adding of any substance, which has the capacity to cause death, bodily harm or illness by ingestion, injection, inhalation or absorption, to a substance having a customary or reasonably foreseeable human use.

Subd. 2. [ACTS CONSTITUTING.] Whoever, knowing or having reason to know that the adulteration will cause death, bodily harm or illness, adulterates any substance with the intent to cause death, bodily harm or illness is guilty of a crime and may be sentenced as provided in subdivision 3.

Subd. 3. [SENTENCE.] Whoever violates subdivision 1 may be sentenced as follows:

(1) If the adulteration causes death, to imprisonment for not more than 40 years.

(2) If the adulteration causes any illness, pain, or other bodily harm, to imprisonment for not more than five years.

Subd. 4. [CHARGING DISCRETION.] Criminal proceedings may be instituted under this section, notwithstanding the provisions of sections 24.141, 24.28, 29.24, 31.02, 31.405, 31.601, 34.01, 151.34, 340.142, or other law proscribing adulteration of substances intended for use by persons.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1983, and applies to all crimes committed on or after that date."

Amend the title as follows:

Page 1, line 2, delete "products" and insert "substances"

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

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

S.F. No. 13: A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 138.053, is amended to read:

138.053 [COUNTY HISTORICAL SOCIETY; TAX LEVY; CITIES OR TOWNS.]

The governing body of any *home rule charter or statutory* city or town excepting cities of the first class may appropriate annually an amount from its general fund of not to exceed ~~one-third of~~ one mill of the assessed value of the taxable property in the city or town, ~~but not to exceed \$500,~~ to be paid to the historical society of their respective county to be used for the promotion of historical work and to aid in defraying the expenses of carrying on the historical work in said county. No city or town may appropriate any funds for the benefit of any historical society unless such society shall be affiliated with and approved by the Minnesota historical society.

Sec. 2. Minnesota Statutes 1982, section 365.106, is amended to read:

365.106 [COMMEMORATIVE, APPROPRIATION.]

In any town, at its annual town meeting or at any special town meeting properly called for that purpose, a sum may be voted for the purpose of ascertaining, collecting, preserving, printing, publishing, and distributing data and material pertaining to the history of the town for the purpose of commemorating the anniversary of any important and outstanding event in such history. The sum so voted shall not exceed ~~\$250~~ *one mill of the taxable property in the town* in any one year.

Sec. 3. Minnesota Statutes 1982, section 471.93, is amended to read:

471.93 [APPROPRIATIONS FOR HISTORICAL WORK BY MUNICIPALITIES.]

In *home rule charter* cities of the second, third or fourth class, and statutory cities at any regular or properly called special meeting of the council, it may appropriate money for the purpose of collecting, preserving, storing,

housing, printing, publishing, distributing and exhibiting data and material pertaining to the history of the city, for the purpose of commemorating the anniversary of any important and outstanding event in such history, and to preserve such history data and material for future generations. The amount appropriated shall not exceed ~~\$2,000~~ *one mill of the taxable valuation in the city in any one year.*”

Delete the title and insert:

“A bill for an act relating to local government; fixing maximum expenditures for various historical purposes; amending Minnesota Statutes 1982, sections 138.053; 365.106; and 471.93.”

And when so amended the bill do pass. Mr. Johnson, D.J. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

SECOND READING OF SENATE BILLS

S.F. Nos. 71 and 25 were read the second time.

MOTIONS AND RESOLUTIONS

Mrs. Lantry moved that the name of Ms. Reichgott be added as a co-author to S.F. No. 78. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Samuelson be added as a co-author to S.F. No. 96. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 99. The motion prevailed.

Mr. Frederick moved that the names of Messrs. Laidig and Knutson be added as co-authors to S.F. No. 103. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Samuelson be added as a co-author to S.F. No. 118. The motion prevailed.

Mr. Langseth moved that the name of Mr. Solon be added as a co-author to S.F. No. 123. The motion prevailed.

Mr. Langseth moved that S.F. No. 123 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

Mr. Frank introduced—

Senate Resolution No. 16: A Senate resolution recommending the merger of United Power of Elk River and Cooperative Power Association of Eagan.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 6: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED by the Senate, the House of Representatives concur-

ring therein:

1. Upon its adjournment on Wednesday, February 2, 1983, the Senate may set its next day of meeting for Monday, February 7, 1983.

2. Pursuant to the Minnesota Constitution, Article IV, Section 12, the House of Representatives consents to the adjournment of the Senate for more than three days.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Taylor; Ramstad; Frederickson; Peterson, D.L. and Benson introduced—

S.F. No. 124: A bill for an act relating to unemployment compensation; requiring acceptance of certain work; regulating benefits; amending Minnesota Statutes 1982, section 268.09, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Samuelson introduced—

S.F. No. 125: A bill for an act relating to state government; requiring self-insurance of employee health benefits; amending Minnesota Statutes 1982, sections 43A.22; 43A.23; 43A.26; 43A.30, subdivision 2; 43A.31, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 43A.

Referred to the Committee on Economic Development and Commerce. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Frank, Vega and Dieterich introduced—

S.F. No. 126: A bill for an act relating to public utilities; providing for the regulation of certain cooperative electric associations; amending Minnesota Statutes 1982, section 216B.02, subdivision 4.

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

Mr. Samuelson introduced—

S.F. No. 127: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, sections 2 and 4; providing for a senate of 60 members elected for six year terms and a house of representatives of 120 members elected for four years.

Referred to the Committee on Elections and Ethics.

Mr. Kroening introduced—

S.F. No. 128: A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

Messrs. Ulland, Laidig, Mrs. McQuaid, Ms. Olson and Mr. Solon introduced—

S.F. No. 129: A bill for an act relating to economic development; providing for the promotion of tourism; creating an advisory panel; dedicating certain funds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Commerce.

Messrs. Berg; Peterson, C.C.; Benson; Davis and Bernhagen introduced—

S.F. No. 130: A bill for an act relating to taxation; property; changing the rate of capitalization used to determine value of agricultural land; amending Minnesota Statutes 1982, section 273.11, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S.F. No. 131: A bill for an act relating to corrections; allowing chiropractors to practice in institutions under the control of the commissioner of corrections; amending Minnesota Statutes 1982, section 241.021, subdivision 4.

Referred to the Committee on Health and Human Services.

Mr. Kroening introduced—

S.F. No. 132: A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

Referred to the Committee on Health and Human Services.

Messrs. Langseth and Moe, R.D. introduced—

S.F. No. 133: 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 1982, sections 124.2131, by adding a subdivision; and 477A.011, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Langseth, Stumpf and Moe, R.D. introduced—

S.F. No. 134: A bill for an act relating to public improvements; providing for a nursing care veterans facility at Moorhead under certain conditions; providing for a bond issue; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Messrs. Bertram, Stumpf, Purfeerst, Schmitz and Bernhagen introduced—

S.F. No. 135: A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licenses and citizen band radio operators; amending Minnesota Statutes 1982, section 168.12, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Ramstad; Taylor; Laidig; Johnson, D.E. and Storm introduced—

S.F. No. 136: A resolution memorializing Congress; applying for a constitutional convention to propose an amendment to the United States Constitution to prohibit deficit spending by the United States government.

Referred to the Committee on Rules and Administration.

Mr. Ramstad and Mrs. McQuaid introduced—

S.F. No. 137: A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 1982, section 2.021.

Referred to the Committee on Elections and Ethics.

Messrs. Ulland and Solon introduced—

S.F. No. 138: A bill for an act relating to workers' compensation; excluding certain taxicab drivers from coverage; amending Minnesota Statutes 1982, section 176.011, subdivision 9a.

Referred to the Committee on Employment.

Mr. Pehler, Ms. Berglin, Mr. Petty and Mrs. Kronebusch introduced—

S.F. No. 139: 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 1982, sections 248.07; and 248.08.

Referred to the Committee on Governmental Operations.

Ms. Berglin, Messrs. Spear, Dicklich and Kroening introduced—

S.F. No. 140: A bill for an act relating to education; providing funds for labor education; appropriating money.

Referred to the Committee on Education.

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

S.F. No. 141: A bill for an act relating to the legislature; providing for the majority leader of the senate rather than the president of the senate to serve as chairman of the legislative coordinating commission; changing the term of the chairman of the commission from one year to two years; amending Minnesota Statutes 1982, section 3.303, subdivision 3.

Referred to the Committee on Rules and Administration.

Messrs. Johnson, D.J.; Spear and Dicklich introduced—

S.F. No. 142: A bill for an act relating to agricultural and residential homesteads; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain realty sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; limiting the right to maintain actions for deficiency judgements; proposing new law coded as Minnesota Statutes, chapter 583.

Referred to the Committee on Judiciary.

Messrs. Dicklich; Johnson, D.J. and Frank introduced—

S.F. No. 143: A bill for an act relating to labor; making collective bargaining agreements binding and enforceable when ownership is transferred or sold; defining transferee employer; creating certain exclusions; requiring the disclosure of collective bargaining agreements; providing for enforcement procedures; proposing new law coded in Minnesota Statutes, chapter 179.

Referred to the Committee on Employment.

Messrs. Pogemiller, Petty and Stumpf introduced—

S.F. No. 144: A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, section 260.125, subdivision 2, and by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Frank introduced—

S.F. No. 145: A bill for an act relating to insurance; life; providing certain limitations on the premium rates charged by companies or associations; amending Minnesota Statutes 1982, section 72A.12, by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 146: A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real

property during an emergency declared by the legislature; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, chapter 583.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Moe, D.M.; Frederickson and Renneke introduced—

S.F. No. 147: A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, sections 352.04, subdivisions 2 and 3; and 352.92, subdivisions 1 and 2.

Referred to the Committee on Governmental Operations.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, February 2, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TENTH DAY

St. Paul, Minnesota, Wednesday, February 2, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Peter Wykoff.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Laidig, Merriam and Wegscheid were excused from the Session of today. Mr. Dieterich was excused from the Session of today at 10:40 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Gordon M. Donhowe, 2135 Knapp St., St. Paul, Ramsey County, has

been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Finance.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Sister Mary Madonna Ashton, 5101 West 70th Street, #120, Minneapolis, Hennepin County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Health and Human Services.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Leonard W. Levine, 1741 Hillcrest Avenue, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Health and Human Services.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Gerald Isaacs, 1835 Mechanic Avenue, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Local and Urban Government.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Chairman of the Metropolitan Transit

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

Peter Stumpf, 1444 North Grotto, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Transportation.)

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Chairman of the Metropolitan Waste Control Commission is hereby respectfully submitted to the Senate for confirmation as required by law:

George Frisch, 1781 Saunders, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Local and Urban Government.)

January 25, 1983

The Honorable Jerome M. Hughes
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:

Juanita Satterlee, 504 Selby Avenue, #3, St. Paul, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1989.

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

Sincerely,

Rudy Perpich, Governor

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. 6: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 31, 1983

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Johnson, D.J. be added as a

co-author to S.F. No. 60. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Belanger be added as a co-author to S.F. No. 118. The motion prevailed.

Mr. Frank moved that the names of Messrs. Dicklich and Dahl be added as co-authors to S.F. No. 126. The motion prevailed.

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

Mr. Johnson, D.J. moved that the name of Mr. Nelson be added as a co-author to S.F. No. 142. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Dahl and Vega be added as co-authors to S.F. No. 143. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Spear be added as a co-author to S.F. No. 147. The motion prevailed.

Messrs. Pogemiller, Pehler, Frank, Bertram and Waldorf introduced—

Senate Resolution No. 17: A Senate resolution recognizing the week of February 6 to 13 as Catholic Schools Week in the state of Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D., by request, pursuant to Rule 62, introduced—

Senate Resolution No. 18: A Senate resolution relating to personnel; combining administration of Senate Counsel and Senate Research.

BE IT RESOLVED by the Senate:

1. Senate Counsel and Senate Research shall be under the direction of a single administrator. The current administrators, Larry Fredrickson, the Coordinator of Senate Counsel; Bill Riemerman, the Director of Senate Research; and Bob Lacy, the Assistant Director of Senate Research are relieved of their administrative duties and the salaries adjusted downward for Larry Fredrickson, \$37,861.45; for Bill Riemerman, \$41,197.55; for Bob Lacy, \$36,500.00, effective January 29, 1983.

2. Joe Graba is designated temporary administrator.

3. The search for a new director will begin immediately.

4. Senate Counsel office organization memo dated August 1978 is no longer in effect.

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 37 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson, C.C.	Solon
Berglin	Dieterich	Lessard	Peterson, D.C.	Stumpf
Bertram	Freeman	Luther	Peterson, R.W.	Vega
Chmielewski	Hughes	Moe, D. M.	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Moe, R. D.	Purfeerst	Willet
Davis	Jude	Nelson	Reichgott	
DeCramer	Kroening	Novak	Samuelson	
Dicklich	Langseth	Pehler	Schmitz	

Those who voted in the negative were:

Anderson	Brataas	Kamrath	Mehrkens	Sieloff
Belanger	Frederick	Knaak	Olson	Storm
Benson	Frederickson	Knutsen	Peterson, D.L.	Taylor
Berg	Isackson	Kronebusch	Ramstad	Ulland
Bernhagen	Johnson, D.E.	McQuaid	Renneke	

The motion prevailed. So the resolution was adopted.

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Director of Consumer Services, Department of Commerce, is hereby respectfully submitted to the Senate for confirmation as required by law:

Anton Perpich, 4363 Scout Camp Lane, Eveleth, St. Louis County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Economic Development and Commerce.)

Sincerely,

Rudy Perpich, Governor

GENERAL ORDERS

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

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

S.F. No. 71, which the committee recommends to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Lessard; Moe, R.D.; Stumpf; Willet and Johnson, D.J. introduced—

S.F. No. 148: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to extend timber permits; amending Laws 1981, chapter 305, section 11, as amended.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther; Moe, R.D.; Ms. Berglin; Messrs. Samuelson and Kroening introduced—

S.F. No. 149: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Mr. Chmielewski and Mrs. Adkins introduced—

S.F. No. 150: A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

Referred to the Committee on Veterans and General Legislation.

Ms. Peterson, D.C.; Messrs. Chmielewski; Ramstad and Mrs. Adkins introduced—

S.F. No. 151: A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

Referred to the Committee on Veterans and General Legislation.

Messrs. Knaak, Storm, Sieloff, Ms. Reichgott and Mr. Freeman introduced—

S.F. No. 152: A bill for an act relating to conciliation courts; eliminating certain obsolete provisions; amending Minnesota Statutes 1982, section 491.06, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Willet introduced—

S.F. No. 153: A bill for an act relating to taxation; extending tax exemption to property held for future development by certain nonprofit organizations; amending Minnesota Statutes 1982, section 272.02, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nelson introduced—

S.F. No. 154: A bill for an act relating to workers' compensation; providing for continuation of group accident and health insurance eligibility for injured employees and dependents; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 176.101, by adding a subdivision; and 176.111, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Davis, Pehler, Ms. Berglin and Mr. Solon introduced—

S.F. No. 155: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; 62E.531, subdivision 2; 62E.54, by adding a subdivision; and 256.98; proposing new law coded in Minnesota Statutes, chapter 62E.

Referred to the Committee on Health and Human Services.

Ms. Reichgott; Messrs. Nelson; Pehler; Peterson, D.L. and Ramstad introduced—

S.F. No. 156: A bill for an act relating to education; providing for active military service to be counted toward the number of years required to be eligible for the teacher early retirement incentive program; extending the date of application to March 1, 1983, for certain individuals; requiring expeditious processing of certain applications in 1983; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

Referred to the Committee on Education.

Messrs. Bertram, Chmielewski and Isackson introduced—

S.F. No. 157: A bill for an act relating to holidays; regulating the date for celebration of Memorial Day; amending Minnesota Statutes 1982, sections 465.50; and 645.44, subdivision 5.

Referred to the Committee on Veterans and General Legislation.

Mr. Lessard introduced—

S.F. No. 158: A bill for an act relating to elections; changing reporting requirements for certain candidates; clarifying certain duties of the ethical practices board; amending Minnesota Statutes 1982, sections 10A.02, by adding a subdivision; and 10A.20, subdivision 3.

Referred to the Committee on Elections and Ethics.

Messrs. Samuelson; Johnson, D.J.; Dahl; Renneke and Moe, R.D. introduced—

S.F. No. 159: A bill for an act relating to occupations and professions; regulating chiropractic practice; providing rulemaking authority for the board of chiropractic examiners; amending Minnesota Statutes 1982, sections 148.01; 148.06; and 148.08, and by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, C.C.; Moe, D.M.; Renneke; Frederickson and Spear introduced—

S.F. No. 160: A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 424A.01; 424A.02; 424A.04;

424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A.

Referred to the Committee on Governmental Operations.

Messrs. Spear, Pogemiller, Ms. Berglin, Mr. Petty and Ms. Peterson, D.C. introduced—

S.F. No. 161: A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9, as amended.

Referred to the Committee on Local and Urban Government.

Messrs. Dicklich, Stumpf and Johnson, D.J. introduced—

S.F. No. 162: A bill for an act relating to taxes; providing for the income tax treatment of certain losses attributable to farming; amending Minnesota Statutes 1982, section 290.09, subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Dahl, Solon and Sieloff introduced—

S.F. No. 163: 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 1982, section 61A.03; proposing new law coded in Minnesota Statutes, chapter 72A.

Referred to the Committee on Economic Development and Commerce.

Mr. Moe, D.M., for the Committee on Governmental Operations, introduced—

S.F. No. 164: A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; requiring senate confirmation of commissioner appointees within a certain time period; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 11A.07, subdivision 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 16.823, subdivision 2; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15.

Under the rules of the Senate, laid over one day. Mr. Ulland questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Renneke, Schmitz and Bernhagen introduced—

S.F. No. 165: A bill for an act relating to the environment; suspending site selection procedures of the waste management board and the pollution control agency until the board adopts a hazardous waste management plan; proposing new law coded in Minnesota Statutes, chapter 115A.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 7, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

ELEVENTH DAY

St. Paul, Minnesota, Thursday, February 3, 1983

The House of Representatives met on Thursday, February 3, 1983, which was the Eleventh Legislative Day of the Seventy-Third Session of the Minnesota State Legislature. The Senate did not meet on this date.

TWELFTH DAY

St. Paul, Minnesota, Monday, February 7, 1983

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:

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

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. Bernhagen, Mrs. Bataas, Messrs. Merriam and Vega were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Commissioner of Iron Range Resources and Rehabilitation is hereby respectfully submitted to the Senate for confirmation as required by law:

Gary Lamma, Mountain Iron, St. Louis County, has been appointed by

me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

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

January 25, 1983

The Honorable Jerome M. Hughes
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:

Sandra Gardebring, 925 West Highway 36, #306, Roseville, Ramsey County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

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

January 25, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Paul Tschida, 3829 Lynn Avenue, St. Louis Park, Hennepin County, has been appointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Veterans and General Legislation.)

Sincerely,
Rudy Perpich, Governor

January 27, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

As Majority Leader of the Senate, I am designating Senator Randolph W. Peterson to serve on the Legislative Audit Commission in my place.

Respectfully,
Roger D. Moe
Senate Majority Leader

February 1, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1982, I have made the following appointments:

Sec. 3.303, Legislative Coordinating Commission

Messrs. Luther and Moe, D.M.

Respectfully,
Roger D. Moe,
Senate Majority Leader

February 1, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

On January 25, 1983, the Subcommittee on Committees met and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 1982

Sec. 1.34, Advisory Committee to Minnesota-Wisconsin Commission

Messrs. Diessner; Frank; Mehrkens; Peterson, R.W. and Storm

Sec. 3.9222, Advisory Council on Economic Status of Women

Ms. Berglin, Mmes. Kronebusch, Lantry, Mr. Petty and Ms. Reichgott

Sec. 121.81-121.84, Education Commission of the States

Mr. Nelson

Sec. 1.21-1.22, Great Lakes Commission

Messrs. Dieterich and Ulland

Sec. 3.922, Indian Affairs Inter-Tribal Board

Messrs. Chmielewski, Schmitz and Storm

Sec. 3.29, Interstate Cooperation Committee

Messrs. DeCramer; Kamrath; Langseth; Peterson, D.L. and Stumpf

Sec. 298.22, Iron Range Resources and Rehabilitation Board

Messrs. Chmielewski; Dicklich; Johnson, D.J.; Lessard and Solon

Laws 1982, ch. 512, sec. 10, Joint Legislative Committee on Agricultural Land Preservation

Mrs. Adkins, Messrs. Anderson, Berg, Bertram, Davis, Freeman, Isackson and Jude

Pursuant to Minnesota Statutes 1982

Sec. 3.351, Legislative Commission on Energy

Messrs. Bernhagen, Dahl, Freeman, Isackson, Vega, Wegscheid, Mses. Olson and Peterson, D.C.

Sec. 86.07, Legislative Commission on Minnesota Resources

Messrs. Knutson; Luther; Merriam; Moe, R.D.; Purfeerst; Renneke and Willet

Sec. 3.85, Legislative Commission on Pensions and Retirement

Messrs. Frederickson; Moe, D.M.; Peterson, C.C.; Renneke and Spear

Sec. 14.40, Legislative Commission to Review Administrative Rules

Messrs. Benson, Knaak, Kroening, Luther and Waldorf

Sec. 115A.14, Legislative Commission on Waste Management

Messrs. Laidig, Merriam, Pehler, Ramstad and Schmitz

Sec. 121.843-121.845, Midwestern Education Board

Mr. Hughes

Sec. 161.1419, Mississippi River Parkway Commission

Messrs. Bernhagen, Pogemiller and Waldorf

Sec. 16.872, State Ceremonial Building Council

Mr. Moe, D.M.

Sec. 3.9225, State Council on Black Minnesotans

Ms. Berglin and Mr. Kroening

Senate Rule 75, Senate Special Committee on Ethical Conduct

Messrs. Berg; Hughes; Johnson, D.E. and Mrs. Lantry

Respectfully,

Roger D. Moe, Chairman

Subcommittee on Committees

February 3, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1982, I have made the following appointment:

Sec. 3.303, Legislative Coordinating Commission

Mr. Taylor

Respectfully,

James Ulland

Senate Minority Leader

February 3, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1982, I have made the

following appointments:

Sec. 3.97, Legislative Audit Commission

Messrs. Bernhagen, Frederick and Johnson, D.E.

Respectfully,
James Ulland
Senate Minority Leader

February 3, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1982, I have made the following appointment:

Sec. 3.855, Legislative Commission on Employee Relations

Mr. Johnson, D.E.

Respectfully,
James Ulland
Senate Minority Leader

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. 55.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 3, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 55: A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

Referred to the Committee on Local and Urban Government.

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

S.F. No. 26: A bill for an act relating to crimes; providing a criminal penalty for false declarations of insurance coverage; amending Minnesota Statutes 1982, section 65B.67, subdivisions 2, 3, and 4, and by adding a subdivision.

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

Page 2, line 4, after "*vehicle*" insert "*or motorcycle*"

Page 2, line 7, after "*vehicle*" insert "*or motorcycle*" and before the period insert "*and shall be sentenced as provided in subdivision 4*"

Page 2, line 12, delete "*subdivision 2 or 3 of*" and delete "*may*" and insert "*shall*"

Page 2, line 21, after the period insert "*The commissioner shall include a notice of the penalties contained in this section on all forms for registration of motor vehicles or motorcycles required to maintain a plan of reparation security.*"

Page 2, line 23, delete "*August 1, 1983*" and insert "*January 1, 1984*"

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

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

S.F. No. 50: A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, section 609.255; 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, after line 10, insert:

"Section 1. Minnesota Statutes 1982, section 260.315, is amended to read:

260.315 [CONTRIBUTING TO NEGLECT OR DELINQUENCY.]

Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child, ~~and such act, word or omission is not by other provisions of law declared to be a felony,~~ shall be guilty of a misdemeanor."

Page 1, line 20, delete "*by contract or agreement*"

Page 2, line 3, delete "*unlawful*" and insert "*unreasonable*"

Page 2, line 15, delete "*2 to 4*" and insert "*3 to 5*"

Page 2, line 16, delete "*incicates*" and insert "*indicates*"

Page 2, line 22, delete "*by contract or agreement*"

Page 2, line 25, delete "*demonstrates*" and insert "*, evidences*"

Page 2, line 35, before "*guardian*" insert "*legal*"

Page 3, line 4, delete "*and which is likely*"

Page 3, line 5, delete "*to produce physical harm*"

Page 3, after line 10, insert:

"Sec. 6. Minnesota Statutes 1982, section 626.556, subdivision 12, is

amended 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~~ sections 2, 4 or 5. 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 or section 5."

Page 3, line 12, delete "4" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "section" and insert "sections 260.315;"

Page 1, line 7, after the semicolon, insert "and 626.556, subdivision 12;"

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

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 15: A bill for an act relating to metropolitan government; redrawing metropolitan council districts; requiring that metropolitan council boundaries be redrawn after each federal census; amending Minnesota Statutes 1982, sections 473.123, subdivisions 2 and 3; and 473.141, subdivisions 2 and 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

Subd. 2a. [TERMS.] Following each apportionment of council districts, as provided under section 3, the terms of council members shall commence on the effective date of that apportionment, as provided in section 3. The terms of members are as follows: members representing even numbered districts for terms ending the first Monday in January of the year ending in the numeral "7"; members representing odd numbered districts for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member is four years except that all terms expire on the effective date of the next apportionment. A member shall continue to serve until his successor is appointed and qualified.

Sec. 2. Minnesota Statutes 1982, section 473.123, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP; APPOINTMENT; QUALIFICATIONS.] The council shall be composed of sixteen members of the metropolitan council shall be appointed by. The governor shall appoint members on a nonpartisan basis, after consulting consultation with all members of the legislature from the area composing the council district for which the member is to be appointed, by and with. Appointments are subject to the advice and consent of the senate. Each such council member shall reside in the council district

which he represents. Each council district shall be represented by one member of the council. Council districts are hereby created as follows:

(1) The first council district consists of that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits; extending easterly along the center line of University avenue to the center line of Rice street; extending southerly along the center line of Rice street to the center line of Interstate 94; extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended; extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard; extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street; extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river; extending southwesterly, westerly, and northerly along the main channel of the Mississippi river to the west city limits; and extending northerly along the west city limits to the point of origin.

(2) The second council district consists of that part of the county of Ramsey consisting of the cities of Lauderdale, Falcon Heights, and Roseville; and that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits; extending easterly along the center line of University avenue to the center line of Rice street; extending northerly along the center line of Rice street to the Burlington Northern railroad right of way; extending easterly along the Burlington Northern railroad right of way to the center line of Sylvan street; extending northerly along the center line of Sylvan street to the center line of Magnolia avenue west; extending easterly along the center line of Magnolia avenue west to the center line of Agate street; extending northerly along the center line of Agate street to the center line of Jessamine avenue west extended; extending easterly along the center line of Jessamine avenue west extended to the center line of Interstate 35E; extending northerly along the center line of Interstate 35E to the north city limits; and extending westerly, southerly, westerly, southerly, westerly, northerly, westerly, and southerly along the city limits to the point of origin.

(3) The third council district consists of that part of the city of St. Paul described as follows: commencing at the intersection of the center line of Interstate 35E with the north city limits; extending southerly along the center line of Interstate 35E to the center line of Jessamine avenue west extended; extending westerly along the center line of Jessamine avenue west extended to the center line of Agate street; extending southerly along the center line of Agate street to the center line of Magnolia avenue west; extending westerly along the center line of Magnolia avenue west to the center line of Sylvan street; extending southerly along the center line of Sylvan street to the Burlington Northern railroad right of way; extending westerly along the Burlington Northern railroad right of way to the center line of Rice street; extending southerly along the center line of Rice street to the center line of Interstate 94; extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended; extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard; extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street; extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river; extending southwesterly along the main channel of the Mississippi river to the south city limits; extending easterly, northerly, easterly, southerly, easterly, southeasterly, easterly, northerly, and westerly along the city limits to the point of origin.

(4) The fourth council district consists of that part of the county of Ramsey consisting of the town of White Bear; the cities of Arden Hills, Gem Lake, Little Canada, Moundsview, New Brighton, North Oaks, North St. Paul, Shoreview, and Vadnais Heights; that part of the city of White Bear Lake lying in the county of Ramsey; and that part of the city of Maplewood lying north of the center line of Carpenter Avenue.

(5) The fifth council district consists of that part of the county of Hennepin consisting of the city of Robbinsdale; that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 with the north city limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, and extending northerly, westerly, northerly, and westerly along the city limits to the point of origin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southerly along the center line of Sixth street north extended, and Sixth street easterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwesterly along the center line of Hennepin avenue to the center line of Franklin avenue west, extending westerly along the center line of Franklin avenue west to the center line of Lake of the Isles boulevard east, extending southerly along the center line of Lake of the Isles boulevard east, extending southerly along the center line of Lake Calhoun boulevard east, extending southerly along the center line of Lake Calhoun boulevard east to the center line of Lake street west, extending westerly along the center line of Lake street west to the west city limits; and extending northerly, easterly, northerly, and easterly along the city limits to the point of origin.

(6) The sixth council district consists of that part of the county of Hennepin consisting of that part of the city of St. Anthony lying in the county of Hennepin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwesterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended; extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Fifteenth avenue south, extending northerly along the center line of Fifteenth avenue south, extending northerly fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Cedar avenue south, extending northerly along the center line of Cedar avenue south to the center line of Sixth street south; extending easterly along the center line of Sixth street south to the center line of Twenty-seventh avenue south extended; extending northerly along the center

line of Twenty-seventh avenue south extended to the main channel of the Mississippi river; extending southeasterly along the main channel of the Mississippi river to the east city limits; and extending northerly, westerly, northerly, westerly, northerly, and westerly to the point of origin; and that part of the county of Ramsey consisting of that part of the city of St. Anthony lying in the county of Ramsey.

(7) The seventh council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the center line of Lake street west with the west city limits, extending easterly along the center line of Lake street west to the center line of Lake Calhoun boulevard east, extending northerly along the center line of Lake Calhoun boulevard east to the center line of Lake of the Isles boulevard east; extending northerly along the center line of Lake of the Isles boulevard east to the center line of Franklin avenue west; extending easterly along the center line of Franklin avenue west to the center line of Hennepin avenue; extending northeasterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended; extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south; extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east; extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south; extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east; extending easterly along the center line of Twenty-fifth street east to the center line of Chicago avenue south; extending southerly along the center line of Chicago avenue south to the center line of Thirty-eighth street east; extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south; extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east; extending westerly along the center line of Forty-second street east to the center line of Interstate 35W; extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended; extending westerly along the center line of Forty-eighth street east extended; and Forty-eighth street east to the center line of Nicollet avenue south; extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east; extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W; extending southerly along the center line of Interstate 35W to the south city limits; and extending westerly, northerly, westerly, and northerly to the point of origin.

(8) The eighth council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the east city limits; extending northwesterly along the main channel of the Mississippi river to the center line of Twenty-seventh avenue south extended; extending southerly along the center line of Twenty-seventh avenue south extended to the center line of Sixth street south; extending westerly along the center line of Sixth street south to the center line of Cedar avenue south; extending southerly along the center line of Cedar avenue south to the center line of Twenty-fourth street east; extending westerly along the center line of Twenty-fourth street east to the center line of Fifteenth avenue south; extending southerly along the center line of Fifteenth avenue south to the center line of Twenty-fifth street east; extending westerly along the center line of Twenty-fifth street east to the center line of Chicago avenue south; extending southerly along the center line of Chicago avenue south; to the center line of Thirty-eighth street east; extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south; extending

southerly along the center line of Fourth avenue south to the center line of Forty-second street east; extending westerly along the center line of Forty-second street east to the center line of Interstate 35W; extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended; extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south; extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east; extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W; extending southerly along the center line of Interstate 35W to the south city limits; and extending easterly, northerly, easterly, and northerly to the point of origin.

(9) The ninth council district consists of that part of the county of Hennepin consisting of the Fort Snelling area; the city of Richfield; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits; extending southerly along the center line of France avenue south to the center line of One Hundred Second street west; extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue; extending southerly along the center line of Johnson avenue to the Minneapolis, Northfield, and Southern railroad right of way; extending southwestly along the Minneapolis, Northfield, and Southern railroad right of way to the center line of Normandale boulevard; extending southerly along the center line of Normandale Boulevard to the south city limits; extending easterly, northeasterly, westerly, northerly, and westerly along the city limits to the point of origin.

(10) The tenth council district consists of that part of the county of Hennepin consisting of the cities of New Hope, Crystal and St. Louis Park; and that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 and the north city limits; extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way; extending easterly along the Minnesota Western railroad right of way to the east city limits; extending southerly, westerly, southerly, westerly, and northerly along the city limits to the center line of Olson Memorial highway; extending easterly along the center line of Olson Memorial highway to the center line of Winnetka avenue north; extending northerly along the center line of Winnetka avenue north to the north city limits; and extending easterly along the north city limits to the point of origin.

(11) The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Edina, Medicine Lake, Minnetonka, Plymouth, Hopkins and Wayzata; and that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of Winnetka avenue north and the north city limits; extending southerly along the center line of Winnetka avenue north to the center line of Olson Memorial highway; extending westerly along the center line of Olson Memorial highway to the west city limits; and extending northerly and easterly along the city limits to the point of origin.

(12) The twelfth council district consists of that part of the county of Anoka consisting of the towns of Burns, Grow, Oak Grove, and Ramsey; the cities of Anoka, Bethel and St. Francis; and that part of the county of Hennepin consisting of the town of Hassan; the cities of Coreoran, Champlin, Dayton,

Greenfield, Independence, Loretto, Maple Grove, Maple Plain, Medina, Minnetrista, Osseo, Rogers, St. Bonifacius, Brooklyn Center and Brooklyn Park; and that part of the cities of Hanover and Rockford lying in the county of Hennepin.

(13) The thirteenth council district consists of that part of the county of Anoka consisting of the town of Ham Lake; the cities of East Bethel, Hilltop, Columbia Heights, Coon Rapids, and Fridley; and that part of the city of Spring Lake Park and the city of Blaine lying in Anoka county; and that part of the county of Ramsey consisting of that part of the cities of Spring Lake Park and Blaine lying in the county of Ramsey.

(14) The fourteenth council district consists of the county of Washington; that part of the county of Anoka consisting of the towns of Columbus and Linwood; and the cities of Centerville, Circle Pines, Lexington, and Lino Lakes; that part of the county of Dakota consisting of the towns of Marshan, Nininger, and Ravenna; the city of Hastings; and that part of the county of Ramsey consisting of that part of the city of Maplewood lying south of the center line of Larpenteur avenue.

(15) The fifteenth council district consists of that part of the county of Dakota consisting of the towns of Castle Rock, Douglas, Eagan, Empire, Eureka, Greenvale, Hampton, Randolph, Sciota, Vermillion, and Waterford, excluding the city of Northfield; the cities of Apple Valley, Burnsville, Coates, Farmington, Hampton, Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Miesville, New Trier, Randolph, Rosemount, Sunfish Lake, Vermillion, South St. Paul and West St. Paul.

(16) The sixteenth council district consists of the counties of Carver and Scott, excluding the city of New Prague; that part of the county of Dakota consisting of the city of Lakeville; and that part of the county of Hennepin consisting of the cities of Deephaven, Eden Prairie, Excelsior, Greenwood, Long Lake, Minnetonka Beach, Mound, Orono, Shorewood, Spring Park, Tonka Bay, and Woodland; that part of the city of Chanhassen lying in the county of Hennepin; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits; extending southerly along the center line of France avenue south to the center line of One Hundred Second street west; extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue south; extending southerly along the center line of Johnson avenue south to the Minneapolis, Northfield, and Southern railroad right of way; extending southwestly along the Minneapolis, Northfield and Southern railroad right of way to the center line of Normandale boulevard; extending southerly along the center line of Normandale boulevard to the south city limits; and extending westerly, northerly, and easterly, along the city limits to the point of origin.

Sec. 3. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

Subd. 3a. [APPORTIONMENT.] The legislature shall redraw the boundaries of the council districts after each decennial federal census so that each district has substantially equal population. A municipality may not be divided in forming a district unless the municipality's population is at least 1/16 of the population of the metropolitan area, as that term is defined in section

473.121, subdivision 2. Redistricting is effective on the first Monday in January in the year of each decade ending in the numeral "3". Within two months thereafter, the governor shall appoint members from the newly drawn districts to serve terms as provided under section 1.

Sec. 4. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

Subd. 3b. [DISTRICT BOUNDARIES.] The council district boundaries are as follows:

(1) *The first council district consists of that part of the city of St. Paul lying north of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and Marshall Avenue, easterly on Marshall Avenue to Cretin Avenue North, northerly on Cretin Avenue North to Iglehart Avenue, easterly on Iglehart Avenue to Cleveland Avenue North, southerly on Cleveland Avenue North to Marshall Avenue, easterly on Marshall Avenue to Hamline Avenue, northerly on Hamline Avenue to University Avenue, easterly on University Avenue to Lexington Parkway, northerly on Lexington Parkway to Lafond Avenue, easterly on Lafond Avenue to North Victoria Street, northerly on North Victoria Street to Blair Avenue, easterly on Blair Avenue to Como Avenue, southeasterly on Como Avenue to Lafond Avenue, easterly on Lafond Avenue to Rice Street, southerly on Rice Street to Como Avenue, easterly on Como Avenue to Capitol Heights Boulevard, southerly on Capitol Heights Boulevard to Valley Street, easterly on Valley Street to Jackson Street, northeasterly on Jackson Street to Pennsylvania Avenue, easterly and southeasterly on Pennsylvania Avenue to Interstate Highway 35E, southerly on Interstate Highway 35E to Grove Street, easterly on Grove Street to Willius Street, southeasterly on Willius Street to East 7th Street, northeasterly on East 7th Street to Mounds Boulevard, southeasterly on Mounds Boulevard to East 6th Street, northeasterly and easterly on East 6th Street to Johnson Parkway, northerly on Johnson Parkway to East Minnehaha Avenue, and easterly on East Minnehaha Avenue to the eastern boundary of the city of St. Paul.*

(2) *The second council district consists of that part of the city of St. Paul not included in council districts 1 and 15.*

(3) *The third council district consists of that part of the county of Ramsey consisting of the cities of Maplewood, North St. Paul, Little Canada, Roseville, Falcon Heights, Lauderdale, St. Anthony, and New Brighton; and that part of the city of St. Anthony lying in Hennepin County.*

(4) *The fourth council district consists of that part of the city of Minneapolis located within an area described as follows: commencing at the intersection of West 50th Street and Nicollet Avenue South, northerly on Nicollet Avenue South to Lake Street, easterly on Lake Street to 1st Avenue South, northerly on 1st Avenue South to East 19th Street, easterly on East 19th Street to Stevens Avenue South, northerly on Stevens Avenue South to East 18th Street, easterly on East 18th Street to 3rd Avenue South, northerly on 3rd Avenue South to East 16th Street, easterly on East 16th Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main*

channel of the Mississippi River to an extension of Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwesterly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis, southerly along the eastern boundary of the city of Minneapolis to an extension of East 54th Street, westerly on East 54th Street and its extension to 27th Avenue South, northerly on 27th Avenue South to East 50th Street, easterly on East 50th Street to 28th Avenue South, northerly on 28th Avenue South to East Minnehaha Parkway, westerly on East Minnehaha Parkway to 16th Avenue South, northerly on 16th Avenue South to East 48th Street, westerly on East 48th Street to Chicago Avenue, southerly on Chicago Avenue to East 50th Street, westerly on East 50th Street to the point of origin.

(5) The fifth council district consists of that part of the city of Minneapolis not included in council districts 4 and 6.

(6) The sixth council district consists of that part of the city of Minneapolis lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Minneapolis and Chestnut Avenue, easterly on Chestnut Avenue to Penn Avenue South, southerly on Penn Avenue South to Hawthorne Avenue, easterly on Hawthorne Avenue to Cedar Lake Road, northeasterly on Cedar Lake Road to the Burlington Northern, Inc. railroad tracks, southeasterly and northeasterly along the Burlington Northern, Inc. railroad tracks to Interstate Highway 94, southerly on Interstate Highway 94 to Hennepin Avenue, northeasterly on Hennepin Avenue to South 13th Street, southeasterly on South 13th Street and an extension of South 13th Street to LaSalle Avenue, southerly on LaSalle Avenue to Grant Street, easterly on Grant Street to 4th Avenue South, northerly on 4th Avenue South to South 11th Street, southeasterly on South 11th Street to Grant Street, easterly on Grant Street to Portland Avenue, northeasterly on Portland Avenue and an extension of Portland Avenue to the main channel of the Mississippi River, southeasterly along the main channel of the Mississippi River to an extension of Cedar Avenue South, northerly on Cedar Avenue South and its extension to the Burlington Northern, Inc. railroad tracks, northeasterly along the southern branch of the Burlington Northern, Inc. railroad tracks to University Avenue Southeast, southeasterly on University Avenue Southeast to 26th Avenue Southeast, southwesterly on 26th Avenue Southeast to Essex Street, northwesterly on Essex Street to Huron Street, southerly on Huron Street to Interstate Highway 94, southeasterly on Interstate Highway 94 to East Franklin Avenue, easterly on East Franklin Avenue to the eastern boundary of the city of Minneapolis.

(7) The seventh council district consists of that part of the county of Ramsey consisting of the cities of Mounds View, Shoreview, North Oaks, Arden Hills, Vadnais Heights, Gem Lake, and White Bear Lake, and the township of White Bear; that part of the county of Anoka consisting of the cities of Centerville and Lino Lakes; that part of the county of Washington consisting

of the cities of Forest Lake, Marine-on-St. Croix, Hugo, Dellwood, Mah-tomedi, Birchwood, Willernie, Pine Springs, and Stillwater, and the townships of Forest Lake, New Scandia, May, Grant, and Stillwater; that part of the city of White Bear Lake lying in Washington County.

(8) The eighth council district consists of that part of the county of Anoka consisting of the cities of Columbia Heights, Hilltop, Fridley, Spring Lake Park, Coon Rapids, Blaine, Lexington, and Circle Pines; and those parts of the cities of Blaine and Spring Lake Park lying in Ramsey County.

(9) The ninth council district consists of that part of the county of Anoka consisting of the cities of St. Francis, Bethel, East Bethel, Ramsey, Andover, Ham Lake, and Anoka, and the townships of Burns, Oak Grove, Linwood, and Columbus; and that part of the county of Hennepin consisting of the cities of Dayton, Champlin, Maple Grove, Plymouth, and Medicine Lake.

(10) The tenth council district consists of that part of the county of Henne-pin consisting of the cities of Brooklyn Park, Brooklyn Center, Osseo, New Hope, and Crystal.

(11) The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Robbinsdale, Golden Valley, St. Louis Park, and Edina.

(12) The twelfth council district consists of that part of the county of Hennepin consisting of the cities of Bloomington and Richfield; and the Fort Snelling Military Reservation.

(13) The thirteenth council district consists of that part of the county of Hennepin consisting of the cities of Eden Prairie, Hopkins, Minnetonka, Wayzata, Woodland, Deephaven, Greenwood, Excelsior, Shorewood, Tonka Bay, Minnetonka Beach, Spring Park, Orono, Long Lake, Mound, Minnetrista, St. Bonifacius, Maple Plain, Independence, Loretto, Medina, Corcoran, Greenfield, and Rogers, and the township of Hassan; and those parts of the cities of Hanover and Rockford lying in Hennepin County.

(14) The fourteenth council district consists of the counties of Carver and Scott, excluding the city of New Prague; that part of the county of Dakota consisting of the cities of Burnsville and Lakeville; and that part of the city of Chanhassen lying in Hennepin County.

(15) The fifteenth council district consists of that part of the county of Dakota consisting of the cities of Lilydale, Mendota, Mendota Heights, Eagan, Sunfish Lake, West St. Paul, South St. Paul, and Inver Grove Heights; that part of the county of Washington consisting of the city of Newport; and that part of the city of St. Paul lying south and west of a line described as follows: commencing at the intersection of the western boundary of the city of St. Paul and an extension of St. Clair Avenue, easterly on St. Clair Avenue and its extension to Wheeler Street South, southerly on Wheeler Street South to James Avenue, easterly on James Avenue to Snelling Avenue South, northerly on Snelling Avenue South to Palace Avenue, easterly on Palace Avenue to South Pascal Street, southerly on South Pascal Street to James Avenue, easterly on James Avenue to Lexington Parkway, southerly on Lexington Parkway to Randolph Avenue, easterly on Randolph Avenue to proposed Interstate Highway 35E, southerly and southeasterly on proposed Interstate Highway 35E to the southern boundary of the city of St.

Paul.

(16) *The sixteenth council district consists of that part of the county of Dakota consisting of the cities of Apple Valley, Rosemount, Hastings, Farmington, Coates, Vermillion, Hampton, New Trier, Randolph, and Miesville, and the townships of Nininger, Ravenna, Marshan, Vermillion, Empire, Eureka, Castle Rock, Hampton, Douglas, Greenvale, Waterford, Sciota, and Randolph; that part of the county of Washington consisting of the cities of Oakdale, Lake Elmo, Landfall, Woodbury, St. Paul Park, Cottage Grove, Oak Park Heights, Bayport, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Mary's Point, and Afton, and the townships of Grey Cloud Island, Baytown, West Lakeland, and Denmark; and that part of the city of Hastings lying in Washington County.*

Sec. 5. Minnesota Statutes 1982, section 473.141, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the metropolitan council. One member shall be appointed from each of the following ~~precincts~~ *commission districts*:

- (1) ~~Precinct~~ *Commission district A*, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ *Commission district B*, consisting of council districts 3 and 44 7;
- (3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and 43 6;
- (4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6 12;
- (5) ~~Precinct~~ *Commission district E*, consisting of council districts 7 8 and 8 9;
- (6) ~~Precinct~~ *Commission district F*, consisting of council districts 9 10 and 11;
- (7) ~~Precinct~~ *Commission district G*, consisting of council districts 10 13 and 12 14; and
- (8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and 16.

Sec. 6. Minnesota Statutes 1982, section 473.141, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission, the metropolitan airports commission or the metropolitan sports facilities commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 5. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.

Sec. 7. Minnesota Statutes 1982, section 473.141, is amended by adding

a subdivision to read:

Subd. 4a. [TERMS.] Following each apportionment of metropolitan council districts, as provided under section 3, the terms of members and the chairman of each commission shall commence on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of each commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve until his successor is appointed and qualified.

Sec. 8. Minnesota Statutes 1982, section 473.141, subdivision 5, is amended to read:

~~Subd. 5. [TERMS; REMOVAL.] Commencing the first Monday in January, 1975 the terms of members of each commission shall be as follows: members representing precincts A, B, C, and D for terms ending the first Monday in January, 1977, members representing precincts E, F, G, and H and the chairman for terms ending the first Monday in January, 1979. Thereafter the term of each member and chairman shall be for a term of four years and until his successor is appointed and qualified. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.~~

~~Members of any commission serving as of the first Monday in January, 1975 shall continue to serve the precinct described in subdivision 2 in which they reside for the term herein prescribed for that precinct, provided that if more than one such member resides in the same precinct the council shall designate one of them to serve as the commission member from the precinct and the terms of the other members are thereupon terminated. The council shall appoint as members of the commission, in the manner prescribed by subdivision 2, one resident of each precinct described in said subdivision in which no present member of the commission resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the commissions serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.~~

Sec. 9. [EXPIRATION OF TERMS; APPOINTMENTS.]

The terms of all metropolitan council members serving prior to the effective date of this act shall expire on the effective date of this act. The governor shall appoint 16 council members, one from each of the newly drawn council districts as provided under section 3, to serve terms as provided under section 1.

The terms of all commission members serving on metropolitan commissions organized under section 473.141 shall expire on the effective date of this act. The metropolitan council appointed pursuant to this section shall appoint commission members as provided under section 5 to serve terms as provided under section 7.

Sec. 10. [REPEALER.]

Minnesota Statutes 1982, section 473.123, subdivision 2, is repealed.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective on February 15, 1983, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; and 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2."

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

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

S.F. No. 118: A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 and 14.

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

Page 2, line 1, delete "wages" and insert "training allowances"

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 31, 1983:

MINNESOTA STATE BOARD OF INVESTMENT
EXECUTIVE DIRECTOR

Howard J. Bicker

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 Economic Development and Com-

merce, to which were referred the following appointments as reported in the Journal for January 31, 1983:

DEPARTMENT OF COMMERCE
COMMISSIONER, DIVISION OF SECURITIES AND REAL ESTATE

Mike Hatch

DEPARTMENT OF COMMERCE
COMMISSIONER, DIVISION OF INSURANCE

Reynaud Harp

DEPARTMENT OF COMMERCE
COMMISSIONER OF BANKS

John Chisholm

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. Solon from the Committee on Economic Development and Commerce, to which was referred the following appointment as reported in the Journal for February 2, 1983:

DEPARTMENT OF COMMERCE
DIRECTOR, CONSUMER SERVICES SECTION

Anton Perpich

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. 26, 50, 15 and 118 were read the second time.

MOTIONS AND RESOLUTIONS

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

Mrs. McQuaid moved that the name of Mr. Dahl be added as a co-author to S.F. No. 89. The motion prevailed.

Mr. Novak moved that the name of Mr. Langseth be added as a co-author to S.F. No. 104. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 121. The motion prevailed.

Mr. Langseth moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 133. The motion prevailed.

Ms. Peterson, D.C. moved that the names of Messrs. Lessard and Schmitz be added as co-authors to S.F. No. 150. The motion prevailed.

Mr. Nelson moved that the name of Mr. Solon be added as a co-author to S.F. No. 154. The motion prevailed.

Mr. Davis moved that the name of Mr. Diessner be added as a co-author to S.F. No. 155. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Willet be added as a co-author to S.F. No. 162. The motion prevailed.

Mr. Solon moved that the appointment of Gary Lamppa as Commissioner of Iron Range Resources and Rehabilitation be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

CALENDAR

S.F. No. 71: A bill for an act relating to children; changing obsolete references to certain children; amending Minnesota Statutes 1982, sections 127.27, subdivision 6; 144.225, subdivision 2; 256.01, subdivision 2; 256.88; 256.91; 256.93; 257.34, subdivision 1; 260.221; 393.07, subdivision 1; 423.387, subdivision 2; 423.58, subdivision 2; 487.19, subdivision 1; 525.172; 525.173; 609.37; and 617.22.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. No. 25, which the committee recommends to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Berg; Johnson, D.E.; Bernhagen; Frederickson and DeCramer introduced—

S.F. No. 166: A bill for an act relating to transportation; limiting liability for civil penalties of carriers or shippers of farm products; amending Minnesota Statutes 1982, section 169.871, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C.; Nelson; Pehler; Taylor and Hughes introduced—

S.F. No. 167: A bill for an act relating to education; establishing a legislative commission on public education to study education finance, school district organization, technology, and employee wage disparities.

Referred to the Committee on Education.

Messrs. Vega, Taylor and Kroening introduced—

S.F. No. 168: A bill for an act relating to workers' compensation; requiring insurers to notify employers of settlements; proposing new law coded in Minnesota Statutes, chapter 176.

Referred to the Committee on Employment.

Messrs. Bertram, Willet, Isackson, Lessard and Storm introduced—

S.F. No. 169: A resolution memorializing the President and Congress of the United States to return the Memorial Day celebration to May 30 of each year.

Referred to the Committee on Rules and Administration.

Mr. Pogemiller introduced—

S.F. No. 170: A bill for an act relating to elections; providing for experimental mail elections; proposing new law coded in Minnesota Statutes, chapter 204B.

Referred to the Committee on Elections and Ethics.

Messrs. Chmielewski, Renneke and DeCramer introduced—

S.F. No. 171: A bill for an act relating to public utilities; excluding municipal electric utilities from application of chapter 216B; amending Minnesota Statutes 1982, section 216B.164, subdivisions 2 and 3.

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

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

S.F. No. 172: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12, to provide that the legislature may meet

in regular sessions only in an odd-numbered year.

Referred to the Committee on Elections and Ethics.

Mrs. Kronebusch introduced—

S.F. No. 173: 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 Local and Urban Government.

Messrs. Mehrkens, Purfeerst and Benson introduced—

S.F. No. 174: A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lessard, Solon, Anderson and Stumpf introduced—

S.F. No. 175: A bill for an act relating to elections; including certain transportation expenses in the list of noncampaign disbursements; amending Minnesota Statutes 1982, section 10A.01, subdivision 10c.

Referred to the Committee on Elections and Ethics.

Messrs. Purfeerst, Solon, Dicklich, Knaak and Vega introduced—

S.F. No. 176: A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 5 which prohibits lotteries.

Referred to the Committee on Veterans and General Legislation.

Messrs. Frank and Dicklich introduced—

S.F. No. 177: A bill for an act relating to public utilities; providing for the regulation of certain cooperative electric associations; amending Minnesota Statutes 1982, section 216B.02, subdivision 4.

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

Mr. Waldorf introduced—

S.F. No. 178: A bill for an act relating to nursing homes; requiring new procedures for determining nursing home rates; appropriating money; amending Minnesota Statutes 1982, sections 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46.

Referred to the Committee on Health and Human Services.

Mr. Waldorf introduced—

S.F. No. 179: 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 Local and Urban Government. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Stumpf introduced—

S.F. No. 180: A bill for an act relating to public utilities; customer deposits; providing an interest rate based on the average prime interest rate; amending Minnesota Statutes 1982, section 325E.02.

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

Messrs. Renneke, Purfeerst and Berg introduced—

S.F. No. 181: A bill for an act relating to taxation; income; requiring indication on tax return of school district in which taxpayer resides; amending Minnesota Statutes 1982, section 290.39, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, DeCramer, Berg, Willet and Stumpf introduced—

S.F. No. 182: A bill for an act relating to agriculture; providing state assistance to certain agricultural promotion councils; appropriating money; proposing new law coded in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dicklich and Merriam introduced—

S.F. No. 183: A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring manufacturers of toxic substances to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a toxic substance under certain conditions; requiring employers using toxic substances to provide employees with certain training and information; creating a presumption that toxic substances must be labeled under certain circumstances; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing penalties; providing protection for trade secrets; amending Minnesota Statutes 1982, sections 182.651, by adding a subdivision; 182.653, by adding a subdivision; 182.654, subdivision 7, and by adding a subdivision; 182.655, subdivisions 4, 10, 11, and by adding subdivisions; 182.658; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182.

Referred to the Committee on Employment.

Mr. Dicklich introduced—

S.F. No. 184: A bill for an act relating to public welfare; establishing

standards for disregarding certain income and assets in the case of totally disabled persons for purposes of receiving medical assistance; amending Minnesota Statutes 1982, section 256B.06, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Spear, Willet, Nelson, Sieloff and Jude introduced—

S.F. No. 185: A bill for an act relating to state government; establishing a judicial compensation council; amending the procedures for establishing certain judicial branch compensation; amending Minnesota Statutes 1982, sections 15A.083, subdivisions 4, 5, and 7; and 484.68, subdivision 6; proposing new law coded in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 2.

Referred to the Committee on Governmental Operations.

Messrs. Vega; Frank; Dieterich; Moe, R.D. and Ms. Peterson, D.C. introduced—

S.F. No. 186: A resolution memorializing the President and Congress to halt the deregulation of natural gas prices under the Natural Gas Policy Act of 1978 for two years.

Referred to the Committee on Energy and Housing.

Messrs. Peterson, C.C.; Johnson, D.J.; Novak; Ulland and Pogemiller introduced—

S.F. No. 187: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing the counties of Becker, Clay, Kittson, Marshall, Norman, Polk, and Wilkin to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dicklich introduced—

S.F. No. 188: A bill for an act relating to liquor; authorizing town boards to issue off-sale licenses; amending Minnesota Statutes 1982, section 340.11, subdivision 10b.

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

Messrs. Davis, Chmielewski, DeCramer and Peterson, R.W. introduced—

S.F. No. 189: A bill for an act relating to real property; changing certain restrictions on corporate ownership of agricultural land; amending Minnesota Statutes 1982, section 500.24, subdivision 3.

Referred to the Committee on Agriculture and Natural Resources. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was

referred to the Committee on Rules and Administration.

Mr. Dicklich introduced—

S.F. No. 190: A bill for an act relating to taxes; providing an additional income tax deduction for certain waste transportation costs; amending Minnesota Statutes 1982, section 290.09, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws. Mr. Davis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Davis; Nelson; Peterson, D.L. and Pehler introduced—

S.F. No. 191: A bill for an act relating to education; authorizing school districts to charge fees for secondary school programs and activities that do not have credit toward graduation; authorizing school districts to levy up to three mills for secondary school programs and activities that do not have credit toward graduation; requiring a public hearing prior to a proposed levy; requiring the district to present a fee schedule and program and activity costs at a public hearing; requiring a reverse referendum on a proposed levy; amending Minnesota Statutes 1982, sections 120.73, subdivision 1; and 275.125, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Pehler, Purfeerst, Mehrkens, Davis and Nelson introduced—

S.F. No. 192: A bill for an act relating to safety; establishing a traffic safety education improvement program; imposing an additional fee for driver's license renewal for the traffic safety education improvement fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

Referred to the Committee on Transportation.

Mr. Dicklich introduced—

S.F. No. 193: A bill for an act relating to unemployment compensation; excusing jurors from certain eligibility requirements; amending Minnesota Statutes 1982, sections 268.07, subdivision 2; and 268.08, subdivision 1.

Referred to the Committee on Employment.

Mr. Spear, Ms. Reichgott, Messrs. Jude and Sieloff introduced—

S.F. No. 194: A bill for an act relating to causes of action; providing that certain causes of action survive the death of a party; amending Minnesota Statutes 1982, section 573.01.

Referred to the Committee on Judiciary.

Mr. Spear, Ms. Reichgott and Mr. Sieloff introduced—

S.F. No. 195: A bill for an act relating to courts; increasing the fee and

mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 196: A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil 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; requiring criminal justice agencies to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Mrs. Brataas, Messrs. Frederick, Benson, Chmielewski and Peterson, R.W. introduced—

S.F. No. 197: A bill for an act relating to the city of Rochester; permitting the imposition of certain taxes within the city; permitting the issuance of general obligation bonds for park and recreation and flood control purposes.

Referred to the Committee on Local and Urban Government.

Mrs. Brataas, Messrs. Frederick, Benson, Chmielewski and Peterson, R.W. introduced—

S.F. No. 198: A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

Referred to the Committee on Local and Urban Government. Mr. Davis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Spear, Jude and Petty introduced—

S.F. No. 199: 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 1982, section 340.11, subdivision 20.

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

Messrs. Spear, Storm and Petty introduced—

S.F. No. 200: A bill for an act relating to intoxicating liquor; authorizing

the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1982, section 340.15, subdivision 1.

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

Messrs. Spear, Storm, Dieterich and Petty introduced—

S.F. No. 201: A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1982, section 340.11, subdivision 15.

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

Messrs. Dicklich; Nelson; Freeman; Johnson, D.J. and Merriam introduced—

S.F. No. 202: A bill for an act relating to education; requiring the department of education to prepare a plan for reorganizing the administrative structure of certain school districts; requiring a report.

Referred to the Committee on Education.

Messrs. Chmielewski and Bertram introduced—

S.F. No. 203: A resolution memorializing the Congress of the United States relating to amending the United States Constitution to require a balanced federal budget; applying to Congress to call a constitutional convention.

Referred to the Committee on Rules and Administration.

Messrs. Dahl; Johnson, D.J.; Bertram; Pogemiller and Frank introduced—

S.F. No. 204: A bill for an act relating to taxation; defining "isolated or occasional sales" for purposes of the sales tax exemption; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Diessner, Novak, Freeman, Dieterich and Ms. Berglin introduced—

S.F. No. 205: A bill for an act relating to taxation; income; imposing a minimum tax; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kroening; Johnson, D.J. and Frank introduced—

S.F. No. 206: 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 em-

ployees, 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; appropriating money; proposing new law coded as Minnesota Statutes, chapter 268A.

Referred to the Committee on Employment.

Mrs. Adkins introduced—

S.F. No. 207: A bill for an act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

Referred to the Committee on Education.

Messrs. Anderson, Knaak, Storm and Schmitz introduced—

S.F. No. 208: A bill for an act relating to occupations and professions; regulating real estate brokers and salespersons; abolishing continuing education; repealing Minnesota Statutes 1982, section 82.22, subdivision 13.

Referred to the Committee on Economic Development and Commerce.

Mr. Moe, R.D. introduced—

S.F. No. 209: A bill for an act relating to probate; providing for certain duties of clerks of court and deputy probate registrars except in Hennepin and Ramsey counties; amending Minnesota Statutes 1982, section 524.1-307.

Referred to the Committee on Judiciary.

Messrs. Langseth; Solon; Moe, R.D. and Stumpf introduced—

S.F. No. 210: A bill for an act relating to liquor; authorizing off-sale price advertising in bordering state publications; amending Minnesota Statutes 1982, section 340.15, subdivision 1.

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

Mr. Langseth introduced—

S.F. No. 211: A bill for an act relating to state government; requiring that general fund undesignated fund balance in excess of predicted amounts shall be applied to reduce the shift in personal and property tax recognition; proposing new law coded in Minnesota Statutes, chapter 16A.

Referred to the Committee on Education.

Mr. Chmielewski, Mrs. Kronebusch, Ms. Olson and Mrs. McQuaid introduced—

S.F. No. 212: A bill for an act proposing an amendment to the Minnesota

Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Veterans and General Legislation.

Mrs. McQuaid, Messrs. Frank, Anderson, Benson and Merriam introduced—

S.F. No. 213: A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frank, Mrs. Lantry, Messrs. Diessner, Laidig and Hughes introduced—

S.F. No. 214: A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; amending Minnesota Statutes 1982, section 169.685, by adding subdivisions.

Referred to the Committee on Transportation.

Mr. Sieloff, Mrs. McQuaid, Ms. Olson and Mr. Knaak introduced—

S.F. No. 215: A bill for an act relating to taxation; income; adopting federal income tax treatment of certain retirement plans; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended and 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frank and Mrs. Lantry introduced—

S.F. No. 216: A bill for an act relating to public welfare; providing for reimbursement for services of nurse practitioners in the medical assistance and general assistance medical care programs; amending Minnesota Statutes 1982, sections 256B.02, subdivision 8; and 256D.03, subdivision 4; proposing new law coded in Minnesota Statutes, chapters 256B and 256D.

Referred to the Committee on Health and Human Services.

Messrs. Hughes, Dicklich, Dahl and Stumpf introduced—

S.F. No. 217: 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 1982, 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. Freeman, Ms. Reichgott, Messrs. Anderson and Dicklich introduced—

S.F. No. 218: A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental retardation to be held in the court in which acquittal took place; modifying the standard of proof on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding subdivisions; 253B.07, subdivisions 1, 2, 3, and 7; 253B.08, subdivision 7; 253B.09, subdivision 1; 253B.12, subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; 253B.23, subdivisions 7 and 9; and 611.026; proposing new law coded in Minnesota Statutes, chapter 253B.

Referred to the Committee on Judiciary.

Messrs. Freeman, Merriam, Ms. Olson and Mrs. McQuaid introduced—

S.F. No. 219: A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 and 3.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam, Moe, R.D.; Pehler; Peterson, C.C. and Laidig introduced—

S.F. No. 220: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, February 10, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTEENTH DAY

St. Paul, Minnesota, Thursday, February 10, 1983

The Senate met at 10:00 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:

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Berg, Freeman and Samuelson were excused from the Session of today. Mr. Dieterich was excused from the Session of today from 10:00 to 10:15 a.m. Mr. Mehrkens was excused from the Session of today from 10:45 to 11:30 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 23, 1982

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:

Duane A. Dahlberg, 421 Horn Avenue South, Moorhead, Clay County, has been appointed by me, effective February 23, 1982, for a term expiring the first Monday in January, 1984.

Russell W. Domino, 23 West Road, Circle Pines, Anoka County, has been appointed by me, effective February 23, 1982, for a term expiring the first Monday in January, 1986.

Keith H. Langmo, 618 West Crescent Lane, Litchfield, Meeker County, has been appointed by me, effective February 23, 1982, for a term expiring the first Monday in January, 1986.

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

March 16, 1982

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:

Roger D. Clemence, 1904 Girard Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective March 16, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Governmental Operations.)

April 1, 1982

The Honorable Jack Davies
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:

Stephen F. Keating, 688 Hillside Drive, Wayzata, Hennepin County, has been appointed by me, effective April 1, 1982, for a term expiring the first Monday in January, 1986.

Dee Knaak, 3515 Jerry Street, White Bear Lake, Ramsey County, has been appointed by me, effective April 1, 1982, for a term expiring the first Monday in January, 1986.

Jane A. Wold, Route 2, Mabel, Houston County, has been appointed by me, effective April 1, 1982, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Veterans and General Legislation.)

April 26, 1982

The Honorable Jack Davies
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:

Eugene F. Trumble, 2025 Audubon Drive, Chaska, Carver County, has been appointed by me, effective April 26, 1982, for a term expiring the first Monday in January, 1985.

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

May 5, 1982

The Honorable Jack Davies
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:

Karl F. Landholm, 735 Arbogast, Shoreview, Ramsey County, has been appointed by me, effective May 5, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Governmental Operations.)

August 12, 1982

The Honorable Jack Davies
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, R.R. #1, Ada, Norman County, has been appointed by me, effective August 12, 1982, for a term expiring June 30, 1983.

Alvin Payne, Rt. 1, Box 40, DeGraff, Chippewa County, has been appointed by me, effective August 12, 1982, for a term expiring June 30, 1983.

Paul E. Toren, 805 Park Avenue, Mahtomedi, Washington County, has been appointed by me, effective August 12, 1982, for a term expiring June 30, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 41: A bill for an act relating to taxation; income; delaying the

effective date of the requirement that certain securities be in registered form; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended; Laws 1982, Third Special Session chapter 1, article VII, section 9.

Senate File No. 41 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 7, 1983

CONCURRENCE AND REPASSAGE

Mr. Johnson, D.J. moved that the Senate concur in the amendments by the House to S.F. No. 41 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 41: A bill for an act relating to public finance; delaying the effective date of the requirement that certain securities be in registered form; authorizing Ramsey County to issue bonds or levy taxes to finance the installation or improvement of heating, cooling, and domestic hot water systems; amending Minnesota Statutes 1982, sections 290.09, subdivision 3, as amended; and 383A.411, by adding subdivisions; Laws 1982, Third Special Session chapter 1, article VII, section 9; repealing Minnesota Statutes 1982, section 383A.411, subdivision 1, 2, and 3.

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 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam and Peterson, R.W. 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 House File, herewith transmitted: H.F. No. 25.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 7, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 25: A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

Referred to the Committee on Local and Urban Government.

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 Judiciary, to which was referred

S.F. No. 61: A bill for an act relating to crimes; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, section 169.09, subdivisions 1, 3, 6, 7, and 14.

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

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1982, section 65B.67, is amended by adding a subdivision to read:

Subd. 3a. [INFORMATION TO PEACE OFFICER.] A peace officer may, incident to any valid stop of a motor vehicle or motorcycle or questioning of an operator, request the operator, or the owner if the owner is present and not the operator, to provide information, including the name of the insurer, as to the existence of a plan of reparation security on the motor vehicle or motorcycle. Any person who provides false information to the peace officer, or who refuses or fails to provide the information within 72 hours after the request, is guilty of a misdemeanor and shall be sentenced as provided in subdivision 4.”

Page 1, line 13, strike “thereto” and insert “to the scene”

Page 2, line 3, strike “, and” and insert “. The driver also”

Page 2, lines 3, 4, 7 and 21, strike “such” and insert “the”

Page 2, line 5, strike the comma

Page 2, line 6, strike “and” and insert “. The driver”

Page 3, line 3, before the stricken “as” insert “~~Except~~”

Page 3, after line 24, insert:

“The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.”

Page 3, line 26, delete “5” and insert “6”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties;"

Page 1, line 4, delete "section" and insert "sections 65B.67, by adding a subdivision; and"

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

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

S.F. No. 121: A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

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

Page 1, line 12, delete "while" and insert "as a result of"

Page 1, line 16, delete "2" and insert "1"

Page 1, line 21, after the period, insert "*For the purposes of this section, negligence includes, but is not limited to, any moving violation of chapter 169.*"

Page 1, line 22, delete "while" and insert "as a result of"

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

Page 2, line 2, delete "substantial" and insert "great"

Page 2, line 3, delete "7a" and insert "8"

Page 2, line 7, after the period, insert "*For the purposes of this section, negligence includes, but is not limited to, any moving violation of chapter 169.*"

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 31, 1983:

STATE OFFICE OF ADMINISTRATIVE HEARINGS
CHIEF HEARING EXAMINER

Duane R. Harves

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, D. M. from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF ADMINISTRATION
COMMISSIONER

Sandra Hale

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 Judiciary, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF HUMAN RIGHTS
COMMISSIONER

Irene Gómez-Bethke

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 January 24, 1983:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Cornelius A. Van Doren

MINNESOTA WATER RESOURCES BOARD

Ronald Stevens

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. 61 and 121 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Langseth moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 123. The motion prevailed.

Mr. Peterson, C.C. moved that the names of Messrs. Lessard and Stumpf be added as co-authors to S.F. No. 172. The motion prevailed.

Mr. Frank moved that the names of Messrs. Dahl and Johnson, D.J. be added as co-authors to S.F. No. 177. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Solon be added as a co-author to S.F. No. 180. The motion prevailed.

Mr. Renneke moved that the name of Mr. Ramstad be added as a co-au-

thor to S.F. No. 181. The motion prevailed.

Mr. Dicklich moved that the names of Ms. Peterson, D.C.; Messrs. Dahl and Johnson, D.J. be added as co-authors to S.F. No. 183. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Solon be added as a co-author to S.F. No. 184. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 190. The motion prevailed.

Mr. Davis moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 191. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 193. The motion prevailed.

Mr. Spear moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 195. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Pogemiller, Dahl and Benson be added as co-authors to S.F. No. 196. The motion prevailed.

Mr. Kroening moved that the name of Mr. Dahl be added as a co-author to S.F. No. 206. The motion prevailed.

Mr. Langseth moved that the name of Mr. Peterson, C.C. be added as a co-author to S.F. No. 210. The motion prevailed.

Mr. Sieloff moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 215. The motion prevailed.

CALENDAR

S.F. No. 25: A bill for an act relating to crimes; prohibiting adulterating substances intended for use by persons with substances causing bodily harm or death; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. No. 26, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 2, line 6, delete "*or licensure*"

The motion prevailed. So the amendment was adopted.

S.F. No. 15, which the committee recommends to pass, subject to the following motions:

Mr. Schmitz moved to amend S. F. No. 15 as follows:

Page 2, line 1, after "*serve*" insert "*his district*"

Page 2, line 1, delete "*his*" and insert "*a*"

Page 2, line 2, after "*qualified*" insert "*; except that, following each apportionment, all members and chairmen shall continue to serve at large until their successors are appointed and qualified*"

Page 17, line 36, after "*serve*" insert "*his commission district*"

Page 17, line 36, delete "*his*" and insert "*a*"

Page 18, line 1, after "*qualified*" insert "*; except that, following each apportionment, all members and chairmen shall continue to serve at large until their successors are appointed and qualified*"

Page 18, after line 29, insert:

"Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the council. One member shall be appointed from each of the following commission ~~precincts~~ *districts*:

- (1) ~~Precinct~~ *Commission district A*, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ *Commission district B*, consisting of council districts 3 and 4 7;
- (3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and 4 6;
- (4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6 12;
- (5) ~~Precinct~~ *Commission district E*, consisting of council districts 7 8 and 8 9;
- (6) ~~Precinct~~ *Commission district F*, consisting of council districts 9 10 and 11;
- (7) ~~Precinct~~ *Commission district G*, consisting of council districts 10 13

and ~~12~~ 14; and

(8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and 16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [TERMS.] Following each apportionment of metropolitan council districts, as provided under section 3, the terms of members and the chairman of the commission shall commence on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of the commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his commission district until a successor is appointed and qualified; except that, following each apportionment, all members and the chairman shall continue to serve at large until their successors are appointed and qualified.

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [~~TERMS, VACANCIES; REMOVAL.~~] ~~Commencing in April 1974 the terms of members of the commission shall be as follows: members representing precincts A, B, C and D for terms ending the first Monday in January 1977, members representing precincts E, F, G and H, and the chairman, for terms ending the first Monday in January 1979. Thereafter the term of each member and the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the council.~~

Page 18, line 33, after "act" delete the period and insert "; except that all members shall continue to serve at large until"

Page 18, line 33, delete "shall appoint" and insert "appoints"

Page 19, line 3, after "act" delete the period and insert "; except that all

commission members shall continue to serve at large until'

Page 19, line 4, delete "*shall appoint*" and insert "*appoints*"

Page 19, after line 6, insert:

"The terms of all commission members serving on the metropolitan parks and open space commission, organized under section 473.303, shall expire on the effective date of this act; except that all commission members shall continue to serve at large until the metropolitan council appointed pursuant to this section appoints commission members as provided under section 9 to serve terms as provided under section 11."

Page 19, line 11, delete "*10*" and insert "*14*"

Page 19, line 11, delete "*February 15, 1983,*" and insert "*the day following final enactment*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after the semicolon delete "*and*"

Page 1, line 16, after the semicolon insert "*and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision;*"

The motion prevailed. So the amendment was adopted.

Mr. Storm moved to amend S. F. No. 15 as follows:

Page 1, line 23, before "*TERMS*" insert "*APPOINTMENTS;*"

Page 1, line 23, after "*TERMS*" insert "*; CONTINUATION IN OFFICE*"

Page 1, line 23, before "*Following*" insert "*(a)*"

Page 1, line 24, delete "*terms of*" and insert "*governor shall appoint*"

Page 1, line 25, delete "*shall commence*" and insert "*to serve terms commencing*"

Page 1, line 32, after "*that*" insert "*, subject to the limitation set forth in paragraph (b),*"

Page 2, after line 2, insert:

"(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the council serving terms commencing the first Monday in January of the year ending in the numeral '1' shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral '5'; except that, if more than one of those members resides in the same district, the governor shall designate one of them to serve as the council member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral '5', the governor shall appoint a resident of each of those members' districts to serve the balance of the term for that district, if any, as provided under paragraph (a)."

Page 2, line 5, delete “APPOINTMENT;”

Page 11, line 16, after “districts” insert “, as provided under section 1,”

Page 11, line 16, after “serve” insert “the” and delete “as”

Page 11, line 16, delete “under” and insert “in that”

Page 11, line 16, delete “I”

Page 17, line 23, before “TERMS” insert “APPOINTMENTS;”

Page 17, line 23, after “TERMS” insert “; CONTINUATION IN OFFICE”

Page 17, line 23, before “Following” insert “(a)”

Page 17, line 24, after “the” insert “newly constituted council, as provided under section 1, shall appoint the”

Page 17, line 25, delete “terms of”

Page 17, line 25, delete “and the chairman”

Page 17, line 25, delete “shall”

Page 17, line 26, delete “commence” and insert “to serve terms commencing”

Page 17, line 34, after “that” insert “, subject to the limitation set forth in paragraph (b),”

Page 18, after line 1, insert:

“(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of each commission serving terms commencing the first Monday in January of the year ending in the numeral “1” shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral “5”; except that, if more than one of those members resides in the same district, the metropolitan council shall designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members’ terms on the first Monday in January of the year ending in the numeral “5”, the metropolitan council shall appoint a resident of each of those members’ districts to serve the balance of the term for that district, if any, as provided under paragraph (a).”

Pages 18 and 19, delete section 9 and insert:

“Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the council. One member shall be appointed from each of the following commission ~~precincts~~ districts:

- (1) ~~Precinct~~ Commission district A, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ Commission district B, consisting of council districts 3 and 44

7;

(3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and ~~13~~ 6;

(4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6 12;

(5) ~~Precinct~~ *Commission district E*, consisting of council districts 7 8 and 8 9;

(6) ~~Precinct~~ *Commission district F*, consisting of council districts 9 10 and 11;

(7) ~~Precinct~~ *Commission district G*, consisting of council districts ~~10 13~~ and ~~12 14~~; and

(8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and 16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.] (a) Following each apportionment of metropolitan council districts, as provided under section 3, the newly constituted council, as provided under section 1, shall appoint the members and chairman of the commission to serve terms commencing on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of the commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his commission district until a successor is appointed and qualified.

(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the commission serving terms commencing the first Monday in January of the year ending in the numeral "1" shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral "5"; except that, if more than one of those members resides in the same district, the metropolitan council shall

designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the metropolitan council shall appoint a resident of each of those members' districts to serve the balance of the terms for that district, if any, as provided under paragraph (a).

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [~~TERMS; VACANCIES; REMOVAL.~~] Commencing in April 1974 the terms of members of the commission shall be as follows: members representing precincts A, B, C and D for terms ending the first Monday in January 1977, members representing precincts E, F, G and H, and the chairman, for terms ending the first Monday in January 1979. Thereafter the term of each member and the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. *Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the council.*

Page 19, line 11, delete "10" and insert "13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "requiring the governor to appoint certain metropolitan council members and"

Page 1, line 3, delete "metropolitan"

Page 1, line 9, after the semicolon insert "providing for the appointment of certain commission members and"

Page 1, line 10, delete "requiring the governor to appoint"

Page 1, delete lines 11 to 12

Page 1, line 13, delete "commission members and establishing terms;"

Page 1, line 15, delete the second "and"

Page 1, line 16, after the semicolon insert "and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Peterson, D.L.	Ulland
Belanger	Hughes	Kronebusch	Ramstad	Wegscheid
Benson	Isackson	Laidig	Renneke	
Bernhagen	Johnson, D.E.	McQuaid	Sieloff	
Brataas	Kamrath	Merriam	Storm	
Frederick	Knaak	Olson	Taylor	

Those who voted in the negative were:

Adkins	Diessner	Lessard	Peterson,D.C.	Stumpf
Berglin	Dieterich	Luther	Peterson,R.W.	Vega
Bertram	Frank	Moe, D. M.	Petty	Waldorf
Chmielewski	Johnson, D.J.	Moe, R. D.	Pogemiller	Willet
Dahl	Jude	Nelson	Purfeerst	
Davis	Kroening	Novak	Reichgott	
DeCramer	Langseth	Pehler	Schmitz	
Dicklich	Lantry	Peterson,C.C.	Spear	

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

Mr. Sieloff moved to amend S. F. No. 15 as follows:

Page 16, line 23, before "Each" insert "(a)"

Page 16, line 26, after the period insert:

"(b) Following each apportionment of council districts, as provided under section 1, the council shall give due consideration to the importance of maintaining a reasonable measure of continuity and experience on the commissions organized under this section. In making appointments to the commissions following an apportionment, the council shall strongly consider re-appointing members who were serving terms commencing the first Monday in January of the year ending in the numeral '1'".

(c)"

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "requiring the council to give due consideration to maintaining continuity and experience on the commissions when making appointments following an apportionment;"

Further, amend the Schmitz amendment to S.F. No. 15 as follows:

Page 1, line 18, before "The" insert "(a)"

Page 1, line 21, after the period, insert:

"(b) Following each apportionment of council districts, as provided under section 1, the council shall give due consideration to the importance of maintaining a reasonable measure of continuity and experience on the commission. In making appointments to the commission following an apportionment, the council shall strongly consider reappointing members who were serving terms commencing the first Monday in January of the year ending in the numeral '1'".

(c)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kamrath	Mehrkens	Sieloff
Belanger	Frederickson	Knaak	Olson	Storm
Benson	Hughes	Kronebusch	Peterson,D.L.	Taylor
Bernhagen	Isackson	Laidig	Ramstad	Ulland
Brataas	Johnson, D.E.	McQuaid	Renneke	Waldorf

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, R. W.	Stumpf
Berglin	Dieterich	Luther	Petty	Vega
Chmielewski	Frank	Merriam	Pogemiller	Wegscheid
Dahl	Johnson, D. J.	Moe, D. M.	Purfeerst	Willet
Davis	Jude	Moe, R. D.	Reichgott	
DeCramer	Kroening	Pehler	Schmitz	
Dicklich	Langseth	Peterson, D. C.	Spear	

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

Mr. Peterson, D.L. moved to amend S.F. No. 15 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 473.123, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.] Commencing the first Monday in January, 1975, the council members shall be appointed by the governor from each of the districts described in subdivision 3. The terms of the members shall be as follows: members representing even numbered districts for terms ending the first Monday in January, 1977; members representing odd numbered districts for terms ending the first Monday in January, 1979. Thereafter the term of each member shall be for a term of four years and until his successor is appointed and qualified.

Members of the council serving as of the first Monday in January, 1975 shall continue to serve the district described in subdivision 3 in which they reside for the term herein prescribed for that district, provided that if more than one such member resides in the same district the governor shall designate one of them to serve as the council member from the district and the terms of the other members are thereupon terminated. The governor shall appoint as members of the council one resident of each district described in subdivision 3 in which no present member of the council resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the council serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974. (a) Following each apportionment of council districts, as provided under section 3, the governor shall appoint council members to serve terms commencing on the effective date of that apportionment, as provided in section 4. The terms of members are as follows: members representing even numbered districts for terms ending the first Monday in January of the year ending in the numeral “7”; members representing odd numbered districts for terms ending the first Monday in January of the year ending in the numeral “5”. Thereafter the term of each member is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member shall continue to serve until his successor is appointed and qualified.

(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the council serving terms commencing the first Monday in January of the year ending in the numeral “1” shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral “5”; except that, if more than one of those members resides in the same district, the governor shall designate one of them to serve as the council member from that district for the balance of his

term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the governor shall appoint a resident of each of those members' districts to serve the balance of the term for that district, if any, as provided under paragraph (a).

Sec. 2. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

Subd. 2a. [MEMBERSHIP; QUALIFICATIONS.] The council shall be composed of 16 members. The governor shall appoint members on a non-partisan basis after consultation with all members of the legislature from the area composing the council district for which the member is to be appointed. Appointments are subject to the advice and consent of the senate. Each council member shall reside in the council district which he represents. Each council district shall be represented by one member of the council.

Sec. 3. Minnesota Statutes 1982, section 473.123, is amended by adding a subdivision to read:

Subd. 3a. [APPORTIONMENT OF DISTRICT BOUNDARIES.] The metropolitan council reapportionment commission, established under section 4, shall redraw the boundaries of the 16 council districts after each decennial federal census as provided under section 4. Redistricting is effective on the date provided in section 4. Within two months thereafter, the governor shall appoint members from the newly drawn districts, as provided under section 1, to serve the terms provided under that section.

Sec. 4. [473.135] [METROPOLITAN COUNCIL REAPPORTIONMENT COMMISSION.]

Subdivision 1. [COMMISSION ESTABLISHED.] In the year of each decade ending in the number "1", a metropolitan council reapportionment commission shall be established to draw the boundaries of the 16 metropolitan council districts.

Subd. 2. [MEMBERS; QUALIFICATIONS; APPOINTMENTS; VACANCIES.] The commission shall consist of five members who are residents of the metropolitan area as defined in section 473.121, subdivision 2. One member shall be appointed by the speaker of the house and one by the members of the house of representatives representing political parties other than the party represented by the speaker. One member shall be appointed by the president of the senate and one by the members of the senate representing political parties other than the party represented by the president. The remaining member shall be appointed by unanimous agreement of the legislative appointees and he shall serve as the chairman of the commission. The commission members shall be appointed no later than September 1 in the year the commission is established. Vacancies shall be filled by the applicable appointing authority, as provided in this subdivision, within five days after the vacancy occurs.

Subd. 3. [COMPENSATION.] Members of the commission who are not paid a salary by the state shall be compensated at the rate provided by section 15.059, subdivision 3, for members of advisory councils and committees. Members shall be compensated for their actual and necessary expenses incurred in carrying out their duties on the commission in the same

manner and amount as other state employees.

Subd. 4. [MEETINGS; QUORUM.] (a) Meeting times. The chairman shall notify the members of the time and place of the first meeting of the commission, which shall not be later than October 1 in the year the commission is established. Thereafter, the commission shall meet upon the call of either the chairman or a majority of the members of the commission.

(b) Open meetings. The proceedings of the commission are open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes or audio record of its proceedings, shall be preserved and made available for public inspection and copying.

(c) Quorum. A majority of the members of the commission constitutes a quorum to conduct business.

Subd. 5. [RULES.] The commission, after notice and opportunity for public comment, may adopt and publish rules necessary to carry out its duties. The rules, if adopted, are not subject to the provisions of chapter 14.

Subd. 6. [ADMINISTRATIVE SUPPORT.] The chairman of the commission shall supervise the staff of the commission. The secretary of state, commissioner of administration, attorney general and revisor of statutes shall make available the personnel, facilities, technical services and other assistance requested by the commission. The commission may employ or contract for the services of other staff personnel.

Subd. 7. [APPORTIONMENT STANDARDS.] The commission shall draw the boundaries of council districts in accordance with the following standards:

(a) All council districts shall be as equal in population as practicable and population shall be the controlling factor in drawing the district boundaries;

(b) The council districts shall be composed of compact and contiguous territory;

(c) To the extent consistent with other standards, the boundaries of the council districts shall follow the boundaries of local governmental units and, wherever practicable, legislative districts; and

(d) No apportionment plan shall be drawn for the purpose of favoring any person or political party.

Subd. 8. [APPORTIONMENT PLAN.] (a) Adoption of plan. The commission shall adopt a plan to apportion the metropolitan council districts not later than March 1 of the year in each decade ending in the numeral "2". If the plan is appealed, as provided under subdivision 11, and remanded by the district court, the commission shall adopt an amended plan consistent with the findings of the court not later than 30 days after the original plan is remanded. An apportionment plan is adopted by the commission when it is approved by a vote of at least three of its members. The plan shall be adopted in accordance with the standards set forth in subdivision 7.

(b) Contents of plan. The apportionment plan adopted by the commission shall include:

- (1) A written description of each council district drawn by the commission;
 - (2) A map of the metropolitan area showing all of the council districts drawn by the commission;
 - (3) A statement of the population in each council district and a statement of the deviation in population of each council district from the average population of all council districts;
 - (4) A justification of any population deviation described in clause (4) which exceeds five percent;
 - (5) An explanation of the standards used by the commission to draw the council districts;
 - (6) Any other information which the commission considers relevant to the plan.
- (e) Filing of plan. The commission shall file the original or any amended plan with the secretary of state within five days after its adoption.
- (f) Minority report. Any commission members in the minority may prepare a minority report which shall be published with the plan adopted by the commission.

Subd. 9. [EFFECTIVE DATE.] An adopted apportionment plan or amended plan is effective on the first Monday in January in the year of each decade ending in the numeral "3".

Subd. 10. [PUBLICATION OF THE PLAN; SUMMARY.] (a) Promptly after the adoption of an apportionment plan the commission shall:

- (1) Prepare and transmit a copy of the plan to each body of the legislature;
 - (2) Prepare and transmit a summary of the plan to each newspaper of general circulation and each radio and television station in the metropolitan area, as defined in section 473.121, subdivision 2;
 - (3) Prepare sufficient copies of the plan and a plan summary for inspection, copying, and purchase by the public.
- (b) The plan summary shall include:
- (1) A map showing all of the new council districts;
 - (2) A statement of the population in each council district;
 - (3) A statement of the percentage variation of each council district from the average population;
 - (4) A statement of where a copy of the plan may be examined or purchased and its purchase price.

Subd. 11. [JUDICIAL REVIEW.] (a) Commencement of action. An action to review an original or amended apportionment plan adopted by the reapportionment commission shall be commenced by petition to the district court within 30 days of the date the plan is filed with the secretary of state.

(b) Petition. The petition shall set forth the facts and law on the basis of which the petitioner believes the plan does not comply with the provisions of this section. A copy of the petition shall be served upon the commission and

upon the attorney general.

(c) *Hearings.* The court shall hold hearings upon the petition and shall render its opinion on an original unamended plan within 60 days of the date that the petition to review is filed.

(d) *Remand.* If the court finds that an original, unamended plan of the reapportionment commission is invalid because it does not comply with the provisions of law, the court shall specify the reasons for its findings and immediately remand the plan to the commission for amendment. If the court retains jurisdiction of an action to review an apportionment plan when the plan is remanded to the commission, the court shall render its opinion on any amended plan within 30 days after the amended plan is filed with the secretary of state.

(e) *Court adopted plan.* The district court shall adopt its own reapportionment plan in accordance with the requirements set forth in this section if:

(1) The commission fails to adopt an apportionment plan or an amended plan within the time limits provided under subdivision 8; or

(2) An amended plan is found invalid upon review by the district court or supreme court.

The court shall hold at least one public hearing before adopting its own plan.

(f) *Appeal to supreme court.* An aggrieved party may secure a review of any final order of or plan adopted by the district court by appeal to the supreme court. The appeal shall be taken in a manner provided by law for appeals from orders or judgments of the district court in other civil cases.

Subd. 12. [DUTIES OF ATTORNEY GENERAL.] The attorney general shall represent the reapportionment commission and shall defend the apportionment plan adopted by the commission in any action to review the plan in the district or supreme court.

Subd. 13. [DISSOLUTION.] The commission shall conclude its business and dissolve when:

(a) The commission has adopted an apportionment plan and 30 days have passed following the filing of the plan with the secretary of state without the commencement of an action under subdivision 11 to have the plan reviewed by the district court;

(b) The commission has adopted an amended apportionment plan after remand by a court and has completed its duties under this section; or

(c) The commission has failed to adopt a plan or amended plan within the time limits provided under subdivision 8.

The conclusion of business shall include preparation of the official record of the commission and a financial statement disclosing all expenditures made by the commission. The official record shall contain all information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, minutes and audio recordings of hearings and meetings, and other information of a similar nature. The official record shall be submitted to the secretary of state who shall provide for its preser-

vation.

Sec. 5. Minnesota Statutes 1982, section 473.141, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Each commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the metropolitan council. One member shall be appointed from each of the following ~~precincts~~ *commission districts*:

- (1) ~~Precinct~~ *Commission district A*, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ *Commission district B*, consisting of council districts 3 and ~~4~~ 7;
- (3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and ~~4~~ 6;
- (4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6 12;
- (5) ~~Precinct~~ *Commission district E*, consisting of council districts ~~7~~ 8 and 8 9;
- (6) ~~Precinct~~ *Commission district F*, consisting of council districts ~~9~~ 10 and 11;
- (7) ~~Precinct~~ *Commission district G*, consisting of council districts ~~10~~ 13 and ~~12~~ 14; and
- (8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and 16.

Sec. 6. Minnesota Statutes 1982, section 473.141, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his term of office hold the office of metropolitan council member, or be a member of another metropolitan commission, the metropolitan airports commission or the metropolitan sports facilities commission or hold any judicial office. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 5. Such oath, duly certified by the official administering the same, shall be filed with the executive director of the metropolitan council.

Sec. 7. Minnesota Statutes 1982, section 473.141 is amended by adding a subdivision to read:

Subd. 4a. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.]
(a) *Following each apportionment of metropolitan council districts, as provided under section 3, the newly constituted council, as provided under section 1, shall appoint the members of each commission to serve terms commencing on the effective date of that apportionment, as provided in section 4. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of each commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the*

numeral "5". Thereafter the term of each member and the chairman is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve until his successor is appointed and qualified.

(b) Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of each commission serving terms commencing the first Monday in January of the year ending in the numeral "1" shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in January of the year ending in the numeral "5"; except that, if more than one of those members resides in the same district, the metropolitan council shall designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the metropolitan council shall appoint a resident of each of those members' districts to serve the balance of the terms for that district, if any, as provided under paragraph (a).

Sec. 8. Minnesota Statutes 1982, section 473.141, subdivision 5, is amended to read:

Subd. 5. [TERMS, REMOVAL.] Commencing the first Monday in January, 1975 the terms of members of each commission shall be as follows: members representing precincts A, B, C, and D for terms ending the first Monday in January, 1977; members representing precincts E, F, G, and H and the chairman for terms ending the first Monday in January, 1979. Thereafter the term of each member and chairman shall be for a term of four years and until his successor is appointed and qualified. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the governor.

Members of any commission serving as of the first Monday in January, 1975 shall continue to serve the precinct described in subdivision 2 in which they reside for the term herein prescribed for that precinct, provided that if more than one such member resides in the same precinct the council shall designate one of them to serve as the commission member from the precinct and the terms of the other members are thereupon terminated. The council shall appoint as members of the commission, in the manner prescribed by subdivision 2, one resident of each precinct described in said subdivision in which no present member of the commission resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the commissions serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.

Sec. 9. Minnesota Statutes 1982, section 473.303, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of eight members, plus a chairman appointed as provided in subdivision 3. The eight members shall be appointed by the council. One member shall be appointed from each of the following commission precincts districts:

- (1) ~~Precinct~~ *Commission district A*, consisting of council districts 1 and 2;
- (2) ~~Precinct~~ *Commission district B*, consisting of council districts 3 and 4
7;
- (3) ~~Precinct~~ *Commission district C*, consisting of council districts 4 and 4
6;
- (4) ~~Precinct~~ *Commission district D*, consisting of council districts 5 and 6
12;
- (5) ~~Precinct~~ *Commission district E*, consisting of council districts 7 8 and 8
9;
- (6) ~~Precinct~~ *Commission district F*, consisting of council districts 9 10 and
11;
- (7) ~~Precinct~~ *Commission district G*, consisting of council districts 10 13
and 12 14; and
- (8) ~~Precinct~~ *Commission district H*, consisting of council districts 15 and
16.

Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member shall be a resident of the ~~precinct~~ *commission district* for which he is appointed and shall not during his terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan waste control commission, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Sec. 11. Minnesota Statutes 1982, section 473.303, is amended by adding a subdivision to read:

Subd. 4a. [APPOINTMENTS; TERMS; CONTINUATION IN OFFICE.]
(a) *Following each apportionment of metropolitan council districts, as provided under section 3, the newly constituted metropolitan council, as provided under section 1, shall appoint the members and chairman of the commission to serve terms commencing on the effective date of that apportionment, as provided in section 3. The terms of members and chairmen are as follows: members representing commission districts A, B, C, and D, and the chairman of the commission, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H, for terms ending the first Monday in January of the year ending in the numeral "5". Thereafter the term of each member and the chairman is four years except that, subject to the limitation set forth in paragraph (b), all terms expire on the effective date of the next apportionment. A member or chairman shall continue to serve his commission district until a successor is appointed and qualified.*

(b) *Notwithstanding the provisions of paragraph (a), following each apportionment of council districts, members of the commission serving terms commencing the first Monday in January of the year ending in the numeral "1" shall continue to serve the newly apportioned district in which they reside for the balance of their four-year term ending the first Monday in*

January of the year ending in the numeral "5"; except that, if more than one of those members resides in the same district, the metropolitan council shall designate one of them to serve as the commission member from that district for the balance of his term and the terms of the other members are thereupon terminated. Following the expiration of those members' terms on the first Monday in January of the year ending in the numeral "5", the metropolitan council shall appoint a resident of each of those members' districts to serve the balance of the terms for that district, if any, as provided under paragraph (a).

Sec. 12. Minnesota Statutes 1982, section 473.303, subdivision 5, is amended to read:

Subd. 5. [~~TERMS, VACANCIES; REMOVAL.~~] ~~Commencing in April 1974 the terms of members of the commission shall be as follows: members representing precincts A, B, C and D for terms ending the first Monday in January 1977, members representing precincts E, F, G and H, and the chairman, for terms ending the first Monday in January 1979. Thereafter the term of each member and the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made. Members, other than the chairman, may be removed by the council only for cause in the manner specified in chapter 351. The chairman may be removed at the pleasure of the council.~~

Sec. 13. [APPORTIONMENT PLAN.]

Notwithstanding the provision of section 4 relating to the time of establishment of a metropolitan council reapportionment commission, the commission is established on the effective date of this act to draw the boundaries of the 16 metropolitan council districts. An apportionment plan shall be drawn in accordance with and subject to the provisions of section 4; except that:

(a) Members of the commission shall be appointed within 30 days after the effective date of this act;

(b) The commission's first meeting shall be held not later than 30 days after the appointment of all commission members;

(c) The commission shall adopt an apportionment plan within six months after the date of its first meeting;

(d) The plan or any amended plan is effective 30 days after the filing of the plan or amended plan with the secretary of state if an action for review of the plan or amended plan has not been commenced within the 30 day period for filing a petition;

(e) If an action for review of the plan or amended plan is commenced within the 30 day period for filing a petition, the plan or amended plan is effective on the date the plan or amended plan is found valid by the district court, or if appealed further, by the supreme court; and

(f) The district court shall adopt its own reapportionment plan in accordance with the requirements set forth in section 4 if:

(1) The commission fails to adopt an apportionment plan within the time

limits set forth in paragraph (c);

(2) *The commission fails to adopt an amended apportionment plan within 30 days after the original plan is remanded; or*

(3) *The commission adopts an amended apportionment plan and that plan is found invalid upon review by the district court or supreme court.*

Sec. 14. [APPROPRIATION.]

The sum of \$..... is appropriated from the general fund to the metropolitan council reapportionment commission for the purpose of implementing sections 1 to 13. The sum is available on the effective date of this act until expended.

Sec. 15. [REPEALER.]

Minnesota Statutes 1982, section 473.123, subdivision 3, is repealed.

Sec. 16. [EFFECTIVE DATE.]

Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 15 are effective on the date that the reapportionment plan drawn pursuant to sections 4 and 13 is effective, as provided under section 13. Sections 4, 13 and 14 are effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to metropolitan government; requiring the governor to appoint certain metropolitan council members and changing the terms of members of the council; requiring that metropolitan council district boundaries be redrawn after each federal census; establishing a metropolitan council reapportionment commission; establishing new metropolitan council commission districts, formerly called precincts; changing references to precincts; providing for the appointment of certain commission members and changing the terms of commission members and chairmen; requiring the reapportionment commission to redraw the council district boundaries; appropriating money; proposing new law coded in Minnesota Statutes 1982, chapter 473; amending Minnesota Statutes 1982, sections 473.123, subdivision 2, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 3."

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:

Anderson	Diessner	Kamrath	Mehrkens	Sieloff
Belanger	Frederick	Knaak	Olson	Storm
Benson	Frederickson	Kronebusch	Peterson,D.L.	Taylor
Bernhagen	Isackson	Laidig	Ramstad	Ulland
Brataas	Johnson, D.E.	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Peterson,D.C.	Solon
Berglin	Frank	Luther	Peterson,R.W.	Spear
Chmielewski	Hughes	Merriam	Petty	Stumpf
Dahl	Johnson, D.J.	Moe, D. M.	Pogemiller	Vega
Davis	Jude	Moe, R. D.	Purfeerst	Waldorf
DeCramer	Kroening	Nelson	Reichgott	Wegscheid
Dicklich	Langseth	Pehler	Schmitz	Willet

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

The question was taken on the recommendation to pass S.F. No. 15.

The roll was called, and there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Pehler	Solon
Berglin	Dieterich	Lessard	Peterson, D.C.	Spear
Bertram	Frank	Luther	Peterson, R.W.	Stumpf
Chmielewski	Hughes	Merriam	Petty	Vega
Dahl	Johnson, D.J.	Moe, D. M.	Pogemiller	Waldorf
Davis	Jude	Moe, R. D.	Purfeerst	Wegscheid
DeCramer	Kroening	Nelson	Reichgott	Willet
Dicklich	Langseth	Novak	Schmitz	

Those who voted in the negative were:

Anderson	Frederick	Knaak	Mehrkens	Sieloff
Belanger	Frederickson	Knutson	Olson	Storm
Benson	Isackson	Kronebusch	Peterson, D.L.	Taylor
Bernhagen	Johnson, D.E.	Laidig	Ramstad	Ulland
Brataas	Kamrath	McQuaid	Renneke	

The motion prevailed. So S.F. No. 15 was recommended to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. DeCramer introduced—

S.F. No. 221: A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

Referred to the Committee on Local and Urban Government. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Frederick; Peterson, C.C.; Renneke; Frederickson and Isackson introduced—

S.F. No. 222: A bill for an act relating to taxes; changing the capitalization rate for agricultural land; amending Minnesota Statutes 1982, section 273.11, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear, Ms. Berglin, Messrs. Petty and Dieterich introduced—

S.F. No. 223: A bill for an act relating to crimes; repealing the offenses of sodomy, adultery, and fornication; repealing Minnesota Statutes 1982, sections 609.293; 609.34; and 609.36.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 224: A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

Referred to the Committee on Local and Urban Government.

Mr. Frederickson introduced—

S.F. No. 225: A bill for an act relating to the town of Paxton; permitting the town to have the powers of a metropolitan area town.

Referred to the Committee on Local and Urban Government.

Mr. Chmielewski introduced—

S.F. No. 226: A bill for an act relating to state employees; permitting payroll deductions in certain situations; proposing new law coded in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations.

Mr. Willet introduced—

S.F. No. 227: A bill for an act relating to taxation; property; reducing the classification ratio for commercial or industrial property; amending Minnesota Statutes 1982, section 273.13, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke, Taylor and Dahl introduced—

S.F. No. 228: A bill for an act relating to education; authorizing certain school districts to levy a special levy for school maintenance purposes.

Referred to the Committee on Education.

Messrs. Benson; Peterson, C.C.; Johnson, D.E.; Kamrath and Mrs. Kronebusch introduced—

S.F. No. 229: A bill for an act relating to retirement; volunteer ambulance services; authorizing the establishment of local volunteer ambulance attendants relief associations; authorizing the relief association to pay lump sum service pensions and other retirement benefits; establishing service pension maximums based on the ability to finance service pensions; establishing minimum financing guidelines; imposing an obligation to provide financing on the affiliated volunteer ambulance service; amending Minnesota Statutes 1982, section 69.80; proposing new law coded as Minnesota Statutes, chapter 424B.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M. and Renneke introduced—

S.F. No. 230: A bill for an act relating to retirement; public employees retirement association; changing the reduction factors for early retirement; amending Minnesota Statutes 1982, section 353.30, subdivision 1a.

Referred to the Committee on Governmental Operations.

Mrs. Lantry, Messrs. Laidig, Luther, Mrs. Kronebusch and Mr. Johnson, D.J. introduced—

S.F. No. 231: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

Referred to the Committee on Transportation.

Mr. Frank, Mrs. Lantry, Messrs. Spear and Dicklich introduced—

S.F. No. 232: A bill for an act relating to public utilities; regulating and restricting disconnection of service to residential units during periods of cold weather; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Mr. Spear, Ms. Reichgott, Messrs. Freeman, Jude and Knaak introduced—

S.F. No. 233: A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 234: A bill for an act relating to the town of Windemere; permitting the town to have the powers of a metropolitan area town.

Referred to the Committee on Local and Urban Government.

Mrs. Adkins introduced—

S.F. No. 235: A bill for an act relating to education; allowing school districts to use capital expenditure funds to purchase property insurance; amending Minnesota Statutes 1982, section 275.125, subdivision 11a.

Referred to the Committee on Education.

Messrs. Solon, Luther and Dahl introduced—

S.F. No. 236: A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 1; and 52.17, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 237: A bill for an act relating to taxation; property; allowing the county board to abate taxes in certain instances; proposing new law coded in Minnesota Statutes, chapter 375.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Diessner, DeCramer, Anderson, Merriam and Isackson introduced—

S.F. No. 238: A bill for an act relating to environment; providing for the reclamation of peat bogs; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivision 2, and by adding a subdivision; 93.47, subdivisions 2 and 5; and 93.481, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 239: A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter's relief association.

Referred to the Committee on Governmental Operations.

Ms. Reichgott, Messrs. Petty; Johnson, D.E.; Ms. Berglin and Mr. Luther introduced—

S.F. No. 240: A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

Referred to the Committee on Judiciary.

Messrs. Johnson, D.J.; Chmielewski; Stumpf; Purfeerst and Ulland introduced—

S.F. No. 241: A bill for an act relating to transportation; limiting liability for civil penalties of carriers or shippers of certain products; amending Minnesota Statutes 1982, section 169.871, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Johnson, D.J.; Dicklich and Lessard introduced—

S.F. No. 242: A bill for an act relating to taxes; providing for the rate and distribution of certain taxes on iron ore concentrate; amending Minnesota Statutes 1982, sections 298.223; 298.24, subdivision 1; 298.28, subdivision 1; and 298.293.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Solon, Freeman, Luther and Ulland introduced—

S.F. No. 243: A resolution memorializing the United States Congress to again propose an amendment to the United States Constitution providing for

equal rights for women.

Referred to the Committee on Rules and Administration.

Messrs. Knaak, Laidig and Mrs. McQuaid introduced—

S.F. No. 244: A bill for an act relating to the environment; providing for the statewide open burning of leaves in the spring and fall as governed by local ordinances; amending Minnesota Statutes 1982, section 116.082.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

S.F. No. 245: A bill for an act relating to public utilities; providing for uniformity of public, pay telephones; proposing new law coded in Minnesota Statutes, chapter 237.

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

Messrs. Bernhagen, Frederickson, Willet, Wegscheid and Isackson introduced—

S.F. No. 246: A bill for an act relating to elections; exempting candidates for soil and water conservation supervisor from payment of filing fees; amending Minnesota Statutes 1982, section 204B.11, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Taylor, Frederickson, Isackson, Ramstad and Renneke introduced—

S.F. No. 247: A bill for an act relating to unemployment compensation; regulating payment for waiting week credit; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

Referred to the Committee on Employment.

Mr. Willet introduced—

S.F. No. 248: A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

Referred to the Committee on Employment.

Messrs. Berg; Anderson; Peterson, C.C. and Johnson, D.E. introduced—

S.F. No. 249: A bill for an act relating to education; authorizing Independent School District No. 206, Alexandria, to construct an addition to its area vocational-technical institute subject to certain conditions.

Referred to the Committee on Education.

Messrs. Peterson, C.C.; Johnson, D.J. and Novak introduced—

S.F. No. 250: A bill for an act relating to taxation; reducing the rate of tax

on corporation income; eliminating the deduction for taxes paid by corporations to other states; amending Minnesota Statutes 1982, sections 290.06, subdivision 1; and 290.09, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Novak; Johnson, D.J. and Peterson, R.W. introduced—

S.F. No. 251: A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.06; 290A.111, subdivision 2; 290A.112, subdivision 2; 609.50; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

Referred to the Committee on Taxes and Tax Laws.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 14, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FOURTEENTH DAY

St. Paul, Minnesota, Monday, February 14, 1983

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

Prayer was offered by the Chaplain, Rev. Roger Carroll.

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

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

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

Mrs. Brataas, Messrs. Langseth and Purfeerst were excused from the Session of today. Ms. Olson was excused from the Session of today at 11:15 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

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.)

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.)

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 Public Utilities and State Regulated Industries.)

June 18, 1981

The Honorable Jack Davies
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:

David Y. Morris, 2990 Casco Point Road, Wayzata, Hennepin County, has been appointed by me, effective June 18, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Governmental Operations.)

September 4, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the State Council on Affairs of Spanish-Speaking People are hereby respectfully submitted to the Senate for confirmation as required by law:

Lilliam Pancorbo, 5316 Bloomington Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1982.

Juan Lopez, 175 Charles Avenue, St. Paul, Ramsey County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1983.

Ana Sonia Nieves-Burton, 500 Sexton Building, 529 South 7th Street, Minneapolis, Hennepin County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1983.

Fermin Aragon, 14420 Woodhill Terrace, Minnetonka, Hennepin County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1984.

Lee Villareal, 3 1/2 Grand Circle, East Grand Forks, Polk County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1984.

Raul Cardona, Jr., 205 North Ermina, Albert Lea, Freeborn County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1985.

Juan Moreno, 501 Pleasant Avenue, Crookston, Polk County, has been appointed by me, effective September 4, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Veterans and General Legislation.)

September 23, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Minnesota-Wisconsin Boundary Area

Commission are hereby respectfully submitted to the Senate for confirmation as required by law:

Robert W. Burns, 10677 Cedar Hts. Trail, Hastings, Washington County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1982.

Mary B. Swanger, R.R. 1, Box 236, Wabasha, Wabasha County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1983.

W. Wayne Smith, 944 West 10th Street, Winona, Winona County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1984.

Virgil J. Johnson, Box 88, Rural Route #2, Caledonia, Houston County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1985.

Charles W. Arnason, Marine on St. Croix, Washington County, has been appointed by me, effective September 23, 1981, for a term expiring July 1, 1985.

(Referred to the Committee on Governmental Operations.)

Sincerely yours,

Albert H. Quie, Governor

February 10, 1983

The Honorable Jerome M. Hughes
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 73rd Session of the Minnesota Legislature on Tuesday, February 15, 1983, at 12:00 noon, for the purpose of presenting my budget message to the Legislature.

Sincerely,

Rudy Perpich, 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 11:45 a.m., Tuesday, February 15, 1983, to receive the budget message of the Honorable Rudy Perpich, 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 February 10, 1983

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., Tuesday, February 15, 1983, to receive the budget message of the Honorable Rudy Perpich, Governor of the State of Minnesota. The motion prevailed.

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, February 15, 1983. The Joint Convention will convene at 11:45 a.m. and the budget message of the Governor will be delivered at 12:00 noon.

Munger, Piper, McKasy, Sparby and Piepho have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 10, 1983

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. 73 and reports pertaining to appointments. The motion prevailed.

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

S.F. No. 44: A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

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

Page 1, line 11, delete "19" and insert "20"

Page 1, line 16, after "made" insert "*in actions for dissolution or legal separation commenced*"

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

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

S.F. No. 194: A bill for an act relating to causes of action; providing that certain causes of action survive the death of a party; amending Minnesota Statutes 1982, section 573.01. "

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

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

S.F. No. 195: A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

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

Page 1, line 15, strike "of record, in any justice court,"

Page 1, line 21, strike "the same" and insert "it"

Page 2, line 4, strike "of courts of record"

Page 2, line 8, strike "of record"

Page 2, line 13, delete "Minnesota"

Page 2, line 14, delete "Statutes,"

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

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

H.F. No. 55: A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

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

Page 1, after line 18, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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 Local and Urban Government, to which was referred

S.F. No. 40: A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

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

Page 1, after line 12, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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 Local and Urban Government, to which was referred

S.F. No. 65: A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

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

Page 1, after line 24, 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. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 73: A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

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.

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

S.F. No. 24: A bill for an act relating to health; removing the term “epileptic” from the Minnesota Statutes.

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

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

S.F. No. 87: A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of guardianship of children whose parents are deceased and for evaluations of abusive parents; eliminating the evidentiary privilege of medical health professionals in actions or proceedings for neglect, dependency, or termination of parental rights; prohibiting exclusion of evidence in any proceeding arising out of alleged neglect or physical or sexual abuse; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child’s interests’ shall prevail over parental rights; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivisions 1 and 4; 260.011, subdivision 2; 260.151, by adding a subdivision; 260.242, subdivision 2, and by adding a subdivision; 364.09; 595.02; 626.556, subdivisions 8 and 10; and 626.557.

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

Page 2, line 6, delete each “and” and insert a comma

Page 2, line 6, after “reports” insert “regarding abuse or neglect of

children, and investigation results”

Page 3, lines 5 and 28, before “*Unless*” insert “*In the case of a family day care license or a family foster care license,*”

Page 4, line 32, delete “*and*” and insert “*or*”

Pages 5 and 6, delete section 5 and insert:

“**Sec. 5. 245.8131 [REPORTING ABUSE OR NEGLECT OF CHILDREN IN FACILITIES.]**

Subdivision 1. [DEFINITIONS.] “Child” means anyone who has not reached his or her eighteenth birthday.

Subd. 2. [PERSONS MANDATED TO REPORT.] Any professional individual or his delegate in the field of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care education, or law enforcement, who has knowledge of or reasonable cause to believe a child in the care of a facility or agency required to be licensed is being neglected or physically or sexually abused by an individual in that facility or agency, shall immediately report the information to the commissioner, the local welfare agency, or police department. The local welfare agency or police department, upon receiving a report, shall immediately notify the commissioner. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

Any person not required to report under the provisions of this section may voluntarily report to the commissioner, the local welfare agency or police department if he has knowledge of or reasonable cause to believe a child in the care of a facility or agency required to be licensed is being neglected or subjected to physical or sexual abuse by an individual in that facility or agency. The local welfare agency or police department, upon receiving a report, shall immediately notify the commissioner.

Subd. 3. [IMMUNITY FROM LIABILITY.] Any person participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Subd. 4. [FALSIFIED REPORTS.] Any person who willfully or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Subd. 5. [FAILURE TO REPORT.] Any person required by this section to report suspected physical or sexual abuse who willfully fails to do so is guilty of a misdemeanor.

Subd. 6. [REPORT.] An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 2 to report shall be followed as soon as possible thereafter by a report in writing to the commissioner, the appropriate police department or local welfare agency. Any report shall be of sufficient content to identify the child, the facility or agency responsible for his care, the nature and extent of the child’s injuries, and the name and address of the reporter. Written reports received by a police department or local welfare agency shall be for-

warded immediately to the commissioner.

Subd. 7. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 2 has reasonable cause to believe a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner. Medical examiners or coroners shall notify the commissioner, the local welfare agency, or police department in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the appropriate law enforcement authorities, the commissioner, and the local welfare agency.

Subd. 8. [INVESTIGATION.] The commissioner shall immediately investigate any report received under this section. The commissioner shall arrange for the transmittal of reports received by local agencies to him, and may delegate to any local welfare agency the duty to investigate reports.

Subd. 9. [RECORDS.] All records maintained by the commissioner of public welfare or a local welfare agency under this section, including any written reports filed under subdivision 6, shall be private data on individuals, except insofar as copies of reports are required by subdivision 6 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with that chapter, except that the name of the reporter shall be confidential while the report is under investigation. After the investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Records maintained by the commissioner of public welfare, local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon investigation a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, commissioner of public welfare, local police department or county sheriff may be

kept for a period of one year. If the local welfare agency, commissioner of public welfare, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a)."

Page 6, line 8, delete "2a" and insert "1a"

Page 7, line 10, after each "a" insert "family"

Pages 7 to 11, delete sections 9 and 10

Page 11, line 23, after "interview" insert a comma

Page 11, lines 26 and 27, delete "be had" and insert "take place"

Page 11, line 29, delete "the parents" and insert "a parent"

Page 11, line 30, after "minor" insert a comma and delete "prevent" and insert "prevents"

Page 12, line 2, after "petition" insert a comma

Pages 12 to 22, delete section 12

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete "and for"

Page 1, delete lines 15 to 19

Page 1, line 20, delete everything before the semicolon

Page 1, line 28, delete everything after the first semicolon

Page 1, line 30, delete "595.02;" and delete "subdivisions 8 and" and insert "subdivision"

Page 1, lines 30 and 31, delete "and 626.557" and insert "proposing new law coded in Minnesota Statutes, chapter 245"

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF EMPLOYEE RELATIONS
COMMISSIONER

Nina Rothchild

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. 44, 194, 195, 40, 65 and 24 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 55 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Kroening moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 128. The motion prevailed.

Mr. Pehler moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 139. The motion prevailed.

Mr. Mehrkens moved that the name of Mrs. Kronebusch be added as a co-author to S.F. No. 174. The motion prevailed.

Mr. Willet moved that the names of Messrs. Davis and Stumpf be added as co-authors to S.F. No. 227. The motion prevailed.

Mr. Frank moved that the name of Mr. Dahl be added as a co-author to S.F. No. 232. The motion prevailed.

Mrs. Adkins moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 235. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Resolution No. 19: 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 of the State of Minnesota:

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 Rudy Perpich, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Tuesday, February 15, 1983, 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. Merriam, Chmielewski, Ms. Berglin, Messrs. Bernhagen and Knutson.

CALENDAR

S.F. No. 26: A bill for an act relating to crimes; providing a criminal penalty for false declarations of insurance coverage; amending Minnesota Statutes 1982, section 65B.67, subdivisions 2, 3, and 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 15: A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, 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 38 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Luther	Peterson, D.C.	Spear
Berglin	Freeman	Merriam	Peterson, R.W.	Stumpf
Bertram	Hughes	Moe, D.M.	Petty	Vega
Dahl	Johnson, D.J.	Moe, R.D.	Pogemiller	Waldorf
DeCramer	Jude	Nelson	Reichgott	Wegscheid
Dicklich	Kroening	Novak	Samuelson	Willet
Diessner	Lantry	Pehler	Schmitz	
Dieterich	Lessard	Peterson, C.C.	Solon	

Those who voted in the negative were:

Anderson	Chmielewski	Kamrath	McQuaid	Sieloff
Belanger	Frederick	Knaak	Mehrkens	Storm
Benson	Frederickson	Knutson	Peterson, D.L.	Taylor
Berg	Isackson	Kronebusch	Ramstad	Ulfand
Bernhagen	Johnson, D.E.	Laidig	Renneke	

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. No. 118, which the committee recommends to pass.

S.F. No. 50, which the committee reports progress, subject to the following motions:

Mr. Petty moved to amend S. F. No. 50 as follows:

Page 1, line 18, strike "shall be" and insert "is"

Page 2, line 23, delete "5" and insert "6"

Page 3, line 7, delete the third comma

Page 3, line 10, after the second "or" insert "*a parent, legal guardian, or foster parent*"

Page 3, after line 18, insert:

"Sec. 6. [609.379] [PERMITTED ACTIONS.]

Subdivision 1. [REASONABLE FORCE.] Reasonable force or reasonable deprivation may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:

When used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil.

Subd. 2. [APPLICABILITY.] This section applies to sections 1 to 5 and section 626.556, subdivision 12."

Page 3, line 31, delete "6" and insert "7"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S. F. No. 50 as follows:

Page 3, line 7, before "A" insert "(a)"

Page 3, line 10, after the second "or" insert "(b)"

Page 3, line 18, after the period, insert "*It is a defense to any prosecution under clause (b) that the defendant was a "battered woman" as defined in section 241.61, subdivision 2, at the time of the neglect and that the failure to act to stop or prevent the neglect was a result of the defendant's status as a battered woman.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 50 was then progressed.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Langseth introduced—

S.F. No. 252: A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

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

Ms. Berglin, Mrs. Lantry, Messrs. Dicklich and Solon introduced—

S.F. No. 253: A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Petty, Solon and Dicklich introduced—

S.F. No. 254: A bill for an act relating to public welfare; providing for medical assistance payment for nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced—

S.F. No. 255: A bill for an act relating to motor vehicles; authorizing judicial action and collection of a fee upon dishonor of payment for registration plates, tabs, certificate, or title certificate; appropriating money; proposing new law coded in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Messrs. Merriam, Hughes, Pehler, Nelson and Peterson, D.L. introduced—

S.F. No. 256: A bill for an act relating to education; creating a comprehensive arts in education planning program in the elementary and secondary schools; appropriating money; proposing new law coded in Minnesota Statutes, chapter 129B.

Referred to the Committee on Education.

Messrs. Purfeerst, Solon, Novak, Bertram and Johnson, D.E. introduced—

S.F. No. 257: A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

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

Messrs. Benson and Frederick introduced—

S.F. No. 258: A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Dodge and Olmstead counties; proposing new law coded in Minnesota Statutes, chapter 157.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Johnson, D.J.; Bertram; Lessard and Johnson, D.E. introduced—

S.F. No. 259: A bill for an act relating to crimes; regulating the possession and use of handguns; specifying property rights of certain persons in handguns; prohibiting possession of firearms by certain felons; abolishing transferee permits; providing for licenses to purchase handguns; prohibiting transfer of handguns to unknown persons; requiring licenses to carry handguns; limiting legislation in subordinate jurisdictions; providing for disposition of stolen and confiscated firearms; prohibiting discrimination on the issuance of licenses to purchase a handgun or licenses to carry a handgun or weapon; prescribing penalties; amending Minnesota Statutes 1982, sections 609.66; 624.712; 624.713; 624.7131; 624.714; 624.715; 624.717; and 629.361; proposing new law coded in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 1982, sections 624.7132; 624.716; and 624.718.

Referred to the Committee on Judiciary.

Messrs. Kamrath, Knaak, Berg and Benson introduced—

S.F. No. 260: A bill for an act relating to malt beverages; requiring identification of kegs and purchasers thereof; proposing new law coded in Minnesota Statutes, chapter 340.

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

Mr. Kamrath, Ms. Olson, Messrs. Ramstad and Knutson introduced—

S.F. No. 261: A bill for an act relating to state government; providing incentive bonuses for certain state employees; appropriating money.

Referred to the Committee on Governmental Operations.

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

S.F. No. 262: A bill for an act relating to insurance; health and accident; providing benefits for the services of a clinical nurse specialist in psychiatric or mental health nursing; amending Minnesota Statutes 1982, section 62A.152, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

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

S.F. No. 263: A bill for an act relating to insurance; health and accident;

providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.15.

Referred to the Committee on Economic Development and Commerce.

Mr. Merriam introduced—

S.F. No. 264: A bill for an act relating to taxation; sales tax; repealing the exemption for advertising materials subsequently shipped out of Minnesota; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dicklich, Ms. Berglin, Mrs. Lantry, Messrs. Knutson and Diessner introduced—

S.F. No. 265: A bill for an act relating to public welfare; permitting reimbursement under the medical assistance program for developmental achievement and semi-independent living services provided to certain mentally retarded and cerebral palsied persons; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 7 and 8; and 256B.03, by adding subdivisions.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Frank, Merriam and Pehler introduced—

S.F. No. 266: A bill for an act relating to taxation; providing that the homestead credit apply to the first \$54,000 of market value; providing that homestead credit not apply to the first \$100 of tax; amending Minnesota Statutes 1982, section 273.13, subdivisions 6, 7, and 14a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pogemiller; Johnson, D.J.; Peterson, C.C. and Merriam introduced—

S.F. No. 267: A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for the assessment of certain class 3 property based upon its use; clarifying the requirements for homesteads of members of the armed forces; requiring publication of certain requirements for obtaining a homestead after the assessment date; clarifying the method of assessment for certain low income properties; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of

the alternate sale procedure; increasing the fee for lost deeds; removing certain exempt entities from payment of mortgage registration tax; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 1; 273.11, subdivision 7; 273.111, subdivision 3; 273.13, subdivisions 4, 10, 16, 17, 17b, 17c, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.06; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.43; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich and Merriam introduced—

S.F. No. 268: A bill for an act relating to animals; prohibiting the transfer of unredeemed, impounded animals for experimental purposes; amending Minnesota Statutes 1982, section 35.71.

Referred to the Committee on Veterans and General Legislation.

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

S.F. No. 269: A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

Referred to the Committee on Judiciary.

Ms. Peterson, D.C.; Messrs. Pogemiller and Freeman introduced—

S.F. No. 270: A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

Referred to the Committee on Local and Urban Government.

Messrs. Petty, Freeman and Storm introduced—

S.F. No. 271: A bill for an act relating to Hennepin County; providing for the conduct of a public safety communications service; repealing Laws 1947, chapter 371, as amended.

Referred to the Committee on Local and Urban Government.

Messrs. Pogemiller, Spear, Jude, Ms. Berglin and Mrs. McQuaid introduced—

S.F. No. 272: A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

Referred to the Committee on Governmental Operations.

Messrs. Solon, Ulland and Dicklich introduced—

S.F. No. 273: A bill for an act relating to the city of Duluth; authorizing group workers' compensation self insurance pools which include the city of Duluth and private employers.

Referred to the Committee on Economic Development and Commerce. Mr. Chmielewski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Johnson, D.J.; Dicklich; Kroening and Solon introduced—

S.F. No. 274: A bill for an act relating to local government; providing "Buy American" requirements for county, city, and school district purchases; proposing new law coded in Minnesota Statutes, chapter 471.

Referred to the Committee on Governmental Operations.

Messrs. Dieterich, DeCramer and Spear introduced—

S.F. No. 275: A bill for an act relating to public utilities; specifying the regulatory treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, subdivisions 8 and 9, and by adding subdivisions.

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

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

S.F. No. 276: A bill for an act relating to motor vehicles; increasing the time allowed to complete certain activities involving motor vehicle transfers to 21 days; amending Minnesota Statutes 1982, sections 168.092, subdivision 1; 168.101, subdivision 2; 168.15; 168.30; 168.31, subdivision 3; and 168A.30, subdivision 2.

Referred to the Committee on Transportation.

Mr. Kroening introduced—

S.F. No. 277: A bill for an act relating to Hennepin County; providing for a purchasing preference for American made materials.

Referred to the Committee on Governmental Operations.

Mr. Pogemiller introduced—

S.F. No. 278: A bill for an act relating to Hennepin county; providing for financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; amending Laws 1969, chapter 1037, section 1, subdivision 2.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam, Dahl and Petty introduced—

S.F. No. 279: A bill for an act relating to crimes; modifying the insanity test; providing for post conviction determination of mental illness; providing for commitment of convicted offenders determined to be mentally ill to the concurrent custody of the commissioner of public welfare and commissioner of corrections; requiring a convicted offender determined to be mentally ill to serve first a commitment for care and treatment and then a commitment for penal objectives; providing hearings and procedures in conformance with due process for transfer of inmates under concurrent custody commitments between state regional centers and state correctional facilities; amending Minnesota Statutes 1982, sections 480.059, by adding a subdivision; 609.10; 611.026; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.105.

Referred to the Committee on Judiciary.

Messrs. Merriam; Peterson, R.W. and Petty introduced—

S.F. No. 280: A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13B.

Referred to the Committee on Judiciary.

Messrs. Pogemiller and Moe, R.D. introduced—

S.F. No. 281: A bill for an act relating to elections; changing the date of precinct caucuses to the second Tuesday in March; amending Minnesota Statutes 1982, section 202A.14, subdivision 1.

Referred to the Committee on Elections and Ethics.

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

S.F. No. 282: A bill for an act relating to Northwest Minnesota Multi-County Housing and Redevelopment Authority; providing for per diem compensation for attendance of commissioners at meetings.

Referred to the Committee on Energy and Housing.

Messrs. Diessner, Petty, Chmielewski and Mrs. Lantry introduced—

S.F. No. 283: A bill for an act relating to health; establishing in the department of health a program of financial aid and counseling assistance for certain pregnant women; allowing the recovery of assistance paid under some circumstances; prohibiting performance of an elective termination of a pregnancy in the absence of a certificate verifying that notice of the financial aid and counseling program was given to the woman before her pregnancy termination; appropriating money; amending Minnesota Statutes 1982, section 144.343, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 144 and 145.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Moe, D.M.; Benson and Mrs. Lantry introduced—

S.F. No. 284: A bill for an act relating to occupations and professions; regulating psychologists; providing a 120-day period within which the board of psychology must take action on a complaint; amending Minnesota Statutes 1982, section 148.90, subdivision 3.

Referred to the Committee on Health and Human Services.

Messrs. Frank and Merriam introduced—

S.F. No. 285: A resolution memorializing the President and Congress of the United States in support of a mutual freeze with the Soviet Union on the testing, production, and deployment of nuclear weapons and delivery systems.

Referred to the Committee on Rules and Administration.

Messrs. Peterson, C.C.; Chmielewski; Bernhagen; Lessard and Frederickson introduced—

S.F. No. 286: A bill for an act relating to game and fish; prohibiting harassment of hunters, trappers, and fishers; providing penalties; proposing new law coded in Minnesota Statutes, chapter 97.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dicklich and Vega introduced—

S.F. No. 287: A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dicklich, Pehler and Solon introduced—

S.F. No. 288: A bill for an act relating to workers' compensation; authorizing group worker's compensation self-insurance pools which include cities and private employers; proposing new law coded in Minnesota Statutes, chapter 176.

Referred to the Committee on Employment.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Tuesday, February 15, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FIFTEENTH DAY

St. Paul, Minnesota, Tuesday, February 15, 1983

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:

Adkins	Diessner	Kroening	Olson	Solon
Anderson	Dieterich	Kronebusch	Pehler	Spear
Belanger	Frank	Laidig	Peterson, C.C.	Storm
Benson	Frederick	Lantry	Peterson, D.C.	Stumpf
Berg	Frederickson	Lessard	Peterson, D.L.	Taylor
Berglin	Freeman	Luther	Petty	Ulland
Bernhagen	Hughes	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrkens	Ramstad	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Reichgott	Wegscheid
Dahl	Johnson, D.J.	Moe, D.M.	Renneke	Willet
Davis	Jude	Moe, R.D.	Samuelson	
DeCramer	Kamrath	Nelson	Schmitz	
Dicklich	Knaak	Novak	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. Peterson, R.W. 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, with the exception of reports pertaining to appointments. The motion prevailed.

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

S.F. No. 85: A bill for an act relating to taxation; providing a property tax credit to certain veterans awarded the congressional medal of honor; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

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. Vega from the Committee on Energy and Housing, to which was referred the following appointment as reported in the Journal for January 31, 1983:

MINNESOTA HOUSING FINANCE AGENCY
EXECUTIVE DIRECTOR

James J. Solem

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.

MOTIONS AND RESOLUTIONS

Mr. Knutson moved that his name be stricken as a co-author to S.F. No. 15. The motion prevailed.

Mr. Kroening moved that the name of Mr. Vega be added as a co-author to S.F. No. 206. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ulland be added as a co-author to S.F. No. 255. The motion prevailed.

Mr. Solon moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 273. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Dahl be added as a co-author to S.F. No. 274. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 7: A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on Thursday, February 17, 1983, the Senate may set its next day of meeting for Tuesday, February 22, 1983.

2. Upon its adjournment on Thursday, February 17, 1983, the House of Representatives may set its next day of meeting for Tuesday, February 22, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Nelson; Merriam; Pehler; Moe, D.M. and Peterson, R.W. introduced—

S.F. No. 289: A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

Referred to the Committee on Education.

Messrs. DeCramer and Isackson introduced—

S.F. No. 290: A bill for an act relating to education; requiring that interest be paid on certain aid payments delayed by the commissioner of education; appropriating money; amending Laws 1982, Third Special Session chapter 1, article III, section 8.

Referred to the Committee on Education.

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

S.F. No. 291: A bill for an act relating to economic development; providing for job training and related services; appropriating money; proposing new law coded in Minnesota Statutes, chapter 268.

Referred to the Committee on Economic Development and Commerce.

Messrs. Luther; Spear; Peterson, R.W.; Ms. Reichgott and Mr. Ramstad introduced—

S.F. No. 292: A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 2 and 7.

Referred to the Committee on Judiciary.

Messrs. Dicklich and Schmitz introduced—

S.F. No. 293: 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 1982, sections 87.01; and 87.021, subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Frederickson; Peterson, C.C.; Schmitz; Petty and Renneke introduced—

S.F. No. 294: A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; amending Minnesota Statutes 1982, section 423A.01, subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Laidig introduced—

S.F. No. 295: A bill for an act relating to insurance; health and accident;

requiring coverage for the procedure of in vitro fertilization; proposing new law coded in Minnesota Statutes, chapter 62A.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 296: A bill for an act relating to insurance; rate regulation; providing regulation of certain health and accident insurance; amending Minnesota Statutes 1982, sections 70A.02; and 70A.03; repealing Minnesota Statutes 1982, section 62A.02.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty, Dicklich, Mses. Reichgott, Berglin and Mrs. Kronebusch introduced—

S.F. No. 297: A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Dicklich introduced—

S.F. No. 298: A bill for an act relating to public utilities; limiting a gas utility's discretion to discontinue service to residential customers; proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Public Utilities and State Regulated Industries. Mr. Vega questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Pogemiller, Ms. Reichgott and Mr. Spear introduced—

S.F. No. 299: A bill for an act relating to crimes; prohibiting the selling of children; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 300: A bill for an act relating to crimes; providing for degrees of the crime of burglary; providing penalties; amending Minnesota Statutes 1982, section 609.585; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

Referred to the Committee on Judiciary.

Messrs. Renneke and Chmielewski introduced—

S.F. No. 301: A bill for an act relating to the environment; requiring mandatory minimum jail sentences for persons convicted of violating laws

or rules relating to hazardous waste disposal; providing that unlawful disposal of hazardous wastes is a felony; prescribing penalties; amending Minnesota Statutes, section 115.071, subdivision 2, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Lantry, Ms. Peterson, D.C. and Mr. Luther introduced—

S.F. No. 302: A bill for an act relating to juveniles; authorizing juvenile courts to release information about certain delinquency adjudications and dispositions; amending Minnesota Statutes 1982, section 260.161, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Renneke, Schmitz and Bernhagen introduced—

S.F. No. 303: A bill for an act relating to the environment; prohibiting the use of eminent domain proceedings for acquiring land and property rights for hazardous waste facility sites; amending Minnesota Statutes 1982, section 115A.06, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ramstad, Solon, Petty, Benson and Mrs. Lantry introduced—

S.F. No. 304: A bill for an act relating to occupations and professions; regulating athletic trainers; providing penalties; proposing new law coded in Minnesota Statutes, chapter 148.

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

Messrs. Dahl, Pogemiller, Mrs. Brataas and Mr. Spear introduced—

S.F. No. 305: A bill for an act relating to civil actions; authorizing pledges and members of student organizations to maintain actions for self-damages; proposing new law coded in Minnesota Statutes, chapter 127.

Referred to the Committee on Judiciary.

Messrs. Dahl, Petty, Wegscheid, Belanger and Solon introduced—

S.F. No. 306: A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Messrs. Renneke, Schmitz, Bernhagen and Stumpf introduced—

S.F. No. 307: A bill for an act relating to the environment; requiring legislative concurrence in any finding by the waste management board that

certain hazardous waste management techniques are insufficient for the state; amending Minnesota Statutes 1982, section 115A.24, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Reichgott, Messrs. Merriam, Jude, Knutson and Kroening introduced—

S.F. No. 308: A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.44; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.68; 14.70; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 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; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 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; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18;

611.25; and 648.39, subdivision 1; repealing Minnesota Statutes 1982, sections 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

Referred to the Committee on Judiciary.

Messrs. Renneke, Schmitz and Bernhagen introduced—

S.F. No. 309: A bill for an act relating to the waste management board; removing the board's exemption from the Administrative Procedure Act for certain activities; suspending those activities of the board pending rule adoption; requiring the board to repeat the activities after rules are adopted; appropriating money; amending Minnesota Statutes 1982, sections 115A.09, subdivisions 2 and 3; 115A.11, subdivision 2; 115A.20; 115A.21, subdivisions 2 and 3; 115A.27, subdivision 2; 115A.28, subdivision 2; 115A.35; 115A.37, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Moe, D.M.; Wegscheid and Peterson, C.C. introduced—

S.F. No. 310: A bill for an act relating to retirement; establishing a uniform defined contribution public employee retirement plan; proposing new law coded as Minnesota Statutes, chapter 356A.

Referred to the Committee on Governmental Operations.

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.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 10:00 a.m., Thursday, February 17, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTEENTH DAY

St. Paul, Minnesota, Thursday, February 17, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Richard E. Pates.

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

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

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. Knutson, Langseth and Purfeerst were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

February 9, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

It is my pleasure to enclose herewith 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,
Rudy Perpich, Governor

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

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. 7: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 15, 1983

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 urging the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 14, 1983

Mr. Storm moved that House Concurrent Resolution No. 1 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 File, herewith transmitted: H.F. No. 57.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 14, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 57: A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 40, now on the Consent 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. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 113: A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

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

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

S.F. No. 251: A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; imposing a penalty; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.531; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.06; 290A.111, subdivision 2; 290A.112, subdivision 2; 609.50; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivisions 2c and 2d.

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

Pages 19 and 20, delete section 15

Page 21, line 7, after "*time*" insert "*, at the election of the taxpayer,*"

Page 30, line 7, delete the new language

Page 33, line 14, strike "\$4,000" and insert "\$6,000"

Page 37, delete section 31

Pages 38 and 39, delete section 34

Pages 39 and 40, delete section 35

Page 40, line 25, after "*14,*" insert "*20,*" and delete "*28, 32, 33*" and insert "*30, 31*"

Page 40, line 26, delete "*34, and 37*" and insert "*and 33*"

Page 40, line 27, after "*13,*" insert "*16,*" and delete "*20,*"

Page 40, line 28, delete "*37*" and insert "*33*"

Page 40, delete lines 32, 33 and 34

Page 40, line 35, delete "*carried back,*" and delete "*16*" and insert "*15*"

Page 40, line 36, delete "*Sections 31 and 37*" and insert "*Section 33*"

Page 41, line 1, delete "*are*" and insert "*is*" and delete "*29, 30, and 37*" and insert "*28, 29, and 33*"

Page 41, line 4, delete "*Sections 35 and 36 are*" and insert "*Section 32 is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "*subdivisions 3 and*" and insert "*subdivision*"

Page 1, line 16, delete "*290A.06;*"

Page 1, line 17, delete "*609.50;*"

Page 1, line 18, delete "*article*"

Page 1, line 19, delete "*III, section 22, as amended; and*"

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

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

S.F. No. 96: A bill for an act relating to the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; and 298.297; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, sections 298.295; and 298.298.

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

Page 2, line 35, delete "*\$20,000,000*" and insert "*\$10,000,000*"

Page 2, line 36, delete "*and, for each succeeding fiscal year,*"

Page 3, delete lines 1 and 2

Page 3, line 3, delete "*year*"

Page 3, line 24, delete "*amounts*" and insert "*amount*" and delete "*\$20,000,000*" and insert "*\$10,000,000*"

Page 3, line 26, delete "*and one-half of the amount deposited in the fund*"

Page 3, delete line 27

Page 3, line 28, delete the new language

Page 5, line 17, delete "*\$20,000,000*" and insert "*\$10,000,000*"

Page 5, line 18, delete "*and, for fiscal years subsequent to 1983, one-half of*" and insert a comma

Page 5, delete line 19

Page 5, line 20, delete the new language

Page 6, line 4, delete "298.296" and insert "298.298"

Page 6, line 4, delete "The Governor shall establish a"

Page 6, delete lines 5 to 9

Page 6, line 13, delete "Subdivision 1. [TECHNICAL ADVISORY COMMITTEE.]"

Page 6, line 33, to page 7, line 8, delete subdivision 2

Page 7, after line 8, insert:

"Sec. 6. Minnesota Statutes 1982, section 298.298, is amended to read:

298.298 [LONG RANGE PLAN.]

Consistent with the policy established in sections 298.291 to 298.298, the ~~trust~~ *iron range resources and rehabilitation* board shall prepare and present to the governor and the legislature by January 1, 1984 a long range plan for the use of the northeast Minnesota economic protection trust fund for the economic development and diversification of the tax relief area defined in section 273.134. The *iron range resources and rehabilitation* board shall, before November 15 of each even numbered year, prepare a report to the governor and legislature updating and revising this long range plan and reporting on the *iron range resources and rehabilitation* board's progress on those matters assigned to it by law. After January 1, 1984, no project shall be approved by the *iron range resources and rehabilitation* board which is not consistent with the goals and objectives established in the long range plan."

Page 7, line 30, delete "sections" and insert "section"

Page 7, line 30, delete "and 298.298, are" and insert "is"

Page 7, line 33, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete the first "and"

Page 1, line 7, after "298.297" insert "; and 298.298"

Page 1, line 9, delete "sections" and insert "section" and delete the semicolon

Page 1, line 10, delete "and 298.298"

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

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

S.F. No. 128: A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF REVENUE
COMMISSIONER

Arthur C. Roemer

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. Purfeerst from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF TRANSPORTATION
COMMISSIONER

Richard Braun

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. Lessard from the Committee on Veterans and General Legislation, to which was referred the following appointment as reported in the Journal for February 7, 1983:

DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER

Paul Tschida

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. Lessard from the Committee on Veterans and General Legislation, to which were referred the following appointments as reported in the Journal for January 24, 1983:

STATE COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE

Enrique Serra
Paula Villegas

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. 113, 251, 96 and 128 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Bertram moved that his name be stricken as a co-author to S.F. No. 259. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Renneke be added as a co-author to S.F. No. 262. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Renneke be added as a co-author to S.F. No. 263. The motion prevailed.

Mr. Frank moved that the name of Mr. Moe, D.M. be added as a co-author to S.F. No. 285. The motion prevailed.

CALENDAR

S.F. No. 118: A bill for an act relating to the northeast Minnesota economic protection trust fund; authorizing expenditure of funds for job retraining; providing for administration of the distressed area emergency jobs program; appropriating money; amending Laws 1982, Second Special Session chapter 2, sections 12 and 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 55: A bill for an act relating to towns; setting the time for posting audit reports; amending Minnesota Statutes 1982, section 366.22.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 61, 44, 194, 65 and 24, which the committee recommends to pass.

S.F. No. 50, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 3, line 20, after "a" insert "*victim of*"

Page 3, line 20, delete "*battered woman*" and insert "*domestic abuse*"

Page 3, line 20, delete "*241.61*" and insert "*518B.01*"

Page 3, line 23, delete "*battered woman*" and insert "*victim*"

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, lines 21 to 23, delete the new language

Page 2, line 9, delete everything after the period

Page 2, delete line 10

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Berglin, Mrs. Lantry, Messrs. Moe, D.M.; Benson and Diessner introduced—

S.F. No. 311: A bill for an act relating to public welfare; requiring licen-

sure for adult day care facilities; amending Minnesota Statutes 1982, sections 245.782, subdivision 2; 245.783, by adding a subdivision; 245.791; 256B.02, subdivisions 7 and 8.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 312: A bill for an act relating to taxation; exempting from the sales tax sales to and purchases from certain concessionaires in government-owned buildings; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Moe, D.M.; Frederickson; Renneke and Spear introduced—

S.F. No. 313: A bill for an act relating to retirement; calculation of annuities for the first ten years of service by members of the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.115, subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Moe, D.M.; Frederickson; Renneke and Spear introduced—

S.F. No. 314: A bill for an act relating to retirement; increasing employer and employee contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.04, subdivisions 2 and 3.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Frederickson; Spear and Mrs. Lantry introduced—

S.F. No. 315: A bill for an act relating to retirement; adopting a rule of 85, altering the actuarial reduction for early retirement, and changing surviving spouse benefits for members of the Minnesota state retirement system; amending Minnesota Statutes 1982, sections 352.115, subdivision 1; 352.116, subdivision 1; and 352.12, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Frederickson; Renneke; Spear and Laidig introduced—

S.F. No. 316: A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.29.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Moe, D.M.; Frederickson; Renneke and Spear

introduced—

S.F. No. 317: A bill for an act relating to retirement; reducing from ten to five years the period required for vesting of state employees pensions; amending Minnesota Statutes 1982, sections 352.115, subdivision 1; 352.12, subdivision 2; 352.22, subdivision 3; 352.93, subdivision 1; 352B.08; and 352D.02, subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C.; Ms. Berglin, Messrs. Pehler, Nelson and Taylor introduced—

S.F. No. 318: A bill for an act relating to alcohol and other drug abuse; requiring certain persons to report suspected chemical abuse by minors; establishing certain duties of local welfare agencies; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 260.

Referred to the Committee on Health and Human Services.

Mr. Schmitz, Mmes. Adkins, Lantry and Mr. Benson introduced—

S.F. No. 319: A bill for an act relating to transportation; removing an interest limitation on Minnesota trunk highway bonds; amending Minnesota Statutes 1982, section 167.50, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Wegscheid, Davis, Jude, Frederickson and Bernhagen introduced—

S.F. No. 320: A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4, and by adding a subdivision; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dahl; Johnson, D.J.; Ms. Peterson, D.C.; Messrs. Bernhagen and Solon introduced—

S.F. No. 321: A bill for an act relating to commerce; prohibiting unfair, predatory, and discriminatory pricing practices by persons engaged in the refining, distribution, or sale of motor fuel; defining terms; providing remedies; proposing new law coded in Minnesota Statutes, chapter 325E.

Referred to the Committee on Economic Development and Commerce.

Messrs. DeCramer, Diessner and Isackson introduced—

S.F. No. 322: A bill for an act relating to soil and water conservation districts; authorizing annual audits by certified public accountants; amend-

ing Minnesota Statutes 1982, section 40.06, subdivision 4.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C. introduced—

S.F. No. 323: A bill for an act relating to retirement; extending the reporting date required in connection with state aid distribution; amending Minnesota Statutes 1982, sections 69.011, subdivision 2; and 69.051, subdivisions 1 and 3.

Referred to the Committee on Governmental Operations.

Mr. Kroening; Ms. Peterson, D.C. and Mr. Vega introduced—

S.F. No. 324: A bill for an act relating to the housing finance agency; increasing the maximum permissible return to certain mortgagors; increasing the maximum rehabilitation loan amount; combining certain bonding categories; clarifying other agency duties and powers; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 14a and 18; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b; and 462A.22, subdivisions 1 and 5; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

Referred to the Committee on Energy and Housing.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 325: A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, section 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Hughes, Pehler, Davis and Nelson introduced—

S.F. No. 326: A bill for an act relating to education; establishing a position for industrial arts education in the department of education; appropriating money; proposing new law coded in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Messrs. Pehler, Bertram and Davis introduced—

S.F. No. 327: A bill for an act relating to Independent School District No. 748, Sartell, and Independent School District No. 742, St. Cloud; authorizing certain school district land to be detached and annexed; authorizing transportation and transportation aid for certain pupils.

Referred to the Committee on Education.

Messrs. Peterson, R.W.; Moe, D.M.; Spear; Jude and Sieloff introduced—

S.F. No. 328: A bill for an act relating to civil actions; allowing prevailing

parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, section 549.04.

Referred to the Committee on Judiciary.

Messrs. Merriam; Peterson, C.C.; Vega; Novak and Sieloff introduced—

S.F. No. 329: 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 1982, section 290.01, subdivision 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nelson, Merriam, Pehler and Dicklich introduced—

S.F. No. 330: A bill for an act relating to education; transferring the powers and duties of the state board of education and the state board for vocational education to the commissioner of education; abolishing the state board of education and the state board for vocational education; proposing new law coded in Minnesota Statutes, chapter 121; repealing Minnesota Statutes 1982, sections 121.02; 121.03; 121.11, subdivision 1; and 121.16.

Referred to the Committee on Education.

Messrs. Dicklich, Samuelson and Lessard introduced—

S.F. No. 331: A bill for an act relating to liquor; authorizing on-sale until two a.m. during periods when advanced standard time is in effect; amending Minnesota Statutes 1982, section 340.14, subdivision 1.

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

Messrs. Dahl, Petty, Laidig, Kroening and Mrs. Adkins introduced—

S.F. No. 332: A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; repealing Minnesota Statutes 1982, section 48.152, subdivision 9.

Referred to the Committee on Economic Development and Commerce.

Mrs. Berglin, Mr. Dicklich, Mrs. Lantry and Mr. Diessner introduced—

S.F. No. 333: A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, section 144.651.

Referred to the Committee on Health and Human Services.

Messrs. Bertram, DeCramer, Storm and Wegscheid introduced—

S.F. No. 334: A bill for an act relating to agriculture; making changes in the filled or artificial dairy products act; amending Minnesota Statutes 1982, sections 32.53; 32.531; 32.5311; 32.532; 32.533; and proposing new law

coded in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. DeCramer and Isackson introduced—

S.F. No. 335: A bill for an act relating to state parks; deleting certain lands from the boundaries of Blue Mounds state park.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C.; Spear; Wegscheid; Pehler and Frederickson introduced—

S.F. No. 336: A bill for an act relating to retirement; teacher's retirement factor for early retirement; adopting a rule of 90; amending Minnesota Statutes 1982, section 354.44, subdivision 6.

Referred to the Committee on Governmental Operations.

Messrs. Schmitz, DeCramer, Davis and Mrs. McQuaid introduced—

S.F. No. 337: A bill for an act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Dahl, Solon, Taylor and Moe, R.D. introduced—

S.F. No. 338: A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Messrs. Bernhagen; Peterson, R.W.; Belanger; Novak and Laidig introduced—

S.F. No. 339: A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1982, sections 273.13, subdivision 7; and 290A.03, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bertram, DeCramer, Dahl, Knutson and Ramstad introduced—

S.F. No. 340: A bill for an act relating to crimes; prohibiting the use of body armor during the commission of felonies; providing penalties; proposing new law coded in Minnesota Statutes, chapter 624.

Referred to the Committee on Judiciary.

Messrs. Berg; Peterson, C.C.; DeCramer; Chmielewski and Schmitz introduced—

S.F. No. 341: A bill for an act relating to game and fish; authorizing a season on mourning doves; setting maximum daily and possession limits; amending Minnesota Statutes 1982, sections 100.27, subdivision 6; and 100.28, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst; Johnson, D.J.; Moe, R.D. and Mehrkens introduced—

S.F. No. 342: A bill for an act relating to transportation; increasing the gasoline excise tax; delaying the phased transfer of the motor vehicle excise tax; transferring an appropriation and authority to issue bonds from the transportation fund to the trunk highway fund; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; and 297B.09.

Referred to the Committee on Transportation.

Messrs. Luther; Moe, R.D.; Willet; Dahl and Hughes introduced—

S.F. No. 343: A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 9, to limit campaign expenditures by candidates for the United States senate and house of representatives; providing implementing legislation; redefining certain terms in relation to congressional candidates; limiting the applicability of certain provisions of law to state constitutional and state legislative candidates; providing for filing of campaign reports by certain congressional candidates; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy; providing a penalty for exceeding campaign expenditure limits by congressional candidates; changing the designated amount of certain income tax payments; providing for the allocation of party accounts and the general account to certain state and congressional candidates; providing estimates of minimum amounts of public subsidy to be received by certain congressional candidates; requiring signed agreements by certain congressional candidates who choose to receive a public subsidy; specifying when congressional candidates who accept a public subsidy must return all or part thereof; providing for the return of money from the state elections campaign fund to the general fund; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1982, sections 10A.01; 10A.25; 10A.255; 10A.27; 10A.275; 10A.28; 10A.30; 10A.31; 10A.33; 10A.335; and 290.06, subdivision 11; proposing new law coded in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1982, section 10A.32.

Referred to the Committee on Elections and Ethics.

Mr. Pehler introduced—

S.F. No. 344: A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, D.L. and Ms. Olson introduced—

S.F. No. 345: A bill for an act relating to education; establishing a com-

mission to study education and education finance; requiring a report; appropriating money.

Referred to the Committee on Education.

Messrs. Stumpf and Wegscheid introduced—

S.F. No. 346: A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing the policy behind the dairy industry unfair trade practices act; removing certain dairy product retailers from certain prohibitions; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; authorizing the sale of certain wild flowers; eliminating certain wild rice labeling requirements; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry and warehouses; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 2; 28A.03; 28A.05; 28A.15, subdivisions 1 and 4; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 32A.02; 32A.04, subdivision 1; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17.23; 30.49; 31.401 to 31.406; 32.12; 32.472; 32.473; and 231.01 to 231.39.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Tuesday, February 22, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTEENTH DAY

St. Paul, Minnesota, Tuesday, February 22, 1983

The Senate met at 10:00 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:

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

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, Mrs. Brataas and Mr. Diessner were excused from the Session of today. Mr. Dahl was excused from the Session of today until 10:45 a.m.

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. 71.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 17, 1983

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. 15: A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

Senate File No. 15 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 17, 1983

Mr. Schmitz moved that the Senate do not concur in the amendments by the House to S. F. No. 15, 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 File, herewith transmitted: H.F. No. 46.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 17, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 46: A resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

Referred to the Committee on Agriculture and Natural Resources.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report from the Committee on Rules and Administration pertaining to Permanent Rules, and reports pertaining to appointments. The motion prevailed.

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

S.F. No. 115: A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal

building commission; amending Laws 1903, chapter 247, section 5.

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

Page 1, line 16, strike "Said" and insert "The"

Page 1, line 17, strike "said" and insert "the"

Page 1, line 20, strike "such" and insert "*the final statement of estimated*"

Page 2, line 1, strike "such" and insert "*the final statement of estimated*"

Page 2, line 4, delete "*finalize its tax levy*" and insert "*submit a final statement of estimated expenditures*"

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 Local and Urban Government, to which was referred

S.F. No. 116: A bill for an act relating to the city of Minneapolis; permitting the establishment of special service districts; providing taxing and other financial authority for Minneapolis.

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

Page 2, line 25, delete "and"

Page 2, line 28, delete the period and insert a semicolon

Page 2, after line 28, insert:

"(d) *A description of the special services to be furnished within the district; and*

(e) A statement that the governing body of the city may impose property taxes and service charges to pay for services furnished in the district."

Page 3, line 6, after the period, insert "*The city shall make a reasonable effort to give notice of the public hearing to occupants of property in the district."*

Page 5, line 36, after "interest in" insert "*the event that*"

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

S.F. No. 161: A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9, as amended.

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. 47: A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; proposing new law coded in Minnesota Statutes, chapter 97.

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

Page 2, line 10, delete “shall” and insert “may”

Page 2, line 11, after “projects” insert “only”

Page 2, line 17, delete everything before the semicolon

Page 2, after line 20, insert:

“Sec. 2. Minnesota Statutes 1982, section 98.50, subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of \$1 for the license to take deer and for the sportsman license authorized in section 98.46, subdivision 2a, and 75 cents for all other licenses. The state migratory waterfowl stamp required by section 97.4841, the trout stamp required by section 97.4842, *the pheasant stamp required by section 1*, and any other similar state stamp required by statute, each shall be considered to be a “license” within the meaning of this subdivision except ~~that only one issuing fee shall be collected when such stamp and a small game or other appropriate license are issued in the same transaction in which case the stamp shall be considered a part of the appropriate license and only one issuing fee shall be collected~~ any stamps are issued in the same transaction with the appropriate small game, fishing, or sportsman’s license, or when a collector purchases more than one stamp in the same transaction after the end of the season for which the stamp was issued. In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner

shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5;"

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

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

S.F. No. 253: A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

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

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

S.F. No. 254: A bill for an act relating to public welfare; providing for medical assistance payment for nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

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

Page 2, line 26, reinstate "nutritional products" and after "products" insert "*except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, and a combined allergy to human milk, cow milk, and soy formula*" and reinstate the semicolon

Page 2, line 27, after the period insert "*Separate payment shall not be made for nutritional products for residents of long term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities.*"

Amend the title as follows:

Page 1, line 3, after "for" insert "certain"

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

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

H.F. No. 57 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.
		57	40		

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. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for January 31, 1983:

DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER

Joseph Alexander

DEPARTMENT OF AGRICULTURE
COMMISSIONER

Jim Nichols

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 7, 1983:

MINNESOTA POLLUTION CONTROL AGENCY
DIRECTOR

Sandra Gardebring

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.

Ms. Berglin from the Committee on Health and Human Services, to which was referred the following appointment as reported in the Journal for January 31, 1983:

DEPARTMENT OF CORRECTIONS
COMMISSIONER

Orville Pung

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, makes the following report:

The Permanent Rules of the Senate for the 73rd 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 10 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 MEMBERS

5. No 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 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 Committee 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 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

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 Committee 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 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.

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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, each member is limited to ten minutes.

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 members excused shall be printed in the Journal.

MEMBERS TO VOTE UNLESS EXCUSED

22. Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless, for special reasons, 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 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 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 MEMBER MAY DEMAND YEAS AND NAYS

26. At any time prior to the start of voting on a question, a member may call for the yeas and nays which shall be entered in the Journal. A call for the 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 upon a call of the 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 Secretary for introduction shall be given a file number and may be unofficially referred by the 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 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 that a House bill amended by the Senate 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.

COMMITTEE OF THE WHOLE

42. All bills, memorials, orders, resolutions and votes requiring the approval of the Governor shall, after a second reading, 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.

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 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 *unless it fills a blank, amends the title as provided by Rule 39, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the consent calendar before the bill is given its third reading.*

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, 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, *joint resolutions*, 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~~ *required to follow the same procedure as bills* 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 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. 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.

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 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. At the request of any committee member, an action of the committee shall be submitted as a Senate resolution for adoption by 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.

STANDING COMMITTEES

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

Agriculture and Natural Resources

Economic Development and Commerce

Education

Elections and Ethics

Employment

Energy and Housing

Finance

Governmental Operations

Health and Human Services

Judiciary

Local and Urban Government

Public Utilities and State Regulated Industries

Rules and Administration

Taxes and Tax Laws

Transportation

Veterans and General Legislation

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. The subcommittee shall consist of 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.

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 subcom-

mittee, 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 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 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 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 the 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 *Star and Tribune*, Duluth News-Tribune *and Herald*, Rochester Post-Bulletin, WCCO radio, 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 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, 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. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 115, 161 and 47 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 57 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Nelson moved that the name of Mr. Merriam be added as a co-author to S.F. No. 44. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 121. The motion prevailed.

Mr. Spear moved that the name of Ms. Berglin be added as a co-author to S.F. No. 195. The motion prevailed.

Mr. Freeman moved that the name of Mr. Wegscheid be added as a

co-author to S.F. No. 219. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 268. The motion prevailed.

Mr. Dahl moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 305. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Purfeerst be added as a co-author to S.F. No. 319. The motion prevailed.

Mr. Kroening moved that the name of Mr. Frank be added as a co-author to S.F. No. 324. The motion prevailed.

Mr. Bertram moved that the name of Mr. Schmitz be added as a co-author to S.F. No. 334. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Jude be added as a co-author to S.F. No. 337. The motion prevailed.

Mr. Dahl introduced—

Senate Resolution No. 20: A Senate resolution extending congratulations to the St. Francis High School Debate Team for winning the 1983 Minnesota State High School League debate tournament.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Resolution No. 21: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The miles traveled by members of the Senate for the 73rd Legislature in each round trip going to and returning from the Capitol to their places of residence are as follows:

MEMBER	MILEAGE
ADKINS, Betty A.	84
ANDERSON, Don A.	324
BELANGER, William V., Jr.	46
BENSON, Duane D.	228
BERG, Charles A.	370
BERGLIN, Linda	18
BERNHAGEN, John	152
BERTRAM, Joe	250
BRATAAS, Nancy	160
CHMIELEWSKI, Florian	210
DAHL, Gregory L.	38
DAVIS, Charles R.	130
DeCRAMER, GARY M.	336
DICKLICH, Ronald R.	390
DIESSNER, A.W. "Bill"	44
DIETERICH, Neil	0

FRANK, Don	34
FREDERICK, Mel	144
FREDERICKSON, Dennis R.	250
FREEMAN, Michael O.	30
HUGHES, Jerome M.	10
ISACKSON, Doran L.	315
JOHNSON, Dean E.	202
JOHNSON, Douglas J.	460
JUDE, Tad	50
KAMRATH, Randy P.	350
KNAAK, Fritz	0
KNUTSON, Howard A.	44
KROENING, Carl W.	30
KRONEBUSCH, Patricia Louise	222
LAIDIG, Gary W.	42
LANGSETH, Keith	472
LANTRY, Marilyn M.	11
LESSARD, Bob	620
LUTHER, William P.	44
McQUAID, Phyllis W.	29.4
MEHRKENS, Lyle G.	95
MERRIAM, Gene	42
MOE, Donald M.	0
MOE, Roger D.	530
NELSON, Tom A.	200
NOVAK, Steven G.	30
OLSON, Gen	70
PEHLER, James C.	140
PETERSON, Collin C.	410
PETERSON, Darrel L.	300
PETERSON, Donna C.	14
PETERSON, Randolph W.	58
PETTY, Eric D.	26
POGEMILLER, Lawrence J.	20
PURFEERST, Clarence M.	116
RAMSTAD, Jim	44
REICHGOTT, Ember D.	33.6
RENNEKE, Earl W.	146
SAMUELSON, Don B.	276
SCHMITZ, Robert J.	96
SIELOFF, Ron	13
SOLON, Sam G.	320
SPEAR, Allan H.	22
STORM, Donald A.	42
STUMPF, LeRoy A.	582
TAYLOR, Glen	180
ULLAND, James	302
VEGA, Conrad M.	24
WALDORF, Gene	12
WEGSCHEID, Darril	48
WILLET, Gerald L.	410

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

motion prevailed. So the resolution was adopted.

CALENDAR

S.F. No. 50: A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

Was read the third time 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:

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

So the bill passed and its title was agreed to.

S.F. No. 61: A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, and 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 121: A bill for an act relating to crimes; prohibiting criminal operation of a vehicle; amending Minnesota Statutes 1982, section 609.21.

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 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Peterson, R.W. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 44: A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, 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:

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

So the bill passed and its title was agreed to.

S.F. No. 194: A bill for an act relating to causes of action; providing that certain causes of action survive the death of a party; amending Minnesota Statutes 1982, section 573.01. "

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 65: A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 24: A bill for an act relating to health; removing the term "epileptic" from the Minnesota Statutes.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S.F. No. 128, which the committee recommends to pass.

S.F. No. 195, which the committee recommends to pass, after the following motion:

Mr. Freeman moved to amend S. F. No. 195 as follows:

Page 1, line 21, before the period, insert “; and

(3) For reasonable expenses actually incurred for meals, loss of wages, and child care, not to exceed \$40 per day”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 39, as follows:

Those who voted in the affirmative were:

Bertram	Freeman	Lantry	Peterson, D.C.	Spear
Davis	Hughes	Lessard	Pogemiller	Stumpf
DeCramer	Knaak	Luther	Reichgott	Wegscheid
Dicklich	Kroening	Novak	Schmitz	Willet

Those who voted in the negative were:

Adkins	Frank	Knutson	Olson	Samuelson
Anderson	Frederick	Kronebusch	Pehler	Sieloff
Belanger	Frederickson	Laidig	Peterson, D.L.	Solon
Benson	Isackson	McQuaid	Peterson, R.W.	Storm
Berg	Johnson, D.E.	Mehrkens	Petty	Taylor
Bernhagen	Johnson, D.J.	Merriam	Purfeerst	Ulland
Chmielewski	Jude	Moe, R. D.	Ramstad	Waldorf
Dahl	Kamrath	Nelson	Renneke	

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

On motion of Mr. Moe, R.D., 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 Consent Calendar.

CONSENT CALENDAR

Mr. Petty moved that S.F. No. 113 be stricken from the Consent Calendar and placed at the top of General Orders. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Benson and Kamrath introduced—

S.F. No. 347: A bill for an act relating to health; exempting certain drivers

of basic life support transportation vehicles from certain requirements; amending Minnesota Statutes 1982, section 144.804, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Bertram, Schmitz, Waldorf, Storm and Jude introduced—

S.F. No. 348: A bill for an act relating to intoxicating liquor; authorizing the issuance of temporary on-sale intoxicating liquor licenses; amending Minnesota Statutes 1982, section 340.11, by adding a subdivision.

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

Ms. Berglin and Mr. Chmielewski introduced—

S.F. No. 349: A bill for an act relating to motor vehicles; providing for personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

Referred to the Committee on Transportation.

Mr. Anderson introduced—

S.F. No. 350: A bill for an act relating to liquor; authorizing the city of Long Prairie to issue one on-sale license to a Moose Lodge.

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

Messrs. Wegscheid; Moe, D.M.; Ms. Berglin, Messrs. Storm and Laidig introduced—

S.F. No. 351: A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.10, subdivision 8.

Referred to the Committee on Governmental Operations.

Messrs. Schmitz, Renneke, Purfeerst, Bernhagen and Bertram introduced—

S.F. No. 352: A bill for an act relating to agriculture; prohibiting waste disposal and processing sites on certain agricultural land; amending Minnesota Statutes 1982, 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; 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. Peterson, D.C. introduced—

S.F. No. 353: A bill for an act relating to state historic sites; designating the Longfellow House in Minneapolis as a state historic site; amending

Minnesota Statutes, section 138.56, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

Ms. Peterson, D.C. introduced—

S.F. No. 354: A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home as a state historic site; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

Mr. Bertram introduced—

S.F. No. 355: A bill for an act relating to unemployment compensation; regulating refunds of employer contributions; amending Minnesota Statutes 1982, section 268.16, subdivision 6.

Referred to the Committee on Employment.

Messrs. Jude, DeCramer, Novak, Dahl and Stumpf introduced—

S.F. No. 356: A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Dieterich, Spear, Novak, Bertram and Sieloff introduced—

S.F. No. 357: A bill for an act relating to liquor; extending the date for requiring dram shop insurance; requiring an assigned risk plan and specifying rule making authority of the commissioner of insurance in regard thereto; amending Minnesota Statutes 1982, sections 340.11, subdivision 21; and 340.353, subdivision 8; and Laws 1982, chapter 528, section 9.

Referred to the Committee on Economic Development and Commerce.

Messrs. Schmitz, Isackson, Ms. Olson and Mr. Stumpf introduced—

S.F. No. 358: A bill for an act relating to counties; permitting a change to appointed coroners in certain conditions; amending Minnesota Statutes 1982, section 390.005, subdivision 2.

Referred to the Committee on Local and Urban Government.

Messrs. Schmitz, Bernhagen, Samuelson and Peterson, C.C. introduced—

S.F. No. 359: A bill for an act relating to taxation; providing a transitional period of exemption from the tax on aggregate materials under certain circumstances.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 360: A bill for an act relating to game and fish; allowing resident owners and lessees to trap fur bearing animals upon their own land without a license; amending Minnesota Statutes 1982, section 98.47, subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, R.W.; Johnson, D.J. and Merriam introduced—

S.F. No. 361: A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing for service of summons and subpoena by mail; setting the amount of bond for liquor licenses and making them conditioned on payment of taxes to the state; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that state contract settlement proceeds be applied to unpaid withholding taxes of contractors or subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 290A.42, subdivision 2; 340.12; and 524.3-805.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.E.; Berg and Bernhagen introduced—

S.F. No. 362: A bill for an act relating to appropriations; appropriating funds for the operation of the New London federal fish hatchery.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Willet, Solon, Samuelson and Chmielewski introduced—

S.F. No. 363: A bill for an act relating to public welfare; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of eligibility for general assistance; amending Minnesota Statutes 1982, sections 256D.03, subdivision 4; and 256D.05, subdivision 1a.

Referred to the Committee on Health and Human Services.

Messrs. Belanger; Berg; Peterson, C.C.; Bernhagen and Merriam introduced—

S.F. No. 364: A bill for an act relating to taxation; providing for the computation of renters' property tax refunds on the basis of actual property taxes; amending Minnesota Statutes 1982, sections 290A.03, subdivisions 11, 13, and by adding a subdivision; and 290A.19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Vega, Kroening, Samuelson, Dahl and Solon introduced—

S.F. No. 365: A bill for an act relating to insurance; health and accident; requiring health maintenance organizations to provide chiropractic care equivalent to that provided by health insurance; amending Minnesota Statutes 1982, sections 62A.15; and 62D.02, subdivision 7.

Referred to the Committee on Health and Human Services.

Messrs. Solon; Dicklich; Johnson, D.J. and Ulland introduced—

S.F. No. 366: A bill for an act relating to appropriations; authorizing the Arrowhead regional development commission to repay an appropriation with funds raised by a levy; amending Laws 1981, chapter 356, section 30.

Referred to the Committee on Finance.

Messrs. Renneke; Moe, D.M.; Frederickson and Spear introduced—

S.F. No. 367: A bill for an act relating to retirement; guaranteeing public employees retirement benefits; proposing new law coded in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Messrs. Petty, Luther, Ms. Peterson, D.C.; Messrs. Benson and Solon introduced—

S.F. No. 368: A bill for an act relating to insurance; requiring insurance agents to maintain trust accounts; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Wegscheid, Renneke, Freeman, Knaak and Mrs. Adkins introduced—

S.F. No. 369: A bill for an act relating to local government; providing for the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, subdivision 3.

Referred to the Committee on Local and Urban Government.

Mr. Johnson, D.J. introduced—

S.F. No. 370: A bill for an act relating to retirement; authorizing benefit

increases for retired Eveleth police officers, firefighters, and surviving spouses.

Referred to the Committee on Governmental Operations.

Messrs. Willet; Johnson, D.J.; Kroening and Samuelson introduced—

S.F. No. 371: A bill for an act relating to workers' compensation; providing for an exclusive state insurance agency; appropriating money; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 79.

Referred to the Committee on Employment.

Messrs. Dahl; Willet; Johnson, D.J.; Moe, R.D. and Mrs. Lantry introduced—

S.F. No. 372: 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. Luther; Jude; Johnson, D.E.; Bertram and Benson introduced—

S.F. No. 373: A bill for an act relating to negligence; regulating the liability of good samaritans; amending Minnesota Statutes 1982, section 604.05.

Referred to the Committee on Judiciary.

Mr. Peterson, C.C. introduced—

S.F. No. 374: A bill for an act relating to state employees; providing for certain unpaid leaves of absence; providing for retention of certain rights during these leaves; amending Minnesota Statutes 1982, section 43A.27, subdivision 2; proposing new law coded in chapter 43A.

Referred to the Committee on Governmental Operations.

Mr. Belanger introduced—

S.F. No. 375: A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

Referred to the Committee on Local and Urban Government.

Mr. Schmitz introduced—

S.F. No. 376: A bill for an act relating to retirement; basing the annuities of retired judges upon the current salaries for active judges; amending Minnesota Statutes 1982, section 490.102, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Davis; Peterson, R.W.; Mrs. Lantry, Messrs. Pogemiller and Pehler introduced—

S.F. No. 377: A bill for an act relating to education; modifying the definitions of teachers and of supervisory and support personnel for the purpose of licensure; modifying the personnel licensed by the board of teaching and the state board of education; increasing the size of the board of teaching; adding two vocational teachers to the board of teaching; requiring the board of teaching to take into consideration vocational education teacher licensure requirements adopted by the state board for vocational education; requiring that rules adopted by the board of teaching shall not affect the validity of certain vocational personnel or the rights and privileges of the holders; amending Minnesota Statutes 1982, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; 125.183, subdivisions 1 and 3; 125.185, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Messrs. Ulland and Solon introduced—

S.F. No. 378: A bill for an act relating to taxation; extending availability of confession of judgment procedure to certain non-homestead property; amending Minnesota Statutes 1982, section 279.37, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Moe, D.M.; Ms. Peterson, D.C. and Mr. Knaak introduced—

S.F. No. 379: A bill for an act relating to metropolitan government; giving the metropolitan transit commission power to regulate the operation of taxicabs within the seven county metropolitan area; amending Minnesota Statutes 1982, section 473.405, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation.

Ms. Olson, Messrs. Willet, Schmitz, Renneke and Isackson introduced—

S.F. No. 380: A bill for an act relating to real property; providing for permissive replatting of certain land; granting powers to local government; proposing new law coded in Minnesota Statutes, chapter 505.

Referred to the Committee on Local and Urban Government.

Messrs. Moe, R.D.; Ulland; DeCramer; Bertram and Frederick introduced—

S.F. No. 381: A bill for an act relating to medical assistance; increasing the asset limit on prepaid funeral contracts; amending Minnesota Statutes 1982, section 256B.07.

Referred to the Committee on Health and Human Services.

Messrs. DeCramer, Diessner and Chmielewski introduced—

S.F. No. 382: A bill for an act relating to workers' compensation; providing for evidence of coverage in certain situations; amending Minnesota Statutes 1982, section 176.182.

Referred to the Committee on Employment.

Ms. Peterson, D.C. introduced—

S.F. No. 383: A bill for an act relating to taxation; providing that penalties paid for late rent payments will be included in "gross rent" for purposes of the property tax refund; amending Minnesota Statutes 1982, section 290A.03, subdivision 12.

Referred to the Committee on Judiciary.

Messrs. Renneke, Davis, Laidig and Bertram introduced—

S.F. No. 384: A bill for an act relating to taxation; sales; including certain trailers in the definition of farm machinery; amending Minnesota Statutes 1982, section 297A.01, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke, Schmitz, Mrs. Kronebusch and Mr. Bertram introduced—

S.F. No. 385: A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

Referred to the Committee on Veterans and General Legislation.

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

S.F. No. 386: A bill for an act relating to transportation; prohibiting the use of salt or other chemicals for the removal of snow and ice from highways and streets; proposing new law coded in Minnesota Statutes, chapter 160; repealing Minnesota Statutes 1982, section 160.215.

Referred to the Committee on Transportation.

Messrs. Ulland, Kamrath and Anderson introduced—

S.F. No. 387: A bill for an act relating to workers' compensation; providing for comprehensive changes based on the Florida law; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 176.

Referred to the Committee on Employment.

Mr. Nelson introduced—

S.F. No. 388: A bill for an act relating to education; establishing a board of directors for two year post-secondary education; 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 board of directors of two year post-secondary education; appropriating money; proposing new law coded as Minnesota Statutes, chapter 136B.

Referred to the Committee on Education.

Messrs. Nelson and Dicklich introduced—

S.F. No. 389: A bill for an act relating to education; clarifying the authority of any school board to select a superintendent; amending Minnesota Statutes 1982, section 123.34, subdivision 9.

Referred to the Committee on Education.

Messrs. Storm; Moe, R.D.; Lessard and Schmitz introduced—

S.F. No. 390: A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

Referred to the Committee on Rules and Administration.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, February 24, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTEENTH DAY

St. Paul, Minnesota, Thursday, February 24, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

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

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

Adkins	Dieterich	Kronebusch	Pehler	Solon
Anderson	Frank	Laidig	Peterson, C.C.	Spear
Belanger	Frederick	Langseth	Peterson, D.C.	Storm
Benson	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berg	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Ulland
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Brataas	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Chmielewski	Jude	Moe, D.M.	Reichgott	Willet
Dahl	Kamrath	Moe, R.D.	Renneke	
Davis	Knaak	Nelson	Samuelson	
DeCramer	Knutson	Novak	Schmitz	
Dicklich	Kroening	Olson	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. Diessner was excused from the Session of today. Mr. Jude was excused from the Session of today at 10:35 a.m. Mr. Dieterich was excused from the Session of today until 11:00 a.m. Messrs. Vega and Waldorf were excused from the Session of today at 11:10 a.m.

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. 26.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 22, 1983

Mr. President:

I have the honor to announce the passage by the House of the following

House Files, herewith transmitted: H.F. Nos. 68, 121 and 201.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 22, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 68: A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

Referred to the Committee on Local and Urban Government.

H.F. No. 121: A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home and the Longfellow House in Minneapolis as state historic sites; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision; and section 138.56, by adding a subdivision.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 201: A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivision 2c.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 251, 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. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 319: A bill for an act relating to transportation; removing an interest limitation on Minnesota trunk highway bonds; amending Minnesota Statutes 1982, section 167.50, subdivision 2.

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

Page 2, after line 9, insert:

“Sec. 2. Laws 1977, chapter 277, section 1, is amended to read:

Section 1. [TRANSPORTATION; HIGHWAY AND BRIDGE BONDS.] The commissioner of finance is authorized and directed, upon request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, at such times and in such amounts as may be requested by the commissioner of transportation. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$50,000,000. The proceeds of such bonds shall be deposited in a separate bridge construction account in the trunk highway fund *except that the proceeds of bonds sold after March 1, 1983 shall be deposited in a separate capital improvement account in the trunk highway fund.*

Sec. 3. Laws 1977, chapter 277, section 3, subdivision 1, is amended to read:

Subdivision 1. The sum of ~~\$50,000,000~~ \$31,000,000, or so much thereof as is determined to be needed, is appropriated from the separate bridge construction account in the trunk highway fund created pursuant to section 1, to the department of transportation for the design, construction and reconstruction of key bridges and bridge approaches on the trunk highway system including interstate routes. Any money appropriated under this subdivision shall be expended in accordance with the requirements for expenditure of money from the Minnesota state transportation fund for trunk highway bridges as those requirements are provided in Minnesota Statutes, Section 174.50 and in rules promulgated pursuant to that section.

Sec. 4. Laws 1977, chapter 277, section 3, is amended by adding a subdivision to read:

Subd. 1a. The sum of \$19,000,000, or so much thereof as is determined to be needed, is appropriated from the separate capital improvement account in the trunk highway fund created pursuant to section 1, to the department of transportation for the construction of capital improvements on the trunk highway system including interstate routes.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before “amending” insert “modifying an authorization for the issuance and sale of Minnesota trunk highway bonds and authorizing the expenditure of the proceeds for capital improvements on the trunk highway system including interstate routes; reappropriating money;”

Page 1, line 4, after “subdivision 2” insert “; amending Laws 1977, chapter 277, sections 1; and 3, subdivision 1, and by adding a subdivision”

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

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

referred

S.F. No. 186: A resolution memorializing the President and Congress to halt the deregulation of natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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

Page 1, delete lines 15 to 17 and insert:

“WHEREAS, unforeseen problems have developed in the implementation of natural gas deregulation such as the existence of take-or-pay clauses in natural gas contracts and shifts among categories of natural gas; and”

Page 2, delete lines 2 to 4 and insert “problems that have emerged in the implementation of the deregulation of natural gas in order to prevent the continued dislocation of the natural gas market; NOW, THEREFORE,”

Page 2, lines 6 and 7, delete “halt the deregulation of” and insert “freeze”

Amend the title as follows:

Page 1, lines 2 and 3, delete “halt the deregulation of” and insert “freeze”

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. 13: A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for January 31, 1983, be amended to read:

“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. 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. 73: A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for February 14, 1983, be amended to read:

“the bill do pass and be re-referred to the Committee on Agriculture and Natural Resources”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred for proper reference under Rule 35:

S.F. No. 164, reports the same back with the recommendation that the bill be given its second reading and placed on the General Orders Calendar. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 221, 198, 190, 189, 273, 298, 179, 125 and 304, reports the same back with the recommendation that the bills be re-referred as follows:

S.F. Nos. 221, 198, 190 and 189 to the Committee on Agriculture and Natural Resources.

S.F. No. 273 to the Committee on Employment.

S.F. No. 298 to the Committee on Energy and Housing.

S.F. Nos. 179 and 125 to the Committee on Governmental Operations.

S.F. No. 304 to the Committee on Health and Human Services.

Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for February 2, 1983:

**METROPOLITAN TRANSIT COMMISSION
CHAIRMAN**

Peter Stumpf

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

S.F. No. 390: A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 319, 186, 164 and 390 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Willet moved that S. F. No. 319, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Dahl moved that the name of Mr. Peterson, R.W. be added as a co-author to Senate Resolution No. 20. The motion prevailed.

Mr. Kroening moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 128. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 268. The motion prevailed.

Mr. Dicklich moved that the name of Ms. Berglin be added as a co-author to S.F. No. 287. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 315. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Willet be added as a co-author to S.F. No. 360. The motion prevailed.

Mr. Renneke moved that the name of Mr. Merriam be added as a co-author to S.F. No. 367. The motion prevailed.

Mr. Willet moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 371. The motion prevailed.

Mr. Nelson moved that the names of Messrs. Dieterich and Pehler be added as co-authors to S.F. No. 388. The motion prevailed.

Mr. Storm moved that the name of Mr. Bernhagen be added as a co-author to S.F. No. 390. The motion prevailed.

Mr. Frederick introduced—

Senate Resolution No. 22: A Senate resolution extending congratulations to Kacey Kutzler upon being named Minnesota Junior Miss.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 390, on the General Orders Calendar, a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 390: A resolution memorializing the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

SUSPENSION OF RULES

Mr. Storm moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 390 and that the rules of the Senate be so far suspended as to give S.F. No. 390, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 390 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Solon moved that the reports from the Committee on Economic Development and Commerce, reported February 7, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Solon moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Solon moved that in accordance with the reports from the Committee on Economic Development and Commerce, reported February 7, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

DEPARTMENT OF COMMERCE COMMISSIONER, DIVISION OF SECURITIES AND REAL ESTATE

Mike Hatch, 1042 Naumkeag, Shakopee, Scott County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

DEPARTMENT OF COMMERCE COMMISSIONER, DIVISION OF INSURANCE

Reynaud Harp, 4217 Park Avenue South, Minneapolis, Hennepin County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

DEPARTMENT OF COMMERCE COMMISSIONER OF BANKS

John Chisholm, 207 Fifth Avenue S.W., #106, Rochester, Olmsted County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

DEPARTMENT OF COMMERCE DIRECTOR, CONSUMER SERVICES SECTION

Anton Perpich, 4363 Scout Camp Lane, Eveleth, St. Louis County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Moe, D.M. moved that the report from the Committee on Governmental Operations reported February 7, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Moe, D.M. moved that the foregoing report be now adopted. The motion prevailed.

Mr. Moe, D.M. moved that in accordance with the report from the Committee on Governmental Operations, reported February 7, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

**MINNESOTA STATE BOARD OF INVESTMENT
EXECUTIVE DIRECTOR**

Howard J. Bicker, 1597 Rome Avenue, St. Paul, Ramsey County, has been appointed by the Minnesota State Board of Investment, effective January 3, 1983, for an indeterminate term.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Moe, D.M. moved that the reports from the Committee on Governmental Operations, reported February 10, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Moe, D.M. moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Moe, D.M. moved that in accordance with the reports from the Committee on Governmental Operations, reported February 10, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
CHIEF HEARING EXAMINER**

Duane R. Harves, 10924 Ridgewood Court, Burnsville, Dakota County, effective July 1, 1982, for a term expiring June 30, 1988.

**DEPARTMENT OF ADMINISTRATION
COMMISSIONER**

Sandra Hale, 2308 West Lake of the Isles Parkway, Minneapolis, Hennepin County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Moe, D.M. moved that the report from the Committee on Governmental Operations, reported February 14, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Moe, D.M. moved that the foregoing report be now adopted. The motion prevailed.

Mr. Moe, D.M. moved that in accordance with the report from the Committee on Governmental Operations, reported February 14, 1983, the Sen-

ate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF EMPLOYEE RELATIONS
COMMISSIONER**

Nina Rothchild, 14 Hickory Street, Mahtomedi, Washington County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Spear moved that the report from the Committee on Judiciary, reported February 10, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Spear moved that in accordance with the report from the Committee on Judiciary, reported February 10, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF HUMAN RIGHTS
COMMISSIONER**

Irene Gomez-Bethke, 4649 Decatur Avenue No., New Hope, Hennepin County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Purfeerst moved that the report from the Committee on Transportation, reported February 17, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Purfeerst moved that in accordance with the report from the Committee on Transportation, reported February 17, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF TRANSPORTATION
COMMISSIONER**

Richard Braun, 1275 Lincoln Terrace N.E., Columbia Heights, Anoka County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Lessard moved that the reports from the Committee on Veterans and

General Legislation, reported February 17, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Lessard moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Lessard moved that in accordance with the reports from the Committee on Veterans and General Legislation, reported February 17, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

**DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER**

Paul Tschida, 3829 Lynn Avenue, St. Louis Park, Hennepin County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

STATE COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE

Enrique Serra, 1930 East 86th Street, Bloomington, Hennepin County, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

Paula Villegas, 241 South Brimhall, Apt. 305, St. Paul, Ramsey County, effective December 13, 1982, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Johnson, D.J. moved that the report from the Committee on Taxes and Tax Laws, reported February 17, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Johnson, D.J. moved that the foregoing report be now adopted. The motion prevailed.

Mr. Johnson, D.J. moved that in accordance with the report from the Committee on Taxes and Tax Laws, reported February 17, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF REVENUE
COMMISSIONER**

Arthur C. Roemer, 2139 Sioux Blvd. N.W., New Brighton, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Merriam moved that the reports from the Committee on Agriculture and Natural Resources, reported February 22, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing reports be now adopted. The mo-

tion prevailed.

Mr. Merriam moved that in accordance with the reports from the Committee on Agriculture and Natural Resources, reported February 22, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER

Joseph Alexander, 931 Kennard, St. Paul, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

DEPARTMENT OF AGRICULTURE
COMMISSIONER

Jim Nichols, Rural Route #2, Lake Benton, Lincoln County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

MINNESOTA POLLUTION CONTROL AGENCY
DIRECTOR

Sandra Gardebring, 925 West Highway 36, #306, Roseville, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported February 10, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported February 10, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Cornelius A. Van Doren, 456 Woodhill Drive, Roseville, Ramsey County, effective May 5, 1982, for a term expiring the first Monday in January, 1985.

MINNESOTA WATER RESOURCES BOARD

Ronald Stevens, Route 2, Box 200, Montevideo, Chippewa County, effective April 24, 1981, for a term expiring the first Monday in January, 1985.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Ms. Berglin moved that the report from the Committee on Health and Human Services, reported February 22, 1983, pertaining to appointments,

be taken from the table. The motion prevailed.

Ms. Berglin moved that the foregoing report be now adopted. The motion prevailed.

Ms. Berglin moved that in accordance with the report from the Committee on Health and Human Services, reported February 22, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF CORRECTIONS
COMMISSIONER

Orville Pung, 14499 North 57th Street, Stillwater, Washington County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CALENDAR

S.F. No. 195: A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

Was read the third time 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:

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

Those who voted in the negative were:

Benson	Chmielewski	Kronebusch	Samuelson	Solon
Bertram				

So the bill passed and its title was agreed to.

S.F. No. 128: A bill for an act relating to state monuments; adding the Governor Floyd B. Olson Monument in Hennepin County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, 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:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 57: A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, 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:

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

So the bill passed and its title was agreed to.

S.F. No. 115: A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal building commission; amending Laws 1903, chapter 247, section 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:

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

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. Vega moved that the report from the Committee on Energy and Housing, reported February 15, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Vega moved that in accordance with the report from the Committee on Energy and Housing, reported February 15, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA HOUSING FINANCE AGENCY EXECUTIVE DIRECTOR

James J. Solem, 615 East Orange, St. Paul, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Spear moved that the appointments of notaries public received February 17, 1983, be taken from the table. The motion prevailed.

Mr. Spear moved that the Senate do now consent to and confirm the appointments of the notaries public. The motion prevailed. So the appointments were confirmed.

GENERAL ORDERS

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

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

S.F. No. 113, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 1, line 18, after "290A" insert , "or the amount that would have been payable to the individual except for the enactment of Laws 1982, chapter 523, article VIII,"

The motion prevailed. So the amendment was adopted.

S.F. No. 47, which the committee recommends to pass with the following amendment offered by Mr. Berg:

Page 2, line 18, after "administrative" insert "and personnel"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Vega and Ms. Peterson, D.C. introduced—

S.F. No. 391: A bill for an act relating to economic development; regulating loans of the small business finance agency; amending Minnesota Statutes 1982, sections 116J.88, subdivision 4; and 116J.90, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Stumpf introduced—

S.F. No. 392: A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Frank introduced—

S.F. No. 393: A bill for an act relating to marriage dissolution; including nonvested pension rights in the definition of marital property; amending Minnesota Statutes 1982, sections 518.54, subdivision 5; and 518.58.

Referred to the Committee on Judiciary.

Messrs. Anderson, Kamrath, Laidig, Freeman and Benson introduced—

S.F. No. 394: A bill for an act relating to taxation; property; reducing the classification ratios for commercial industrial property; amending Minnesota Statutes 1982, section 273.13, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, D.M.; Frederickson; Spear and Renneke introduced—

S.F. No. 395: A bill for an act relating to the state board of investment; modifying the procedures for purchase and sale of securities; expanding and regulating the membership of the investment advisory council; abolishing

certain restrictions on stock investments; modifying procedures for the mortality adjustments for the post-retirement investment fund; authorizing additional investment alternatives; amending Minnesota Statutes 1982, sections 11A.07, subdivision 4; 11A.08, subdivision 1, as amended; 11A.17, subdivision 4; 11A.18, subdivisions 5, 9, and 11; 11A.24, subdivisions 1, 5, and 6.

Referred to the Committee on Governmental Operations.

Messrs. Davis, Sieloff, Petty, Waldorf and Johnson, D.J. introduced—

S.F. No. 396: A bill for an act relating to taxation; extending Class 3 property to certain property owned by certain fraternal beneficiary societies or associations for community service; amending Minnesota Statutes 1982, section 273.13, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.E.; Mehrkens; Chmielewski and Laidig introduced—

S.F. No. 397: A bill for an act relating to unemployment compensation; regulating benefit deductions for national guard and military reserve pay; amending Minnesota Statutes 1982, section 268.07, subdivision 2.

Referred to the Committee on Employment.

Mr. Spear, Ms. Reichgott, Messrs. Johnson, D.E.; Petty and Nelson introduced—

S.F. No. 398: A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

Referred to the Committee on Judiciary.

Messrs. Davis, Pehler and Bertram introduced—

S.F. No. 399: A bill for an act relating to education; authorizing school districts to levy additional amounts for payment of certain special assessments; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Stumpf; Moe, R.D.; Peterson, C.C.; Willet and Pehler introduced—

S.F. No. 400: A resolution memorializing the Secretary of Agriculture to include barley in the Payment in Kind Program.

Referred to the Committee on Rules and Administration.

Messrs. Bertram, Freeman, Jude and Johnson, D.E. introduced—

S.F. No. 401: A bill for an act relating to crimes; providing mandatory minimum sentences for certain acts of criminal sexual conduct; amending Minnesota Statutes 1982, section 609.11, subdivision 9; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Davis, Wegscheid, Jude, Isackson and Moe, D.M. introduced—

S.F. No. 402: A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bertram, Willet, Wegscheid, Isackson and Berg introduced—

S.F. No. 403: A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 2, 4, 5, and by adding subdivisions; 41.57, subdivisions 2 and 3; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; 48.19, by adding a subdivision; and 287.04; proposing new law coded in Minnesota Statutes, chapter 15.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Storm, Ramstad, Dahl and Mehrkens introduced—

S.F. No. 404: A bill for an act relating to taxation; extending class 3cc to include certain property owners with disabled dependents; amending Minnesota Statutes 1982, section 273.13, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S.F. No. 405: A bill for an act relating to data privacy; allowing the disclosure of information from tax records for criminal cases after a court order; proposing new law coded in Minnesota Statutes, chapter 270.

Referred to the Committee on Judiciary.

Messrs. Freeman; Luther; Moe, D.M.; Laidig and Solon introduced—

S.F. No. 406: A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and commerce; transferring certain powers

and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 115A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 407: A bill for an act relating to unemployment compensation; providing for benefit eligibility; abolishing the doctrine of constructive voluntary quits; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

Referred to the Committee on Employment.

Mr. Samuelson introduced—

S.F. No. 408: 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 1982, sections 3.738, subdivision 1; 3.755; 6.48; 13.46, subdivision 1; 15.01; 15.43, subdivision 3; 15.46; 15A.081, subdivision 1; 16A.72; 62D.02, subdivision 3; 116C.03, subdivision 2; 136.11, subdivision 1; 144.05; 144.053, subdivisions 1, 3, and 4; 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, subdivision 1; 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; 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, subdivisions 1, 2, and 3; 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 1982, 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; 256.10; and 256.9753, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Nelson; Vega; Willet; Peterson, D.L. and Ms. Peterson, D.C. introduced—

S.F. No. 409: A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; amending Laws 1969, chapter 775, section 4, by adding a subdivision; chapter 822, by adding a section; chapter 1060, by adding a section; and proposing new law coded in Minnesota Statutes, chapters 116J and 124.

Referred to the Committee on Energy and Housing.

Mr. Johnson, D.J. introduced—

S.F. No. 410: A bill for an act relating to Cook County; permitting the sale of certain land.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega and Dahl introduced—

S.F. No. 411: A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Referred to the Committee on Energy and Housing.

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

S.F. No. 412: A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; transferring functions and powers of the corrections board to the commissioner of corrections; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 244.05; 244.06; 244.065; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

Referred to the Committee on Health and Human Services.

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

S.F. No. 413: A bill for an act relating to corrections; removing the

limitation on contracts for temporary detention of pre-trial detainees; amending Minnesota Statutes 1982, section 243.51, subdivision 3.

Referred to the Committee on Health and Human Services.

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

S.F. No. 414: A bill for an act relating to juveniles; providing for reimbursement of foster care costs for delinquent juveniles; amending Minnesota Statutes 1982, section 260.251, subdivision 1a.

Referred to the Committee on Health and Human Services.

Messrs. Moe, D.M.; Luther; Spear; Sieloff and Moe, R.D. introduced—

S.F. No. 415: A bill for an act relating to state government; regulating judicial branch salaries; amending Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 2.

Referred to the Committee on Governmental Operations.

Mr. Mehrkens introduced—

S.F. No. 416: A bill for an act relating to certain towns in Goodhue County; authorizing the town board to set the hours the polling places will be open in town elections.

Referred to the Committee on Local and Urban Government.

Mr. Johnson, D.J. introduced—

S.F. No. 417: A bill for an act relating to taxation; enacting the multistate tax compact; appropriating money; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon and Ulland introduced—

S.F. No. 418: A bill for an act relating to taxes; defining institutions of public charity that are exempt from property taxation; amending Minnesota Statutes 1982, section 272.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederickson, Petty, Frederick, Kroening and Dicklich introduced—

S.F. No. 419: A bill for an act relating to retirement; increasing employer and reducing employee contributions to various retirement funds; appropriating money; amending Laws 1982, Third Special Session chapter 1, article II, section 2, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S.F. No. 420: A bill for an act relating to judgments; requiring interest to

be paid from the date of an initial judgment; amending Minnesota Statutes 1982, section 549.09.

Referred to the Committee on Judiciary.

Messrs. Pehler, Purfeerst, Mrs. Lantry, Mr. Taylor and Ms. Reichgott introduced—

S.F. No. 421: A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

Referred to the Committee on Transportation.

Messrs. Dicklich, Kroening, Chmielewski and Pehler introduced—

S.F. No. 422: A bill for an act relating to labor; defining "employee" for purpose of the labor relations act to include certain handicapped persons; amending Minnesota Statutes 1982, section 179.01, subdivision 4.

Referred to the Committee on Employment.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 423: A resolution memorializing the Postmaster General; urging the issuance of a postal stamp to commemorate the centennial of the first shipment of iron ore from Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Dicklich introduced—

S.F. No. 424: A bill for an act relating to crimes; prohibiting possession of fireworks; amending Minnesota Statutes 1982, section 624.21.

Referred to the Committee on Judiciary.

Messrs. Vega, Merriam, Novak, Pehler and Frederick introduced—

S.F. No. 425: A bill for an act relating to taxation; income; specifying the deduction for use of an automobile while making a charitable contribution; amending Minnesota Statutes 1982, section 290.21, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Samuelson, Laidig, Wegscheid and Belanger introduced—

S.F. No. 426: A bill for an act relating to occupations and professions; regulating and licensing builders and contractors; proposing new law coded in Minnesota Statutes, chapter 326.

Referred to the Committee on Economic Development and Commerce.

Mrs. Adkins, Messrs. Kroening and Vega introduced—

S.F. No. 427: A bill for an act relating to the state building code; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivision 10.

Referred to the Committee on Energy and Housing.

Mr. Pogemiller introduced—

S.F. No. 428: A bill for an act relating to state government; removing the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.922, subdivision 8; 16.02, subdivision 28; 121.87, subdivision 3; 121.902, subdivisions 1 and 1a; 126.531; 145.93, subdivision 3; 148.191, subdivision 2; 148.67; 149.02; 175.007, subdivision 1; 182.656, subdivision 3; 198.055, subdivision 1; 241.64; 246.017; 252.31; 254A.04; 256.482, subdivision 1; 256B.58; 268.12, subdivision 6; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 4.31, subdivision 5; 15.059, subdivision 5; 16.853; 16.91; 21.112, subdivision 2; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 82.30; 84B.11; 86A.10; 115A.12, subdivision 2; 121.901; 121.938; 123.581; 124.215; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 178.02; 184.23; 214.14; 222.65; 241.71; 245.84, subdivision 4; 326.41; 326.49; and 363.04, subdivisions 4, 4a, and 5.

Referred to the Committee on Governmental Operations.

Messrs. Kroening, Willet and Langseth introduced—

S.F. No. 429: A bill for an act relating to natural resources; extending the existence of the citizen's committee on Voyageurs National Park; authorizing the committee to accept gifts; amending Minnesota Statutes 1982, section 84B.11, subdivision 2; amending Laws 1975, chapter 235, section 2.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 28, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETEENTH DAY

St. Paul, Minnesota, Monday, February 28, 1983

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

Prayer was offered by the Chaplain, Rev. Thomas J. Pingatore.

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

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

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.

February 11, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 41.

Sincerely,
Rudy Perpich, Governor

February 11, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1983 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. 41	H.F. No.	Session Laws Chapter No. 2	Date Approved 1983 February 11	Date Filed 1983 February 11
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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. 118 and 390.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 24, 1983

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

S.F. No. 39: A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

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

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

S.F. No. 62: A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

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

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

S.F. No. 173: 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.

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

S.F. No. 224: A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

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

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

S.F. No. 119: A bill for an act relating to crimes; increasing penalties for certain crimes when committed with intent to cause fear for personal safety because of race, color, religion, sex, affectional or sexual orientation, or national origin; amending Minnesota Statutes 1982, sections 609.595, subdivision 1; and 609.713.

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

Page 2, line 1, after "*sex*," insert "*physical or mental handicap*,"

Page 2, line 6, strike the semicolon

Page 2, line 7, strike "provided that" and insert a period

Page 2, line 20, strike "such"

Page 2, line 25, after "*crime*" insert "*of violence*"

Page 2, line 26, delete "*for personal safety*" and insert "*in the person threatened or in another person*"

Page 2, line 27, before "*person's*" insert "*threatened*" and after "*sex*," insert "*physical or mental handicap*,"

Page 2, line 33, strike "such"

Amend the title as follows:

Page 1, line 3, delete "for"

Page 1, line 4, delete "personal safety" and after "*sex*," insert "*physical or mental handicap*,"

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

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

S.F. No. 72: A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, section 214.04, subdivision 1.

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

Page 2, after line 15, insert:

“Sec. 2. [EFFECTIVE DATE.]

This act is effective July 1, 1983.”

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

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

S.F. No. 351: A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.10, subdivision 8.

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

Page 2, after line 2, insert:

“Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following its final enactment.”

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. 342: A bill for an act relating to transportation; increasing the gasoline excise tax; delaying the phased transfer of the motor vehicle excise tax; transferring an appropriation and authority to issue bonds from the transportation fund to the trunk highway fund; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; and 297B.09.

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

Page 2, lines 22 and 23, delete “*following the day of final enactment of this act and ending December 31, 1983*” and insert “*beginning on the effective date of this act and ending June 30, 1984*”

Page 2, line 25, delete “*January*” and insert “*July*”

Page 2, line 26, delete “*18*” and insert “*16*”

Page 5, line 22, before “*is*” insert “*and for the purposes described in Laws 1981, chapter 361, section 4, subdivision 5, clause (a),*”

Page 5, line 27, before the period, insert “*, clause (a)*”

Page 5, line 36, before the period, insert “*, and for the purposes described in Laws 1981, chapter 361, section 4, subdivision 5, clause (a)*”

Page 6, after line 2, insert:

“Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the first day of the month that is at least two weeks following the day of final enactment.”

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 re-referred

S.F. No. 221: A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

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. 344: A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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

Page 1, line 8, delete everything after the comma

Page 1, line 9, delete "and the state of Minnesota shall sell" and insert "the commissioner of administration shall convey to the city of St. Cloud"

Page 4, delete lines 18 to 36

Page 5, delete lines 1 to 18 and insert:

“(3) Parcel 3: all of Lot 1 and Lot 7 and that part of Lot 2 and Lot 8, Block 13 and all of Lot 8 and Lot 9 and all that part of Lot 1 and Lot 7, Block 22 and that part of Lot 1 and Lot 7, Block 30, Curtis Survey, City of St. Cloud, Stearns County, Minnesota, according to the recorded plat thereof and that of the vacated alleys situated in said Block 13, Block 22 and Block 30 and that part of vacated 2nd Avenue South, which lies between said Block 13 and said Block 22 and south of a line drawn from the northwest corner of said Block 13 to the northeast corner of said Block 22 and that part of vacated 3rd Avenue South, which lies between said Block 22 and said Block 30 and south of a line drawn from the northwest corner of said Block 22 to the northeast corner of said Block 30, which lies north of the following described line: Beginning on a point on the west line of said Block 30, distant 26.00 feet south of the northwest corner of said Block 30; thence North 89 degrees 27 minutes 43 seconds East, on an assumed bearing, parallel with the north line of said Block 30, a distance of 283.32 feet; thence South 00 degrees 32 minutes 17 seconds East, 24.00 feet thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 16.00 feet; thence South 00 degrees 37 minutes 50 seconds East, parallel with the west line of said Block 22, a distance of 115.09 feet to the westerly extension of the south line of said Lot 9; thence North 89 degrees 26 minutes 50 seconds East, along said extended line and along said south line of Lot 9, a distance of 192.69 feet to the southeast corner of said Lot 9; thence North 00 degrees 35 minutes 40 seconds West, along the east line of said Lot 9, Lot 8 and Lot 7, Block 22, a distance of 137.04 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 194.26 feet; thence South 00 degrees 32 minutes 17 seconds East 42.00 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 175.00 feet; thence North 00 degrees 32 minutes 17 seconds West 10.00 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 75.35 feet; thence South 78 degrees 09 minutes 30 seconds East 33.89 feet, more or less to the easterly

line of said Block 13 and said described line there terminating. Subject to easements of record.

(4) Parcel 4: The North 5.00 feet of the East 174.75 feet and the South 30.00 feet off the North 35.00 feet of the West 65.00 feet of the East 174.75 feet of Block 37, Curtis Survey, City of St. Cloud, Stearns County, Minnesota, according to the recorded plat thereof. Subject to easements of record.”

Page 5, delete lines 19 to 22 and insert:

“The city has obtained an independent appraisal of the value of the property to be acquired and the damages incurred by the state as a result of the acquisition of the property. The commissioner of administration shall obtain an appraisal of the property and the damages.”

Page 5, line 25, delete everything after “purchase”

Page 5, delete line 26 and insert “for a consideration which is equal to the appraised value and damages certified by the commissioner of administration.”

Page 5, delete lines 27 to 36

Page 6, delete lines 1 to 6 and insert:

“The proceeds received by the state for the value of the property and the damages incurred as a result of the city’s acquisition of the property shall be credited to the general fund, except that a portion of the proceeds equal in amount to the expenses incurred by the commissioner of administration in connection with the sale shall be deposited in the account from which the expenses were paid. The value and damages payable by the city shall be reduced by the value of work and materials provided by the city for projects necessitated by the land transfers and road and bridge construction of the city, subject to the approval of the commissioner of administration. The city shall perform all work and supply all materials to complete these projects, including but not limited to:

(1) Cutting off and removing that portion of the maintenance building which lies within permanent parcel 3 and temporary construction easement 3, and building a new wall on the remaining building;

(2) Building a new maintenance building to replace the portion removed on temporary construction easement 3. The new building shall be of a design approved by the state university board and the commissioner of administration, and shall be constructed on a site to be designated by the state university board. The building shall be at least equal in usable maintenance and storage space as the portion removed from temporary construction easement 3;

(3) Removing and replacing the canopy which is affected on temporary construction easement 2;

(4) Removing and replacing the underground oil tanks on temporary construction easement 3;

(5) Lowering the level of the tennis courts and replacing tennis courts, fencing, and bleachers on temporary construction easement 3.”

Page 6, line 7, delete “, the state” and insert “by the city, the commissioner of administration”

Page 6, line 19, before the period insert “, or on December 31, 1987, whichever date is earliest”

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. 220: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Page 2, delete lines 1 to 3

Page 2, line 31, after the semicolon, insert “and”

Page 2, line 32, delete “; and” and insert a period

Page 2, delete line 33

Page 2, line 36, before the period, insert “, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste”

Page 3, after line 12, insert:

“Subd. 11. [OWNER OF REAL PROPERTY.] “Owner of real property” means a person who holds title to, is in possession of, or controls the use of real property, including a fee owner, lessee, renter or tenant.

Subd. 12. [PERSON.] “Person” means any individual, partnership, association, public or private corporation, or other entity, including the state and any agency, department or political subdivision of the state.”

Page 3, line 14, delete “or”

Page 3, line 15, delete “including disease-causing agents” and insert “or agent, other than a hazardous substance”

Page 4, line 11, after “chemicals” insert a comma

Page 4, line 12, delete “by a farmer”

Page 4, line 13, delete the second comma and insert a period

Page 4, delete lines 14 to 16

Renumber the subdivisions in sequence

Page 6, line 17, after the comma, insert “*and except as provided in subdivisions 2 and 3,*”

Page 6, line 31, delete everything after “(c)”

Page 6, line 32, delete “*contaminant,*” and insert “*Knew or reasonably should have known that the waste he accepted*”

Page 6, line 32, after “*facility*” insert “*contained a hazardous substance, or pollutant or contaminant,*”

Page 7, delete lines 3 to 5 and insert:

“(a) *The employee is subject to liability under section 4 or section 5 only if his conduct with respect to the hazardous substance was negligent under circumstances in which he knew that the substance was hazardous and that his conduct, if negligent, could result in serious harm; and*”

Page 7, after line 9, insert:

“*Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a person responsible for the release or threatened release of a hazardous substance from a facility in or on the property unless that person:*

(a) *Was engaged in the business of generating, transporting, storing, treating, or disposing of a hazardous substance at the facility or disposing of waste at the facility, or knowingly permitted others to engage in such a business at the facility;*

(b) *Knowingly permitted any person to make regular use of the facility for disposal of waste;*

(c) *Knowingly permitted any person to use the facility for disposal of a hazardous substance;*

(d) *Knew or reasonably should have known that a hazardous substance was located in or on the facility at the time he acquired the property; or*

(e) *Took action which significantly contributed to the release after he knew or reasonably should have known that a hazardous substance was located in or on the property.*”

Page 7, line 13, delete “10” and insert “11”

Page 7, after line 27, insert:

“*Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for response costs or damages which result from the release of a pollutant or contaminant.*”

Page 8, line 18, after the period, insert “*This defense applies only to response costs incurred on or after July 1, 1983.*”

Page 8, line 19, delete “AVAILABLE TO RESPONSIBLE PERSONS” and insert “FOR INTERVENING ACTS”

Page 8, line 23, delete “or”

Page 8, after line 23, insert:

“(c) *An act of vandalism or sabotage; or*”

Page 8, line 24, delete "(c)" and insert "(d)"

Page 8, line 25, delete "(c)" and insert "(d)"

Page 8, line 29, delete "(c)" and insert "(d)"

Page 9, delete lines 1 to 19

Page 9, line 21, delete "No person is liable" and insert "It is a defense to liability"

Page 9, line 22, delete "if" and insert "that"

Page 10, line 9, delete the first "or" and insert "and"

Page 10, line 12, delete "No person is liable" and insert "It is a defense to liability"

Page 10, line 14, delete "if" and insert "that"

Page 10, delete lines 23 to 27 and insert:

"Subd. 10. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] *It is a defense to liability under this section that the response costs or damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 16 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

Subd. 11. [BURDEN OF PROOF FOR DEFENSES.] *Any person claiming a defense provided in subdivisions 6 to 10 has the burden to prove all elements of the defense by a preponderance of the evidence."*

Renumber the subdivisions in sequence

Page 11, line 13, delete "or profits" and insert ", or loss of earning capacity,"

Page 11, line 15, delete ", loss of earning"

Page 11, line 16, delete "capacity"

Page 11, after line 16, insert:

"Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] *There is no liability under this section for damages which result from the release of a pollutant or contaminant.*

Subd. 3. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] *Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under this section for the death, personal injury or disease of an employee which is compensable under chapter 176 as an injury or disease arising out of and in the course of employment."*

Page 11, line 30, delete "DEFENSES AVAILABLE TO RESPONSIBLE PERSONS" and insert "DEFENSE FOR INTERVENING ACTS"

Page 11, line 34, delete "or"

Page 11, after line 34, insert:

“(c) An act of vandalism or sabotage; or”

Page 11, line 35, delete “(c)” and insert “(d)”

Page 11, line 36, delete “(c)” and insert “(d)”

Page 12, line 4, delete “(c)” and insert “(d)”

Page 12, line 13, delete “No person is liable” and insert “It is a defense to liability”

Page 12, line 14, delete “if” and insert “that”

Page 13, line 1, delete the first “or” and insert “and”

Page 13, delete lines 4 to 28

Page 13, line 30, delete “for damages”

Page 13, line 31, delete “injury or loss was a result of” and insert “damages resulted from”

Page 14, delete lines 3 to 7 and insert:

“Subd. 9. [BURDEN OF PROOF FOR DEFENSES.] Any person claiming a defense provided in subdivisions 6 to 8 has the burden to prove all elements of the defense by a preponderance of the evidence.”

Renumber the subdivisions in sequence

Page 14, delete lines 8 to 21 and insert:

“Sec. 6. [115B.06] [LIABILITY FOR CERTAIN PAST ACTIONS.]

When a defendant establishes that the hazardous substance which is alleged to have caused the damages claimed by the plaintiff was placed or came to be located in or on the facility before April 1, 1982, the defendant is not liable under section 5 if he establishes that the activity in which he was involved with respect to the substance was not an abnormally dangerous activity.

For the purpose of this section, the determination of whether an activity with respect to a hazardous substance was an abnormally dangerous activity shall be made by the court, which may consider factors including:

Page 15, delete section 7 and insert:

“Sec. 7. [115B.07] [CAUSATION.]

In any action brought under section 5 or any other law to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, if the plaintiff produces evidence sufficient to enable a reasonable person to find that:

(a) *The plaintiff was exposed to the hazardous substance;*

(b) *Under all of the circumstances, the release could reasonably have resulted in plaintiff's exposure to the substance in the amount and duration experienced by the plaintiff; and*

(c) *It is more likely than not that the death, injury or disease suffered by the plaintiff is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the plaintiff;*

then the court may not direct a verdict against the plaintiff on the issue of causation.

Evidence to a reasonable medical certainty that exposure to the hazardous substance caused or significantly contributed to the death, injury or disease is not required for the question of causation to be submitted to the trier of fact.

Nothing in this section shall be construed to relieve the plaintiff of the burden of proving the causal connection between the release of the hazardous substance and the plaintiff's death, injury or disease."

Page 15, delete lines 22 to 28 and insert:

"Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.] Any person held jointly and severally liable under section 4 or 5 has the right at trial to have the trier of fact apportion liability among the defendants as provided in this section. The burden is on each defendant to show how his liability should be apportioned."

Page 15, line 29, delete "party" and insert "defendant"

Page 15, line 31, delete "party's" and insert "defendant's"

Page 16, lines 1, 3, and 6, delete "party" and insert "defendant"

Page 16, delete lines 8 to 12, and insert:

"Subd. 2. [LIMITATION OF LIABILITY.] If a person is held jointly and severally liable under section 4 or 5 and establishes his proportionate share of the aggregate liability, the liability of that person shall be limited to three times his proportionate share."

Page 16, line 14, delete the second "section"

Page 16, line 15, delete "common" and insert "aggregate"

Page 16, line 17, delete "their" and insert "the other person's"

Page 17, line 1, delete everything after "recover"

Page 17, line 4, before the comma, insert "for an action to recover damages for death, personal injury or disease"

Page 17, line 30, delete "applicability or"

Page 18, after line 9, insert:

"No claim for legal services or disbursements pertaining to any demand made or suit or proceeding which includes a cause of action brought pursuant to section 5 is an enforceable lien against any award, settlement, or judgment in favor of claimant or is valid or binding in any other respect unless approved in writing by a court. No claim made or paid for legal services, costs, and disbursements pertaining to any demand made or suit or proceeding brought pursuant to section 5 shall be more than 15 percent of the total award, settlement, or judgment in favor of claimant. Application to exceed this limitation upon a showing of extraordinary circumstances may be made by claimant's attorneys to the judge who presided over the suit or proceeding."

Page 18, line 32, delete "AND NOTATION"

Page 19, line 3, after “*affidavit*” insert “*containing a legal description of the property*”

Page 19, line 11, after “*property*” insert “*or some portion of it*”

Page 19, delete lines 17 to 20

Page 19, line 24, delete “*a notation to the deed*” and insert “*an affidavit*”

Page 19, line 26, delete “*or notation*”

Page 19, line 30, delete “*and notations*”

Page 19, line 36, delete “*fine*” and insert “*penalty in an amount determined by the court*”

Page 20, line 3, delete “*person*” and insert “*owner*”

Page 20, line 4, delete “*or notation*”

Page 20, line 7, delete “*fine*” and insert “*penalty*”

Page 20, line 31, delete “*and*”

Page 20, after line 31, insert:

“(2) *Notify the owner of real property where the facility is located or where response actions are proposed to be taken, if the owner is not a responsible party, that responsible parties have been requested to take response actions and that the owner’s cooperation will be required in order for responsible parties or the agency to take those actions; and*”

Page 20, line 32, delete “(2)” and insert “(3)”

Page 21, line 18, delete “*information gathering*” and insert “*similar activities*”

Page 21, line 28, after “*who*” insert “*the agency has reason to believe*”

Page 21, line 30, after “3,” insert “*or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken,*”

Page 21, delete lines 35 and 36

Page 22, delete lines 1 to 9 and insert:

“*Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.] The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:*

(a) *Examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information to the agency under subdivision 3; and*

(b) *Enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information under subdivision 3, conducting surveys or investigations, and taking removal or remedial action.*”

Page 22, lines 13 and 18, delete “15.162” and insert “13.02”

Page 22, line 25, after “*section*” insert a comma

Page 22, line 25, after "including" insert "all response costs, and"

Page 22, line 25, after "expenses" insert a comma

Page 22, line 27, delete "responsible"

Page 22, line 27, after "4" insert "or any other law"

Page 24, line 15, delete "5" and insert "6"

Page 25, line 27, after "take" insert "reasonable and necessary"

Page 26, line 10, after the period, insert "If the owner of real property where the facility is located or where response costs are proposed to be taken is not a person responsible for the release or threatened release, the owner may be joined as an indispensable party in an action to compel performance in order to assure that the requested response actions can be taken on that property by the responsible parties."

Page 26, line 26, after "fund" insert "in section 19"

Page 26, line 35, delete "solid and"

Page 27, line 13, before "waste" insert "hazardous"

Page 27, line 14, before "waste" insert "hazardous"

Page 28, after line 2, insert:

"(c) Reimbursement to any private person for expenditures made to provide alternative water supplies deemed necessary by the agency and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;"

Page 28, line 24, delete "local units of government" and insert "political subdivisions"

Page 28, line 28, delete "solid and"

Page 28, line 31, delete "solid and"

Page 28, line 31, delete ", and to assist" and insert " ; and"

Page 28, delete line 32

Reletter the clauses in sequence

Page 29, line 35, delete the second "on"

Page 29, line 36, delete "appropriations from the fund"

Page 30, line 1, before the period, insert "regarding appropriations from the fund"

Page 31, line 36, delete "1982" and insert "1983"

Page 37, line 34, delete "and (b)" and insert ", (b) and (c)"

Page 38, delete lines 11 to 16 and insert:

"Sections 16 to 23, and 29 are effective the day following final enactment. The taxes imposed by section 21 are effective January 1, 1984. The remaining sections of this act are effective July 1, 1983."

Amend the title as follows:

Page 1, line 10, after the first semicolon, insert "providing for injunctive relief;"

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

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

H.F. No. 201 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.
201	251				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 201 be amended as follows:

Page 19, line 13, to page 20, line 9, delete section 15

Page 21, line 7, after "time" insert ", at the election of the taxpayer,"

Page 33, after line 7, insert:

"Sec. 26. Minnesota Statutes 1982, section 290.531, is amended to read:

290.531 [PAYMENT OF TAX PENDING APPEAL.]

When a taxpayer appeals ~~his tax~~ any liability assessed under this chapter to the tax court, and the amount in dispute is more than ~~\$4,000~~ \$6,000, the entire amount of the tax, *penalty, and interest assessed by the commissioner* shall be paid at the time it is due unless permission to continue prosecution of the petition without payment is obtained as provided herein. The petitioner, upon ten days notice to the commissioner, may apply to the court for permission to continue prosecution of the petition without payment; and, if it is made to appear

(1) That the proposed review is to be taken in good faith;

(2) That there is probable cause to believe that the taxpayer may be held exempt from the ~~tax~~ liability or that the ~~tax~~ liability may be determined to be less than 50 percent of the amount due; and

(3) That it would work a substantial hardship upon petitioner to pay the ~~tax~~ liability,

the court may permit the petitioner to continue prosecution of the petition without payment, or may fix a lesser amount to be paid as a condition of continuing the prosecution of the petition.

Failure to make payment of the amount required when due shall operate automatically to dismiss the petition and all proceedings thereunder unless the payment is waived by an order of the court permitting the petitioner to continue prosecution of the petition without payment."

Page 37, lines 7 to 33, delete section 32

Page 38, after line 16, insert:

“(c) *Minnesota Statutes 1982, section 290A.04, subdivision 2d, is repealed.*”

Page 38, line 17, delete “(c)” and insert “(d)”

Page 38, line 19, after “14,” insert “20,”

Page 38, line 20, delete “34” and insert “33”

Page 38, line 20, delete “(c)” and insert “(d)”

Page 38, line 21, after “13,” insert “16,”

Page 38, line 21, delete “20,”

Page 38, line 21, delete “34” and insert “33”

Page 38, line 26, delete everything after “effective” and insert “for applications filed after the date of final enactment. Section 33, clause (c) is effective July 1, 1983.”

Page 38, delete lines 27 to 29

Page 38, line 30, delete “enactment.”

Page 38, line 30, delete “34” and insert “33”

Page 38, line 32, delete “Sections” and insert “Section”

Page 38, line 33, delete “and 33 are” and insert “is”

Renumber sections in sequence

Amend the title as follows:

Page 1, line 4, after “provisions;” insert “imposing a penalty;”

Page 1, line 9, after “290.095,” delete “subdivisions 3 and” and insert “subdivision”

Page 1, line 14, after the first “subdivision;” insert “209.531;”

Page 1, line 17, delete everything after “chapter 2,”

Page 1, line 18, delete “22, as amended; and”

Page 1, line 23, delete the second “subdivision” and insert “subdivisions”

Page 1, line 23, after “2c” insert “and 2d”

And when so amended H.F. No. 201 will be identical to S.F. No. 251, and further recommends that H.F. No. 201 be given its second reading and substituted for S.F. No. 251, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 10, 1983:

WATER PLANNING BOARD

Donald H. Ogaard
Paul E. Toren

MINNESOTA POLLUTION CONTROL AGENCY

Russell W. Domino

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. 39, 62, 224, 119, 72, 351, 221 and 344 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 201 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Schmitz moved that H.F. No. 68 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 62, now on General Orders. The motion prevailed.

Ms. Berglin moved that the name of Mr. Merriam be added as a co-author to S.F. No. 119. The motion prevailed.

Mr. Freeman moved that the name of Mr. Merriam be added as a co-author to S.F. No. 218. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Knutson be added as a co-author to S.F. No. 268. The motion prevailed.

Ms. Berglin moved that the name of Mr. Ulland be added as a co-author to S.F. No. 333. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 395. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Frank and Pogemiller be added as co-authors to S.F. No. 407. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Dicklich be added as a co-author to S.F. No. 410. The motion prevailed.

Mrs. Adkins moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 427. The motion prevailed.

CONFIRMATION

Mr. Purfeerst moved that the report from the Committee on Transportation, reported February 24, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Purfeerst moved that in accordance with the report from the Committee on Transportation, reported February 24, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN TRANSIT COMMISSION CHAIRMAN

Peter Stumpf, 1444 North Grotto, St. Paul, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

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. 15: Messrs. Schmitz, Luther and Kroening.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. introduced—

Senate Resolution No. 23: A Senate resolution relating to mileage and living expenses.

BE IT RESOLVED, by the Senate of the State of Minnesota:

Each member of the Senate who has moved from his usual place of lodging during a substantial part of the sessions of the 73rd 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 26 cents per mile, or any greater amount authorized by the commissioner of employee relations for state employees, for each trip during the 73rd Legislature.

Each member of the Senate shall be paid per diem living expenses in an amount up to \$36 for each calendar day during the sessions of the 73rd Legislature.

Each member of the Senate shall be reimbursed up to \$200 per month for his actual lodging expenses during the sessions of the 73rd Legislature.

Each member of the Senate shall certify in writing to the Secretary of the Senate for the actual travel and lodging 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.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Belanger	Dieterich	Lessard	Peterson, D. C.	Solon
Berglin	Frank	Luther	Peterson, R. W.	Spear
Brataas	Freeman	Merriam	Pogemiller	Ulland
Chmielewski	Hughes	Moe, D. M.	Purfeerst	Vega
Dahl	Johnson, D.J.	Moe, R. D.	Reichgott	Waldorf
Dicklich	Kroening	Nelson	Schmitz	Willet
Diessner	Lantry	Novak	Stieloff	

Those who voted in the negative were:

Adkins	DeCramer	Knaak	Olson	Samuelson
Anderson	Frederick	Knutson	Pehler	Storm
Benson	Frederickson	Kronebusch	Peterson, C. C.	Stumpf
Berg	Isackson	Laidig	Peterson, D. L.	Taylor
Bernhagen	Johnson, D.E.	Langseth	Petty	Wegscheid
Bertram	Jude	McQuaid	Ramstad	
Davis	Kamrath	Mehrkens	Renneke	

The motion prevailed. So the resolution was adopted.

CALENDAR

S.F. No. 113: A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

Was read the third time 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:

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

So the bill passed and its title was agreed to.

S.F. No. 47: A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue;

allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

Was read the third time 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 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Bertram, Davis, Samuelson and Ulland 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. Samuelson, Schmitz, Ms. Peterson, D.C.; Messrs. Knutson and Pogemiller introduced—

S.F. No. 430: A bill for an act relating to public improvements; authorizing the planning for and construction of a high security detention facility for female inmates; authorizing issuance of state bonds; appropriating money.

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

Messrs. Pehler, Davis, Merriam and Hughes introduced—

S.F. No. 431: A bill for an act relating to education; providing for a statewide laboratory school at St. Cloud; establishing committees; authorizing state aid to be paid for a laboratory school; appropriating money; proposing new law coded in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Mr. Benson introduced—

S.F. No. 432: A bill for an act relating to courts; permitting the appointment of a court commissioner in Fillmore County.

Referred to the Committee on Judiciary.

Messrs. Vega and Chmielewski introduced—

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

Referred to the Committee on Employment.

Messrs. Peterson, C.C.; Solon; Spear; Pehler and Johnson, D.J. introduced—

S.F. No. 434: A bill for an act relating to retirement; public employees retirement association; increasing the retirement annuity formula for members and police and fire members; amending Minnesota Statutes 1982, sections 353.29, subdivision 3; and 353.651, subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Solon; Pehler; Johnson, D.J. and Mrs. Lantry introduced—

S.F. No. 435: A bill for an act relating to retirement; public employees retirement association; reducing the combination of age and years of service required for full retirement; amending Minnesota Statutes 1982, section 353.30, subdivision 1a.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Moe, D.M.; Frederickson and Spear introduced—

S.F. No. 436: A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Renneke, Frederickson and Spear introduced—

S.F. No. 437: A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

Referred to the Committee on Governmental Operations.

Mr. Spear, Ms. Reichgott, Messrs. Luther; Peterson, R.W. and Johnson, D.E. introduced—

S.F. No. 438: A bill for an act relating to real property; limiting the

homestead exemption; amending Minnesota Statutes 1982, sections 510.01; and 510.04.

Referred to the Committee on Judiciary.

Messrs. Kamrath, Chmielewski, Bertram and Schmitz introduced—

S.F. No. 439: A bill for an act proposing an amendment to the Minnesota Constitution, article 1, adding a section to provide that the right to possess and use arms shall not be abridged.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Spear, Pogemiller, Ms. Peterson, D.C. and Mr. Belanger introduced—

S.F. No. 440: A resolution memorializing the President and Congress of the United States to amend the law to abolish the denial of financial aid benefits to students who refuse to register for the draft.

Referred to the Committee on Rules and Administration.

Mr. Stumpf introduced—

S.F. No. 441: A bill for an act relating to liquor; authorizing the city of Roseau to issue one on-sale license to an Eagles Club.

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

Messrs. Anderson; Johnson, D.E.; Mrs. Kronebusch, Messrs. Knaak and Frederick introduced—

S.F. No. 442: A bill for an act relating to transportation; authorizing reimbursement to local fire departments for expenses to put out fires in the rights-of-way of highways; appropriating money; amending Minnesota Statutes 1982, section 161.465.

Referred to the Committee on Transportation.

Messrs. Belanger; Peterson, D.L.; Nelson; Freeman and Hughes introduced—

S.F. No. 443: A bill for an act relating to education; authorizing Independent School District No. 271, Bloomington, to transfer to the general fund certain excess net proceeds from the lease of school buildings in the capital expenditure fund.

Referred to the Committee on Education.

Mr. Willet introduced—

S.F. No. 444: A bill for an act relating to taxation; requiring notice of estimated mill rate increases likely to result from bond issue submitted to electors; amending Minnesota Statutes 1982, section 475.59.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, R.W. introduced—

S.F. No. 445: A bill for an act relating to unemployment compensation; prescribing fees for filing contribution and reimbursement liens; amending Minnesota Statutes 1982, section 268.161, subdivision 1.

Referred to the Committee on Employment.

Messrs. Hughes; Moe, R.D.; Luther; Peterson, D.L. and Storm introduced—

S.F. No. 446: A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivisions 1 and 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.32, subdivision 1; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; repealing Minnesota Statutes 1982, sections 201.091, subdivision 6; and 204B.12, subdivision 2.

Referred to the Committee on Elections and Ethics.

Messrs. Jude, Schmitz, Lessard, Ramstad and Ms. Olson introduced—

S.F. No. 447: A bill for an act relating to veterans; reestablishing the board of governors of the Big Island Veterans Camp; providing for its appointment and duties; transferring certain state land to the board; providing for the possible disposition of the land by the board; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.13; 197.15; 197.16; 197.17; 197.18; and 197.19.

Referred to the Committee on Veterans and General Legislation.

Messrs. Petty; Johnson, D.J.; Novak; Peterson, C.C. and Merriam introduced—

S.F. No. 448: A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 5, 7, as amended, 10, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding subdivisions; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, D.L. introduced—

S.F. No. 449: A bill for an act relating to education; authorizing school districts to levy for the cost of asbestos removal or encapsulation; providing for an equalized special purpose capital expenditure aid; amending Minnesota Statutes 1982, sections 124.245, by adding a subdivision; and 275.125, subdivision 11a, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Pogemiller, Luther, Ramstad, Dahl and Willet introduced—

S.F. No. 450: A bill for an act relating to public safety; directing the commissioner of public safety to establish a program to encourage citizens to report suspected drunk drivers; proposing new law coded in Minnesota Statutes, chapter 299A.

Referred to the Committee on Transportation.

Messrs. Pogemiller, Willet, Purfeerst, Spear and Luther introduced—

S.F. No. 451: A bill for an act relating to state government; prohibiting expenditures for certain civil defense purposes; prescribing the contents of certain civil defense plans; requiring the posting of certain notices; amending Minnesota Statutes 1982, sections 12.21, subdivision 3; 12.22; and 12.25, subdivision 1; proposing new law coded in chapter 12.

Referred to the Committee on Governmental Operations.

Messrs. Pogemiller; Peterson, C.C. and Dahl introduced—

S.F. No. 452: A bill for an act relating to taxation; income; adopting federal income tax treatment of certain retirement plans; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended and 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pogemiller introduced—

S.F. No. 453: A bill for an act relating to job creation; establishing a small business job creation incentive program; appropriating money; proposing new law coded as Minnesota Statutes, chapter 268A.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller introduced—

S.F. No. 454: A bill for an act relating to governmental operations; imposing new duties on the small business finance agency; creating a small business job creation incentive program; providing for disbursement of funds to certain small businesses; appropriating money; amending Minnesota Statutes 1982, section 116J.88, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty; Peterson, R.W.; Dahl and Sieloff introduced—

S.F. No. 455: A bill for an act relating to nonprofit corporations; providing for approval of certain actions by boards of directors without formal board meetings; amending Minnesota Statutes 1982, section 317.20, subdivision 12.

Referred to the Committee on Judiciary.

Messrs. Petty, Schmitz, Lessard, Freeman and Sieloff introduced—

S.F. No. 456: A bill for an act relating to metropolitan government; allowing certain revenue to be expended to improve minor airports; repealing Minnesota Statutes 1982, section 473.641, subdivision 4.

Referred to the Committee on Local and Urban Government.

Messrs. Petty; Peterson, R.W. and Dahl introduced—

S.F. No. 457: 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 1982, sections 55.10, subdivision 2; 291.20; and 385.36.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Novak, Purfeerst and Vega introduced—

S.F. No. 458: A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending Minnesota Statutes 1982, section 473.446, subdivision 1.

Referred to the Committee on Transportation.

Mrs. Lantry, Messrs. Novak, Vega and Laidig introduced—

S.F. No. 459: A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Luther, Pogemiller, Petty and Spear introduced—

S.F. No. 460: A bill for an act relating to crimes; providing for municipal prosecution of gross misdemeanors; amending Minnesota Statutes 1982, sections 487.25, subdivision 10; and 488A.12, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Wegscheid, Renneke, DeCramer, Merriam and Solon introduced—

S.F. No. 461: 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 1982, section 32.212.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Belanger, Knaak, Dieterich, Purfeerst and Spear introduced—

S.F. No. 462: A bill for an act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, subdivision 2.

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

Mrs. Lantry, Messrs. Schmitz, Solon, Mrs. Adkins and Mr. Belanger introduced—

S.F. No. 463: A bill for an act relating to port authorities; authorizing revenue bond financing of certain facilities; eliminating the interest rate limit on revenue bonds and authorizing private sale; clarifying contractual and operational authority of port authorities; amending Minnesota Statutes 1982, sections 458.192, subdivisions 1, 4, and by adding a subdivision; 458.194, subdivisions 2, 3, and by adding a subdivision; and 458.195, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Mrs. Lantry, Messrs. Schmitz, Solon, Mrs. Adkins and Mr. Belanger introduced—

S.F. No. 464: A bill for an act relating to port authorities; providing for approval of port authority land sales; amending Minnesota Statutes 1982, section 458.17.

Referred to the Committee on Local and Urban Government.

Messrs. Peterson, C.C.; DeCramer; Langseth; Taylor and Wegscheid introduced—

S.F. No. 465: A bill for an act relating to agriculture; redefining agricultural alcohol gasoline; providing a tax reduction for agricultural alcohol gasoline; providing an additional reduction for agricultural alcohol gasoline sold to local units of government; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, by adding subdivisions; repealing Minnesota Statutes 1982, section 296.02, subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, C.C. introduced—

S.F. No. 466: A bill for an act relating to game and fish; prohibiting firing upon, over, or across a public highway for the purpose of taking migratory waterfowl; amending Minnesota Statutes 1982, section 100.31.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bernhagen, Stumpf, Mehrkens, Mmes. Adkins and Kronebusch

introduced—

S.F. No. 467: A bill for an act relating to advertising devices; authorizing produce vendors to locate a sign on farm homestead property; amending Minnesota Statutes 1982, section 173.08, subdivision 1.

Referred to the Committee on Transportation.

Mrs. Brataas, Mr. Benson, Mrs. Lantry and Ms. Berglin introduced—

S.F. No. 468: A bill for an act relating to occupations and professions; regulating physicians attending the graduate school of the Mayo foundation; amending Minnesota Statutes 1982, section 147.20.

Referred to the Committee on Health and Human Services.

Mrs. Brataas, Mr. Benson, Mrs. Lantry and Ms. Berglin introduced—

S.F. No. 469: A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, subdivision 1.

Referred to the Committee on Health and Human Services.

Mr. Knaak, Ms. Olson and Mr. Ramstad introduced—

S.F. No. 470: A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; prohibiting operating or riding while seated upon seat backs; amending Minnesota Statutes 1982, sections 361.09, subdivision 1; and 361.11.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Taylor, Pehler, Mrs. Kronebusch, Messrs. Nelson and Waldorf introduced—

S.F. No. 471: A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

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

S.F. No. 472: A bill for an act relating to local government; authorizing sewer and water commissions to obtain accountant services; amending Minnesota Statutes 1982, section 116A.24, subdivision 2.

Referred to the Committee on Local and Urban Government.

Mr. Freeman, Ms. Reichgott and Mr. Luther introduced—

S.F. No. 473: A bill for an act relating to highway traffic regulations;

providing for limitations on persons who must be brought to detoxification facilities; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

Referred to the Committee on Judiciary.

Messrs. Petty, Spear, Frederickson and Frederick introduced—

S.F. No. 474: A bill for an act relating to retirement; guaranteeing public employees pension benefits; proposing new law coded in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

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

MOTIONS AND RESOLUTIONS

Ms. Peterson, D.C. moved that S.F. No. 383 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Energy and Housing. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, March 3, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTIETH DAY

St. Paul, Minnesota, Thursday, March 3, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Dr. Charles S. Anderson.

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

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

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. Frederickson; Peterson, R.W. and Petty were excused from the Session of today. Ms. Berglin was excused from the Session of today at 11:10 a.m. Mr. Ramstad was excused from the Session of today from 10:00 to 10:30 a.m. Mr. Kroening was excused from the Session of today at 11:40 a.m. Mr. Hughes was excused from the Session of today at 12:15 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 2, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 390.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 25: A bill for an act relating to crimes; prohibiting adulterating substances intended for use by persons with substances causing bodily harm or death; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Senate File No. 25 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1983

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S.F. No. 25 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 25 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 65: A bill for an act relating to local improvements; providing the

method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

Senate File No. 65 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1983

CONCURRENCE AND REPASSAGE

Mrs. Adkins moved that the Senate concur in the amendments by the House to S.F. No. 65 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 65 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:

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

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 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. 15: A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and

473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

There has been appointed as such committee on the part of the House:
Osthoff, Metzen and Blatz.

Senate File No. 15 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 79, 171, 215 and 364.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 79: A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, sections 260.125, subdivision 2, and by adding a subdivision; and 260.173, subdivision 4; repealing Minnesota Statutes 1982, section 260.125, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 144.

H.F. No. 171: A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 215: A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 364: A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 344, 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. Purfeerst from the Committee on Transportation, to which was re-

ferred

S.F. No. 214: A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; amending Minnesota Statutes 1982, section 169.685, by adding subdivisions.

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

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1982, section 65B.133, subdivision 5, is amended to read:

Subd. 5. [LIMITATION ON CHARGEABLE TRAFFIC VIOLATIONS.] No traffic violation is chargeable to a driver unless the driver is convicted of, or forfeits bail for, the offense, or the driver’s license is revoked pursuant to section 169.123. If a surcharge is applied because bail is forfeited and if the driver is later acquitted of the offense, the insurer shall rebate the surcharge. *A violation of section 2 is not chargeable.*”

Page 1, line 11, delete “shall” and insert “may”

Page 1, lines 12 and 13, delete “properly adjusted and fastened”

Page 1, line 13, after “belt” insert “that is provided for use in the motor vehicle”

Page 1, line 15, delete “shall” and insert “may”

Page 1, line 20, delete “any” and insert “a”

Page 1, line 22, delete “any” and insert “a”

Page 1, line 25, delete “any persons” and insert “a person” and delete “have” and insert “has”

Page 2, lines 1 and 2, delete “section 1 does not apply to the person if”

Page 2, line 4, delete “department” and insert “commissioner of public safety”

Page 2, line 6, delete “any” and insert “a”

Page 2, line 9, delete “that” and insert “the”

Page 2, after line 16, insert:

“Sec. 4. [INSURANCE PREMIUM REDUCTIONS.]

All insurers offering motor vehicle insurance coverage in this state shall study the effects of this act on the amount paid on motor vehicle accident claims. If an insurer determines that this act has resulted in a reduction in the amount of claims paid, it shall adjust its premium rates accordingly.”

Page 2, line 18, delete “Sections 1 and 2 are” and insert “This act is”

Page 2, line 19, delete “section 1” and insert “section 2”

Page 2, line 19, delete “shall” and insert “does”

Page 2, line 20, delete “violation of section 1 shall” and insert “person who violates section 2 may”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "prohibiting a surcharge for failure to use seatbelts; requiring insurers to reduce premium rates if claim amounts are reduced; providing a penalty;"

Page 1, line 4, delete "section" and insert "sections 65B.133, subdivision 5; and"

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

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

S.F. No. 342: A bill for an act relating to transportation; increasing the gasoline excise tax; delaying the phased transfer of the motor vehicle excise tax; transferring an appropriation and authority to issue bonds from the transportation fund to the trunk highway fund; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02; and 297B.09.

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

Page 1, after line 10, insert:

"Section 1. [169.833] [ADDITION OF TRUNK HIGHWAYS TO DESIGNATED ROUTE SYSTEM.]

Subdivision 1. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway routes to be added to the system of routes designated under section 169.832. The commissioner shall consult with representatives of the trucking, shipping, and agricultural industries and local authorities in developing the list. A route shall be added to the designated route system after completion of road improvements that provide road strength adequate to carry the permissible weights under section 169.825 or when the commissioner otherwise determines that designation of a route is reasonable.

Subd. 2. [FUNDING OF ADDITIONS TO SYSTEM.] The commissioner shall expend 15 percent of the increase in revenue to the trunk highway system resulting from the increase in the gasoline excise tax under section 2 and 15 percent of the revenue accruing to the trunk highway system from future increases in the gasoline excise tax for the purposes of subdivision 1."

Page 1, line 13, delete "GASOHOL"

Page 1, line 14, delete "or "gasohol""

Page 1, line 15, after "is" insert "denatured"

Page 1, line 16, strike "at least 190" and insert "200"

Page 1, line 17, after "296.02," insert "subdivision 1,"

Page 1, delete line 19

Page 2, delete lines 17 to 19 and insert:

"Sec. 4. Minnesota Statutes 1982, section 296.02, is amended by adding

a subdivision to read:"

Page 2, line 23, delete "June 30, 1984" and insert "December 31, 1983"

Page 2, line 25, delete "July" and insert "January"

Page 2, line 26, delete "16" and insert "18"

Page 2, after line 26, insert:

"Sec. 5. Minnesota Statutes 1982, section 296.02, subdivision 2, is amended to read:"

Page 2, after line 33, insert:

"Sec. 6. Minnesota Statutes 1982, section 296.02, subdivision 3, is amended to read:"

Page 3, delete lines 2 to 4 and insert:

"Sec. 7. Minnesota Statutes 1982, section 296.02, subdivision 6, is amended to read:"

Page 3, delete lines 12 to 33 and insert:

"Sec. 8. Minnesota Statutes 1982, section 296.02, is amended by adding a subdivision to read:

Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning January 1, 1984 and continuing through December 31, 1985, and four cents per gallon beginning January 1, 1986 and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used in producing and generating power for propelling motor vehicles used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1.

Sec. 9. Minnesota Statutes 1982, section 296.02, is amended by adding a subdivision to read:

Subd. 9. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD TO LOCAL GOVERNMENTS.] The tax on gasoline imposed by subdivision 1 shall be reduced by four cents per gallon beginning January 1, 1984, through June 30, 1985, and two cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 8, and is sold to local units of government. These reductions are in addition to those specified in subdivision 8."

Pages 5 and 6, delete section 4

Page 6, after line 5, insert:

"Sec. 11. [REPEALER.] Minnesota Statutes 1982, section 296.02, subdivision 7, is repealed."

Page 6, line 7, delete "4" and insert "11"

Page 6, line 7, before "month" insert "calendar"

Page 6, line 8, delete "is" and insert "begins" and after the period, insert "Increases in rates under section 4 apply to gasoline in distributor bulk storage on the date of the increase."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for the addition of designated routes in the trunk highway system; redefining agricultural alcohol gasoline;"

Page 1, line 3, after the semicolon, insert "providing tax reductions for agricultural alcohol gasoline;"

Page 1, line 4, delete "transferring an appropriation and"

Page 1, delete line 5

Page 1, line 6, delete "to the trunk highway fund;"

Page 1, line 7, after "296.02" insert "", subdivisions 1, 2, 3, and 6, and by adding subdivisions"

Page 1, line 8, after "297B.09" insert ""; proposing new law coded in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1982, section 296.02, subdivision 7"

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

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

S.F. No. 233: A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, by adding a subdivision.

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

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

S.F. No. 152: A bill for an act relating to conciliation courts; eliminating certain obsolete provisions; amending Minnesota Statutes 1982, section 491.06, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

Minnesota Statutes 1982, sections 491.01; 491.02; 491.03; 491.04; 491.05; 491.06; 491.07; 491.08; 492.01; 492.02; 492.03; 492.04; 492.05; 492.06; 493.01; 493.02; 493.03; and 493.04; are repealed.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after "courts" insert "", traffic violations bureaus, and

ordinance violations bureaus”

Page 1, line 3, delete “amending” and insert “repealing”

Page 1, line 4, delete “section 491.06, subdivision 1” and insert “chapters 491; 492; and 493”

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

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

S.F. No. 144: A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, section 260.125, subdivision 2, and by adding a subdivision.

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

Page 1, line 22, after “that” insert a colon

Page 1, line 24, strike “promulgated pursuant to section 480.059”

Page 2, line 1, before “and” insert a semicolon

Page 2, line 10, delete “*in any case*” and insert “*for an offense which is a felony*”

Page 2, line 11, after “*prosecution*” insert “*for an offense which is a felony*”

Page 2, line 12, delete everything after the first “*reference*” and insert “*issued either pursuant to a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing.*”

Page 2, after line 13, insert:

“This subdivision does not apply in any case where the only previous order of reference was in a case where the child was acquitted of the offense or offenses for which he was prosecuted pursuant to the order of reference.”

Page 2, line 16, delete “*petitions*” and insert “*adult reference motions*” and after the period insert “*Orders for reference issued prior to the effective date shall be considered in the enforcement of this act.*”

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

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

S.F. No. 269: A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

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

Page 1, line 13, strike “; and” and insert a period

Page 1, line 17, strike “; and,” and insert a period

Page 2, line 6, strike “, provided that” and insert a period

Page 2, line 19, delete “*which is*”

Page 2, line 20, delete “*and which is*”

Page 2, line 23, delete the first “*the*” and insert “*its*” and delete “*thereof*”

Page 2, line 23, delete “*, and*” and insert “*between a participant, former participant, or beneficiary, and a plan*”

Page 3, lines 1, 9, 13, and 18, strike “*such*” and insert “*the*”

Page 3, lines 5 and 8, strike “*the same*” and insert “*them*”

Page 3, line 12, strike the first “*such*” and insert “*the*” and strike the second “*such*” and insert “*a*”

Page 3, line 13, strike “*to*” and strike “*may*”

Page 3, line 14, strike “*seem*” and insert “*deems*”

Page 3, line 27, strike “*such*”

Page 3, line 35, strike “*such*” and insert “*those*”

Page 4, lines 7, 12, 15, 21, 30, 33, and 36, strike “*such*” and insert “*the*”

Page 4, line 8, strike “*kindergarten or other*”

Page 4, lines 10, 14, 16, 17, 18, and 20, strike “*any such*” and insert “*the*”

Page 4, line 11, strike “*wherein such*” and insert “*in which the*”

Page 4, line 13, strike “*such*”

Page 4, line 17, strike “*shall be*” and insert “*is*”

Page 4, line 21, strike “*said*” and insert “*the*”

Page 4, line 22, strike “*wherein said*” and insert “*in which the*”

Page 5, line 2, after “*enactment*” insert “*and applies to all contracts and trusts created before, on, or after that day*”

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. 68 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.
68	62				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 68 be amended as follows:

Page 2, delete lines 13 and 14

And when so amended H.F. No. 68 will be identical to S.F. No. 62, and further recommends that H.F. No. 68 be given its second reading and substituted for S.F. No. 62, 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. 214, 342, 233, 152, 144 and 269 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 68 was read the second time.

MOTIONS AND RESOLUTIONS

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

Mr. Peterson, D.L. moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 345. The motion prevailed.

Mr. Bertram moved that the name of Mr. Lessard be added as a co-author to S.F. No. 355. The motion prevailed.

Mr. Vega moved that the name of Mr. Davis be added as a co-author to S.F. No. 433. The motion prevailed.

Mr. Peterson, D.L. moved that the names of Messrs. Solon and Dieterich be added as co-authors to S.F. No. 449. The motion prevailed.

Mr. Petty moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 457. The motion prevailed.

Mr. Diessner introduced—

Senate Resolution No. 24: A Senate resolution acknowledging and supporting Youth Art Month in Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved that the report from the Committee on Rules and Administration of February 22, 1983, pertaining to Permanent Rules, 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 that the Permanent Rules contained in the committee report be adopted as the Permanent Rules of the Senate for the 73rd Legislature.

Mr. Knaak moved to amend the Permanent Rules of the Senate as follows:

Rule 32, after the first paragraph, insert:

“A bill shall not be presented for introduction by a committee unless the committee has developed the bill and voted to designate the bill as a committee bill.”

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

Mr. Berg moved to amend the Permanent Rules of the Senate as follows:

Page 25, after line 10, insert:

“A political committee organized to influence the nomination or election of a state legislator or constitutional officer may not solicit or accept contributions from a lobbyist between the time the legislature is convened as a body empowered to enact legislation and the end of the period during which the governor may sign acts passed by the legislature. This provision does not apply to caucus fund raisers.”

Mr. Kroening questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Berg then moved to amend the Permanent Rules of the Senate as follows:

Page 25, after line 10, insert:

“A political committee organized to influence the nomination or election of a state senator may not solicit or accept contributions from a lobbyist between the time the legislature is convened as a body empowered to enact legislation and the end of the period during which the governor may sign acts passed by the legislature. This provision does not apply to caucus fund raisers.”

The President ruled that the amendment was not germane.

The question recurred on the motion of Mr. Moe, R.D.

The roll was called, and there were yeas 53 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Nelson	Schmitz
Anderson	Diessner	Kronebusch	Novak	Solon
Belanger	Dieterich	Laidig	Olson	Spear
Berg	Frank	Langseth	Pehler	Storm
Berglin	Frederick	Lantry	Peterson,C.C.	Stumpf
Bernhagen	Freeman	Lessard	Peterson,D.C.	Vega
Bertram	Hughes	Luther	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Reichgott	Willet
Davis	Jude	Moe, D. M.	Renneke	
DeCramer	Knutson	Moe, R. D.	Samuelson	

Those who voted in the negative were:

Benson	Kamrath	Mehrkens	Ramstad	Taylor
Brataas	Knaak	Peterson,D.L.	Sieloff	Ulland
Isackson				

The motion prevailed. So the Permanent Rules of the Senate were adopted.

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:

H.F. No. 201, which the committee recommends to pass with the following amendments offered by Messrs. Novak and Sieloff:

Mr. Novak moved to amend H.F. No. 201, as amended pursuant to Rule 49, adopted by the Senate February 28, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 251.)

Page 37, lines 15 and 25, correct the numbering of the sections in the proper sequence

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H.F. No. 201, as amended pursuant to Rule 49, adopted by the Senate February 28, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 251.)

Page 20, line 10, delete “, at the election”

Page 20, line 11, delete “of the taxpayer.”

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend H.F. No. 201, as amended pursuant to Rule 49, adopted by the Senate February 28, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 251.)

Page 32, delete section 25 and insert:

“Sec. 25. [TEMPORARY EXEMPTION FROM INTEREST.]

If a taxpayer, who has a tax liability owed to the state that was due prior to March 1, 1983, and was not paid by the due date, pays the full amount of the tax and any penalty on the tax by June 30, 1983, no interest shall be required to be paid on that tax liability. If the taxpayer has tax delinquencies with respect to more than one type of state-imposed tax, including but not limited to income, withholding, sales, motor vehicle excise, gross earnings, production, occupation, royalty taxes, and other excise taxes, payment of the full amount of one type of delinquent tax and the penalty on that tax shall result in the exemption of only that liability from interest.”

Amend the title as follows:

Page 1, line 14, delete “and by adding a subdivision”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Kamrath	Lessard	Ramstad
Belanger	Chmielewski	Knaak	McQuaid	Renneke
Benson	Frederick	Knutson	Mehrkens	Sieloff
Berg	Isackson	Kronebusch	Olson	Storm
Bernhagen	Johnson, D.E.	Laidig	Peterson,D.L.	Ulland

Those who voted in the negative were:

Adkins	Dieterich	Langseth	Novak	Samuelson
Bertram	Frank	Lantry	Pehler	Stumpf
Dahl	Freeman	Luther	Peterson, C.C.	Vega
Davis	Hughes	Merriam	Peterson, D.C.	Waldorf
DeCramer	Johnson, D.J.	Moe, D. M.	Pogemiller	Wegscheid
Dicklich	Jude	Moe, R. D.	Purfeerst	Willet
Diessner	Kroening	Nelson	Reichgott	

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

S.F. No. 96, which the committee recommends to pass with the following amendments offered by Messrs. Johnson, D.J. and Renneke:

Mr. Johnson, D.J. moved to amend S.F. No. 96 as follows:

Page 4, lines 3 to 11, reinstate the stricken language

The motion prevailed. So the amendment was adopted.

Mr. Renneke moved to amend S.F. No. 96, as amended by the Johnson, D.J. amendment as follows:

Page 3, line 33, reinstate "The board shall by"

Page 3, line 34, reinstate "August 1 of each year" and reinstate "prepare a list of"

Page 3, line 36, reinstate the stricken language

Page 4, lines 1 to 11, reinstate the stricken language

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Johnson, D.J. amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 186, which the committee recommends to pass, after the following motion:

Mr. Kamrath moved to amend S.F. No. 186 as follows:

Page 2, line 7, after "should" delete "speedily enact legislation to freeze"

Page 2, delete lines 8 and 9 and insert "reevaluate the effects of the Natural Gas Policy Act of 1978 and speedily enact legislation to implement the original intentions of the Act."

Amend the title as follows:

Page 1, line 2, after "to" delete "freeze"

Page 1, delete lines 3 and 4 and insert "reevaluate the effects of the Natural Gas Policy Act of 1978 and speedily enact legislation to implement the original intentions of the Act."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Taylor
Benson	Isackson	Kronebusch	Peterson, D.L.	Ulland
Berg	Johnson, D.E.	Laidig	Renneke	
Bernhagen	Kamrath	McQuaid	Sieloff	
Brataas	Knaak	Mehrkens	Storm	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Pehler	Solon
Bertram	Frank	Lessard	Peterson, D.C.	Spear
Dahl	Freeman	Luther	Pogemiller	Stumpf
Davis	Johnson, D.J.	Merriam	Purfeerst	Vega
DeCramer	Jude	Moe, R. D.	Reichgott	Wegscheid
Dicklich	Langseth	Novak	Samuelson	Willet

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. DeCramer introduced—

S.F. No. 475: A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy firefighters.

Referred to the Committee on Governmental Operations.

Mrs. Lantry introduced—

S.F. No. 476: A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

Referred to the Committee on Judiciary.

Mr. Renneke introduced—

S.F. No. 477: A bill for an act relating to taxation; redefining agricultural alcohol gasoline; changing the amount and duration of the tax reduction for agricultural alcohol gasoline; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Knaak, Laidig and Ms. Olson introduced—

S.F. No. 478: A bill for an act relating to education; clarifying transportation aid authorization for transportation to and from alternative educational programs actually attended within the district; amending Minnesota Statutes 1982, section 124.223.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 479: A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

Referred to the Committee on Local and Urban Government.

Mr. Moe, D.M. introduced—

S.F. No. 480: 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 Governmental Operations.

Mr. Spear, Ms. Peterson, D.C.; Messrs. Pogemiller, Belanger and Luther introduced—

S.F. No. 481: A bill for an act relating to commerce; requiring towing companies to accept payment by check or credit card in certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325E.

Referred to the Committee on Economic Development and Commerce.

Messrs. Peterson, R.W.; Merriam; Johnson, D.J.; Peterson, C.C. and Ulland introduced—

S.F. No. 482: A bill for an act relating to taxation; providing for changes in the laws relating to delinquent real estate taxes, real estate tax judgment sales and redemptions and tax forfeited land sales; amending Minnesota Statutes 1982, sections 276.04; 279.05; 279.06; 279.14; 279.15; 279.16; 279.20; 280.01; 280.07; 280.10; 280.38; 280.385, subdivision 1; 281.01; 281.02; 281.03; 281.05; 281.17; 281.18; 281.23; 281.25; 281.34; 281.36; 281.39; 282.01, subdivision 5; 282.039; 282.17; 282.171; 282.222, subdivisions 4 and 5; 282.301; and 559.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 276; 279; 280; and 282.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, R.W.; Moe, R.D.; Pogemiller and Sieloff introduced—

S.F. No. 483: A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

Referred to the Committee on Judiciary.

Messrs. Dahl, Pogemiller, Mrs. Lantry, Messrs. Freeman and Kroening introduced—

S.F. No. 484: A resolution memorializing the President and Congress of the United States to adopt legislation or take other appropriate action to moderate the astronomical increases in natural gas prices.

Referred to the Committee on Energy and Housing.

Mr. Peterson, R.W.; Ms. Berglin, Mrs. Lantry and Mr. Merriam introduced—

S.F. No. 485: A bill for an act relating to motor vehicles; protecting personal information on motor vehicle registration forms; amending Minnesota Statutes 1982, section 168.34.

Referred to the Committee on Judiciary.

Messrs. Stumpf; DeCramer; Peterson, C.C.; Willet and Moe, R.D. introduced—

S.F. No. 486: A bill for an act relating to agriculture; appropriating money for the Minnesota barley improvement association; providing for repayment to the state.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.J.; Moe, R.D.; Luther; Peterson, C.C. and Ms. Berglin introduced—

S.F. No. 487: A bill for an act relating to taxation; extending the duration of the income tax surcharge; extending six percent sales tax rate to sales of motor vehicles and making the six percent rate permanent; extending the sales tax to over-the-counter sales of periodicals; delaying the date that the motor vehicle excise tax receipts are credited to certain funds; providing that Minnesota itemized deductions are the same as federal itemized deductions with certain modifications; eliminating the income tax credits for certain taxes paid; providing income tax credits for certain small business investment; changing rates, computation, and certain maximum credits for certain agricultural, recreational, and homestead property; eliminating certain property tax credits; changing the property tax refund provisions; applying the property tax tree growth provisions to all counties; changing certain special levies; changing the application of certain levy limits and local government aids and providing for their computation; providing that the estate tax shall be equal to or a proportion of the maximum federal estate tax credit for state taxes; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; 270.34; 270.36, subdivision 2; 270.38, subdivision 2; 272.02, subdivision 1; 273.13, subdivisions 6, 7, and 9; 275.50, subdivisions 2, 4, 5, and by adding subdivisions; 275.51, subdivisions 1, 4, and by adding subdivisions; 275.55; 275.56; 275.58, subdivisions 1, 2, 3, and 6; 290.01, subdivisions 19, 20a, as amended, and 20b, as amended; 290.06, subdivisions 2e, 11, and 13; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 6; 290.091; 290.14; 290.16, subdivision 9; 290.18, subdivisions 1 and 2; 290.21, subdivisions 1 and 3; 290.23, subdivision 5; 290.31, subdivisions 2 and 3; 290.39, subdivision 2; 290.46; 290.92, subdivision 2a; 290A.03, subdivisions 3, 11, and 13; 290A.04, subdivisions 1, 2, and 3; 290A.16; 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a and 3a; 291.11, subdivision 1; 291.132, subdivision 1; 291.215, subdivisions 1 and 3; 296.18, subdivision 1; 296.421, subdivision 5; 297A.02, as amended; 297A.03, subdivision 2, as amended; 297A.14, as amended; 297A.25, subdivision 1; 297B.02, as amended; 297B.09, subdivisions 1 and 2; 477A.011, subdivisions 2, 7, 10, 11, and by adding a subdivision; 477A.012; 477A.013, subdivision 2, and by adding subdivisions; 477A.014, subdivisions 1, 2, and 3; 477A.015; 477A.03, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 270.75, subdivision 7; 273.115; 273.116; 273.138; 275.50, subdivisions 6 and 7; 275.51, subdivision 3e; 275.54; 275.561; 275.57; 275.58, subdivision 4; 290.01, subdivision 23; 290.06, subdivisions 9 and 9a; 290.077, subdivision 2; 290.09, subdivisions 10, 15, 22, and 27; 290.21, subdivision 3a; 290.501; 290A.04, subdivisions 2a, 2b, 2c, and 2d; 291.015; 291.03, subdivisions 3, 4, 5, 6,

and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.132, subdivisions 2, 3, and 4; 291.15, subdivision 3; 477A.011, subdivisions 6, 8, and 9; 477A.013, subdivision 1; and Laws 1982, Third Special Session chapter 1, article V, section 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 488: A bill for an act relating to taxation; reducing the excise tax on agricultural alcohol gasoline; amending Minnesota Statutes 1982, section 296.02, by adding a subdivision; repealing Minnesota Statutes 1982, section 296.02, subdivision 7.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Solon, Laidig and Dahl introduced—

S.F. No. 489: A bill for an act relating to insurance; extending the insurance division revolving fund; 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; requiring certain disclosures on credit insurance policies and application; amending Minnesota Statutes 1982, sections 60A.02, subdivision 7; 60A.03, subdivision 6; 60A.17, subdivisions 1 and 6c; and proposing new law coded in Minnesota Statutes, chapter 60A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Pehler, DeCramer, Pogemiller, Willet and Frederick introduced—

S.F. No. 490: A bill for an act relating to education; authorizing instruction in techniques of cardiopulmonary resuscitation for secondary school pupils; appropriating money; proposing new law coded in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Ms. Berglin, Mrs. Lantry, Messrs. Samuelson, Knutson and Renneke introduced—

S.F. No. 491: A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1982, sections 214.001, subdivision 2; 214.06, subdivision 1; 214.13, subdivisions 2 and 3; and 214.14, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Mr. Benson and Mrs. Adkins introduced—

S.F. No. 492: A bill for an act relating to financial institutions; regulating

certain acquisitions by bank holding companies; defining terms; prescribing limitations; proposing new law coded in Minnesota Statutes, chapter 47.

Referred to the Committee on Economic Development and Commerce.

Mr. Petty, Ms. Peterson, D.C.; Messrs. Wegscheid, Solon and Dahl introduced—

S.F. No. 493: A bill for an act relating to commerce; regulating debt collection practices; broadening the classification of prohibited practices; amending Minnesota Statutes 1982, section 332.37; proposing new law coded in Minnesota Statutes, chapter 332.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 494: A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16, by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, subdivision 7.

Referred to the Committee on Elections and Ethics.

Ms. Peterson, D.C. and Mr. Schmitz introduced—

S.F. No. 495: A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Ms. Peterson, D.C. and Mrs. Lantry introduced—

S.F. No. 496: A bill for an act relating to health; providing that noncustodial parents be excused from certain abortion notification requirements; amending Minnesota Statutes 1982, section 144.343, subdivision 3.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Messrs. Pogemiller, Vega and Ms. Berglin introduced—

S.F. No. 497: A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing for the abatement of certain court actions; allowing a penalty in certain cases; amending Minnesota Statutes 1982, section 116J.27, by adding subdivisions.

Referred to the Committee on Energy and Housing.

Mr. Nelson introduced—

S.F. No. 498: A bill for an act relating to education; specifying requirements for petitions to school boards; amending Minnesota Statutes 1982, section 123.32, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Luther, Hughes, Dahl and Ms. Peterson, D.C. introduced—

S.F. No. 499: A bill for an act relating to elections; clarifying and correcting certain provisions in the ethics in government act; amending Minnesota Statutes 1982, sections 10A.01, subdivision 5; 10A.04, subdivision 4a; 10A.20, subdivision 5; 10A.25, subdivision 2; and 10A.255, by adding a subdivision; repealing Minnesota Statutes 1982, section 10A.25, subdivision 7.

Referred to the Committee on Elections and Ethics.

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

S.F. No. 500: A bill for an act relating to commerce; altering certain interest rate provisions on modifications or renegotiations of cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

Referred to the Committee on Energy and Housing.

Messrs. Chmielewski; Bertram; Moe, R.D.; Schmitz and Lessard introduced—

S.F. No. 501: A bill for an act relating to retirement; disposition of state police aid; amending Minnesota Statutes 1982, section 69.031, subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 502: A bill for an act relating to taxation; sales; exempting retail sales of electricity from the sales tax; imposing an excise tax on sales and use of kilowatt hours of electricity; amending Minnesota Statutes 1982, sections 297A.25, subdivision 1; 297A.35, subdivision 3; and proposing new law coded in chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lessard and Bertram introduced—

S.F. No. 503: A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 5 which prohibits lotteries.

Referred to the Committee on Veterans and General Legislation.

Mr. Dicklich introduced—

S.F. No. 504: A bill for an act relating to education; increasing the size of the higher education coordinating board by adding two student members;

amending Minnesota Statutes 1982, section 136A.02, subdivision 1.

Referred to the Committee on Education.

Mr. Dicklich introduced—

S.F. No. 505: A bill for an act relating to education; requiring that teachers of certain learning disabled pupils provide direct instruction to the pupils for five hours during each regular school day; authorizing the state board of education to promulgate rules; proposing new law coded in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Mr. Sieloff introduced—

S.F. No. 506: A bill for an act relating to probate; changing the time for closing certain estates; amending Minnesota Statutes 1982, section 524.3-1003.

Referred to the Committee on Judiciary.

Mr. Belanger, Mrs. Lantry, Messrs. Wegscheid, Solon and Benson introduced—

S.F. No. 507: A bill for an act relating to health; requiring ophthalmic dispensers to have licenses; establishing a board of ophthalmic dispensers; setting a penalty; appropriating money; amending Minnesota Statutes 1982, section 214.01, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 148.

Referred to the Committee on Health and Human Services.

Messrs. Solon, Nelson and Ulland introduced—

S.F. No. 508: A bill for an act relating to state government; ratifying changes in the state employee bargaining unit composition schedule; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; amending Minnesota Statutes 1982; section 179.741, subdivision 1, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Renneke and Laidig introduced—

S.F. No. 509: A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Wegscheid, Storm and Vega introduced—

S.F. No. 510: A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

Referred to the Committee on Energy and Housing.

Messrs. Pehler, Merriam, Benson, Luther and Davis introduced—

S.F. No. 511: A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bertram, Lessard, Storm, Samuelson and Schmitz introduced—

S.F. No. 512: A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Referred to the Committee on Veterans and General Legislation.

Messrs. Dicklich and Nelson introduced—

S.F. No. 513: A bill for an act relating to education; authorizing the state board for vocational education, the state board for community colleges, and the state university board to close institutions in their respective systems; amending Minnesota Statutes 1982, sections 121.21, subdivision 4; 136.03; and 136.62, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Peterson, D.L.; Mehrkens; DeCramer; Purfeerst and Mrs. Lantry introduced—

S.F. No. 514: A bill for an act relating to state lands; specifying the price at which certain lands will be reconveyed by the department of transportation to the original owners; amending Minnesota Statutes 1982, section 161.44, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Peterson, D.L.; Isackson; Schmitz; Bertram and Davis introduced—

S.F. No. 515: A bill for an act relating to local government; permitting the open burning of leaves in cities and towns; amending Minnesota Statutes 1982, section 116.082.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Moe, R.D. introduced—

S.F. No. 516: A bill for an act relating to appropriations; appropriating funds for construction or installation of a certain culvert in High Island Subdivision, Clearwater County.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

S.F. No. 517: A bill for an act relating to advertising devices; defining service club and religious notices for purposes of outdoor advertising control; amending Minnesota Statutes 1982, section 173.02, subdivision 6.

Referred to the Committee on Transportation.

Messrs. Moe, D.M. and Luther introduced—

S.F. No. 518: A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; amending Minnesota Statutes 1982, sections 3.095; 3.303, subdivision 3; 3.304, subdivision 2a; 3.305; 3.85, subdivision 5; 3.86, subdivision 5; 3.9222, subdivision 6; 3.97, subdivision 5; 16.012; 16.72, subdivision 6; 43A.18, subdivision 6; and 648.31, subdivision 5.

Referred to the Committee on Governmental Operations.

Messrs. Wegscheid, Schmitz, Berg, Merriam and Laidig introduced—

S.F. No. 519: A bill for an act relating to taxation; property; clarifying the valuation of agricultural land located in cities; amending Minnesota Statutes 1982, section 273.11, subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl; Johnson, D.J.; Vega; Langseth and Taylor introduced—

S.F. No. 520: A bill for an act relating to taxation; sales; including wind generators in the definition of farm machinery; amending Minnesota Statutes 1982, section 297A.01, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl, Vega and Willet introduced—

S.F. No. 521: A bill for an act relating to employment; regulating employee inventions related to energy; amending Minnesota Statutes 1982, section 181.78, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Benson, Mrs. Kronebusch, Messrs. Davis, Merriam and Johnson, D.E. introduced—

S.F. No. 522: A bill for an act relating to agriculture; providing for state guaranteed crop planting loans; appropriating money; proposing new law coded in Minnesota Statutes, chapter 41.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Merriam, Luther, Belanger and Peterson, R.W. introduced—

S.F. No. 523: A bill for an act relating to the organization and operation of state government; requiring the preparation of a tax expenditure budget; appropriating money; proposing new law coded in Minnesota Statutes, chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich; Purfeerst; Peterson, R.W. and Frederick introduced—

S.F. No. 524: A bill for an act relating to transportation; removing certain fare restrictions on the public transit system in the metropolitan transit area; amending Minnesota Statutes 1982, section 473.408, subdivision 3; Laws 1981, chapter 363, section 55, subdivision 1, as amended.

Referred to the Committee on Transportation.

Messrs. Sieloff, Dieterich, Petty and Peterson, R.W. introduced—

S.F. No. 525: A bill for an act relating to marriage dissolution; providing a summary dissolution procedure; proposing new law coded in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 7, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIRST DAY

St. Paul, Minnesota, Monday, March 7, 1983

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

Prayer was offered by the Chaplain, Rev. Paul E. Schuessler.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Berg and Luther were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

March 2, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
390		Resolution No. 1	March 2	March 2
	55	3	March 2	March 2

Sincerely,

Joan Anderson Growe
Secretary of State

March 4, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 26, 71 and 118.

Sincerely,

Rudy Perpich, Governor

March 26, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Board on Judicial Standards are hereby respectfully submitted to the Senate for confirmation as required by law:

John Allers, 7501 2nd Avenue South, Richfield, Hennepin County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1983.

Hy Applebaum, 290 Woodlawn Avenue, St. Paul, Ramsey County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1984.

Gene W. Halverson, 700 Providence Building, Duluth, St. Louis County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Judiciary.)

March 26, 1981

The Honorable Jack Davies
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, 1982.

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, 1983.

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, 1983.

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, 1982.

(Referred to the Committee on Economic Development and Commerce.)

May 4, 1981

The Honorable Jack Davies
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:

Lucinda L. Hruska-Claeys, 7626 Bloomington Avenue South, Richfield, Hennepin County, has been appointed by me, effective May 4, 1981, for a term expiring the first Monday in January, 1984.

Michael Naylor, Route 1, Backus, Cass County, has been appointed by me, effective May 4, 1981, for a term expiring the first Monday in January, 1985.

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

January 4, 1982

The Honorable Jack Davies
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:

John F. Campe, 8 Camelsback Road, New Ulm, Brown County, has been appointed by me, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

David L. Printy, 75 Rhode Island Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Economic Development and Commerce.)

January 4, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the State Soil and Water Conservation Board are 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 January 4, 1982, for a term expiring the first Monday in January, 1986.

Robert Wetherbee, Route 1, Box 70-C, Fairmount, N.D., Wilkin County, MN, has been appointed by me, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

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

February 18, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointment to the Occupational Safety and Health Review Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Kenneth L. Sovereign, 4415 Olson Lake Trail North, Lake Elmo, Washington County, has been appointed by me, effective February 18, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Employment.)

February 26, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Board on Judicial Standards are hereby respectfully submitted to the Senate for confirmation as required by law:

Thomas R. Bredeson, 4253 Duke Drive, Minnetonka, Hennepin County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1985.

James J. Schumacher, 2008 Indian Road West, Minnetonka, Hennepin County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

Gerald C. Stoppel, P.O. Box 7, Wykoff, Fillmore County, has been ap-

pointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Judiciary.)

February 26, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following are appointed to the Board on Judicial Standards:

Judge Wayne Farnberg, 609 East 4th Street, Redwood Falls, Redwood County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

Judge Hyam Segell, 554 Glendale Street, St. Paul, Ramsey County, has been appointed by me, effective February 26, 1982, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Judiciary.)

March 19, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

Ruth Ann W. Eaton, 10049 North Shore Drive, Duluth, St. Louis County, has been appointed by me, effective March 19, 1982, for a term expiring the first Monday in January, 1986.

Eugene R. Firmine, 2194 Charlton Road, St. Paul, Dakota County, has been appointed by me, effective March 19, 1982, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Education.)

April 9, 1982

The Honorable Jack Davies
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:

William F. Betzler, 301 Frantz Street, Box 724, Buhl, St. Louis County, has been appointed by me, effective April 9, 1982, for a term expiring the first Monday in January, 1986.

Karen O. Schonebaum, 2330 E. Maple Lane, Maplewood, Ramsey County, has been appointed by me, effective April 9, 1982, for a term expiring the first Monday in January, 1985.

Donald A. Storm, 5109 Grove Street, Edina, Hennepin County, has been appointed by me, effective April 9, 1982, for a term expiring the first Monday in January, 1986.

Carl A. Swenson, Route 2, Box 154, Monticello, Wright County, has been appointed by me, effective April 9, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Education.)

May 3, 1982

The Honorable Jack Davies
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:

Kjell Bergh, 6700 Point Drive, Edina, Hennepin County, has been appointed by me, effective May 3, 1982, for a term expiring the first Monday in January, 1986.

(Referred to the Committee on Health and Human Services.)

May 6, 1982

The Honorable Jack Davies
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:

Leland H. Grim, Route 8, Box 494A, International Falls, Koochiching County, has been appointed by me, effective May 6, 1982, for a term expiring the first Monday in January, 1986.

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

December 13, 1982

The Honorable Jack Davies
President of the Senate

Dear Sir:

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

James C. Stimson, 13627 Elkwood Drive, Apple Valley, Dakota County, has been appointed by me, effective December 13, 1982, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Veterans and General Legislation.)

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. 195: A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

Senate File No. 195 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 3, 1983

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S.F. No. 195 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 195: A bill for an act relating to courts; increasing the fee and mileage allowance paid to witnesses; providing for fee allowances to be paid to witnesses in juvenile proceedings; providing for compensation to a parent or guardian of a minor witness; amending Minnesota Statutes 1982, sections 357.22; 357.24; and proposing new law coded in Minnesota Statutes, chapter 357.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Chmielewski 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 House Files, herewith transmitted: H.F. Nos. 26 and 176.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 3, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 26: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 176: A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, subdivision 1.

Referred to the Committee on Economic Development and 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. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H.F. No. 46: A resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

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 re-referred

S.F. No. 73: A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

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

Page 1, line 10, after the period, insert "*Any sale, lease, or other conveyance shall be made at the market value of the property as appraised by the county.*"

Page 1, line 13, after the period, insert "*The county shall make any sale,*

lease or other conveyance under this section subject to reservation by the county of flowage easements relating to water levels of Lake Byllesby."

Page 1, after line 13, insert:

"This section does not apply to any county owned land which has been developed by the county as public parkland."

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

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

S.F. No. 292: A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 2 and 7.

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

Page 1, line 13, strike "by"

Page 1, line 14, delete "a" and strike "person responsible for the child's care,"

Page 1, line 15, before "to" insert "*of a child*"

Page 1, delete lines 20 to 24

Page 1, line 25, reinstate the stricken "(b)" and delete "(c)"

Page 2, line 7, strike "child's parent, guardian"

Page 2, line 8, strike "or other"

Page 2, line 11, reinstate the stricken "(c)" and delete "(d)"

Page 2, line 13, strike "responsible for the child's care"

Page 2, line 16, after "the" insert "*child's*" and strike everything after "*injuries*"

Page 2, line 17, strike "person responsible for the child's care"

Page 2, line 18, reinstate the stricken "(d)" and delete "(e)"

Page 2, line 21, reinstate the stricken "(e)" and delete "(f)"

Page 2, line 23, reinstate the stricken "(f)" and delete "(g)"

Page 2, line 33, strike "the" and before "person" insert "*any*" and after "person" insert "*believed to be*"

Page 2, line 33, strike "his care" and insert "*the child's injuries if the person is known*"

Page 3, after line 10, insert:

"Sec. 3. Minnesota Statutes 1982, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] *If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or person responsible for a child's care, the*

local welfare agency shall immediately investigate and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records."

Page 3, line 12, delete "*Sections 1 and 2 are*" and insert "*This act is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "and" and insert a comma

Page 1, line 5, before the period, insert ", and 10"

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

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

S.F. No. 23: A bill for an act relating to local government; authorizing the city of Mankato and the city of North Mankato to impose a tax on the gross receipts from the furnishing of certain lodging.

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

S.F. No. 270: A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

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

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

S.F. No. 219: A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 and 3.

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

S.F. No. 271: A bill for an act relating to Hennepin County; providing for the conduct of a public safety communications service; repealing Laws 1947, chapter 371, as amended.

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

Page 1, line 14, after "*communications*" insert "*may*"

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

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

S.F. No. 197: A bill for an act relating to the city of Rochester; permitting the imposition of certain taxes within the city; permitting the issuance of general obligation bonds for park and recreation and flood control purposes.

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

Page 1, line 12, delete "*described*"

Page 1, line 13, delete "*in*" and insert "*taxable pursuant to*" and delete "*section 297A.01, subdivision 3, clause*"

Page 1, delete lines 14 to 16 and insert "*chapter 297A.*"

Page 1, line 23, delete "*The imposition of*"

Page 1, delete lines 24 and 25

Page 2, line 4, delete "*any taxes*" and insert "*a tax*"

Page 2, line 5, delete "*sections 1 or 2*" and insert "*section 1*"

Page 3, line 8, after the period, insert "*The amount of any special levy for debt service imposed pursuant to Minnesota Statutes, section 275.50, subdivision 5, clause (e), for payment of principal and interest on the bonds shall not include the amount of estimated collection of revenues from the taxes imposed pursuant to sections 1 and 2 that are pledged for the payment of those obligations.*"

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 Elections and Ethics, to which was referred

S.F. No. 68: A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1982, section 210A.43, subdivision 4.

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

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 446: A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivisions 1 and 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; repeal-

ing Minnesota Statutes 1982, sections 201.091, subdivision 6; and 204B.12, subdivision 2.

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

Page 2, line 4, delete "(year optional)"

Page 3, delete section 4 and insert:

"Sec. 4. [203B.085] [COUNTY AUDITOR'S OFFICE TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

The county auditor's office in each county must be open for acceptance of absentee ballot applications and casting of absentee ballots between the hours of 1:00 to 3:00 p.m. on Saturday and Sunday and 5:00 to 7:00 p.m. on Monday immediately preceding a primary or general election."

Page 5, after line 32, insert:

"Sec. 12. Minnesota Statutes 1982, section 204C.05, subdivision 1, is amended to read:

Subdivision 1. [OPENING AND CLOSING TIMES.] Except as otherwise provided in this section, at the state primary and the state general election the hours for voting in every precinct in the state shall begin at 7:00 a.m. and shall extend continuously until 8:00 p.m. ~~By resolution adopted 30 days before the state primary or state general election, the governing body of a municipality of less than 1,000 inhabitants, located entirely outside the metropolitan area as defined in section 473.121, subdivision 2, may fix a later time for voting to begin. If a later time is established, it shall not be later than 9:00 a.m. for the state general election, nor later than 5:00 p.m. for a state primary. A resolution adopted pursuant to this subdivision shall be effective for all ensuing state primaries or state general elections until revoked."~~

Page 8, after line 17, insert:

"Sec. 22. Minnesota Statutes 1982, 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 sent* by certified mail to 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 8, line 19, delete "*subdivision*" and insert "*subdivisions*"

Page 8, line 19, after "6" insert "*and 7*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "subdivisions 1 and" and insert "subdivision"

Page 1, line 9, after the first semicolon insert "204C.05, subdivision 1;"

Page 1, line 12, after the semicolon insert "and 209.02, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 203B;"

Page 1, line 13, delete "subdivision 6" and insert "subdivisions 6 and 7"

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

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

S.F. No. 1: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Page 1, line 13, after the period, insert "*Nothing in this Constitution shall be construed to provide or secure any right to abortion or the funding thereof.*"

Page 1, line 21, after "law" insert ", but not to provide any right to abortion"

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 421: A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

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

Page 2, line 23, delete "Local"

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. 31: A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licensees; amending Minnesota Statutes 1982, section 168.12, subdivision 2.

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

Page 1, line 12, delete "station wagon,"

Page 1, line 13, delete "*with a gross weight of 9,000 pounds or less*"

Page 2, after line 29, insert:

"Sec. 2. Minnesota Statutes 1982, 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,~~ motorcycle, 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 \$100 in addition to the registration tax required by law for the vehicle. In lieu of the numbers assigned as provided in subdivision 1, 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, the applicant shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if application is made for them at least 30 days prior to the first date on which registration can be renewed. The commissioner of public safety shall adopt rules and regulations in the manner provided by chapter 14, regulating the issuance and transfer of personalized license plates. No words or combination of letters placed on personalized license plates may be used for commercial advertising or be of an obscene, indecent or immoral nature, or that 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 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."

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for personalized license plates for motorcycles;"

Page 1, line 5, delete "subdivision 2" and insert "subdivisions 2 and 2a"

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. 364 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.
364	344				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 364 be amended as follows:

Page 6, line 8, delete "*transfer and the*" and insert "*transfers and road and*"

Page 6, line 8, after "*city*" insert a comma

And when so amended H.F. No. 364 will be identical to S.F. No. 344, and further recommends that H.F. No. 364 be given its second reading and substituted for S.F. No. 344, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for January 24, 1983:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Lauren Larsen

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

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 10, 1983:

MINNESOTA POLLUTION CONTROL AGENCY

Duane A. Dahlberg

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. Vega from the Committee on Energy and Housing, to which was referred the following appointment as reported in the Journal for January 24, 1983:

MINNESOTA HOUSING FINANCE AGENCY

Michael D. Finch

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. 73, 292, 270, 271, 68, 446, 421 and 31 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 46 and 364 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmiclewski moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 6. The motion prevailed.

Mr. Davis moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 399. The motion prevailed.

Mr. Kroening moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 429. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Merriam be added as a co-author to S.F. No. 452. The motion prevailed.

Mr. Pogemiller moved that the names of Messrs. Dicklich and Solon be added as co-authors to S.F. No. 453. The motion prevailed.

Mr. Pogemiller moved that the names of Messrs. Solon and Dahl be added as co-authors to S.F. No. 454. The motion prevailed.

Mr. Renneke moved that the name of Mr. Purfeerst be added as a co-author to S.F. No. 477. The motion prevailed.

Mr. Lessard moved that the name of Mr. Frank be added as a co-author to S.F. No. 503. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Pehler be added as a co-author to S.F. No. 504. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Dahl be added as a co-author to S.F. No. 513. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 8: A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon its adjournment on Wednesday, March 9, 1983, the Senate may set its next day of meeting for Monday, March 14, 1983.

2. Upon its adjournment on Wednesday, March 9, 1983, the House of Representatives may set its next day of meeting for Monday, March 14, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the

Senate and House of Representatives each consent to the adjournment of the other for more than three days.

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

CALENDAR

H.F. No. 201: A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1982, sections 13.46, subdivision 2; 176.231, subdivision 9; 290.032, subdivision 2; 290.06, subdivisions 1, 2c, 2e, as amended, and 3d; 290.068, subdivision 3; 290.077, subdivisions 1 and 4; 290.081; 290.09, subdivisions 1, 6, and 29; 290.095, subdivisions 3 and 7; 290.12, subdivision 2; 290.17, subdivision 2; 290.21, subdivision 4; 290.26, subdivision 2; 290.39, subdivision 1; 290.49, subdivision 8; 290.50, subdivisions 1 and 5; 290.53, subdivision 3a and by adding a subdivision; 290.92, subdivision 5a; 290A.03, subdivision 13; 290A.04, subdivision 3; 290A.111, subdivision 2; 290A.112, subdivision 2; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended; and article IV, section 14; and repealing Minnesota Statutes 1982, sections 136A.235; 290.01, subdivision 25; 290.07, subdivision 5a; 290.071, subdivisions 2, 3, 4, and 6; 290.26, subdivision 2a; 290.34, subdivision 3; 290.48, subdivision 6; 290A.04, subdivision 2c.

Was read the third time 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:

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

Mr. Chmielewski 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 the northeast Minnesota economic protection trust fund; abolishing the trust board; authorizing increased current expenditures; providing for administration of the fund; appropriating money; amending Minnesota Statutes 1982, sections 298.292; 298.293; 298.294; 298.296; 298.297; and 298.298; and Laws 1982, Second Special Session chapter 2, section 14; repealing Minnesota Statutes 1982, section 298.295.

Was read the third time 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 21, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson,D.C.	Spear
Berglin	Dieterich	Lessard	Peterson.R.W.	Stumpf
Bertram	Frank	Merriam	Petty	Taylor
Brataas	Freeman	Moe, D. M.	Pogemiller	Ulland
Chmielewski	Hughes	Moe, R. D.	Purfeerst	Vega
Dahl	Johnson, D.J.	Nelson	Reichgott	Waldorf
Davis	Kroening	Novak	Samuelson	Wegscheid
DeCramer	Laidig	Pehler	Schmitz	Willet
Dicklich	Langseth	Peterson,C.C.	Solon	

Those who voted in the negative were:

Anderson	Frederickson	Knaak	Olson	Storm
Belanger	Isackson	Knutson	Peterson,D.L.	
Benson	Johnson, D.E.	Kronebusch	Ramstad	
Bernhagen	Jude	McQuaid	Renneke	
Frederick	Kamrath	Mehrkens	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 186: A resolution memorializing the President and Congress to freeze natural gas prices under the Natural Gas Policy Act of 1978 for two years.

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 53 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Laidig	Olson	Samuelson
Anderson	Frank	Langseth	Pehler	Schmitz
Berglin	Frederick	Lantry	Peterson,C.C.	Sieloff
Bernhagen	Frederickson	Lessard	Peterson,D.C.	Solon
Bertram	Freeman	McQuaid	Peterson,D.L.	Spear
Chmielewski	Hughes	Mehrkens	Peterson,R.W.	Storm
Dahl	Johnson, D.E.	Merriam	Petty	Vega
Davis	Johnson, D.J.	Moe, D. M.	Pogemiller	Wegscheid
DeCramer	Jude	Moe, R. D.	Purfeerst	Willet
Dicklich	Knaak	Nelson	Ramstad	
Diessner	Kroening	Novak	Reichgott	

Those who voted in the negative were:

Belanger	Brataas	Kamrath	Kronebusch	Ulland
Benson	Isackson	Knutson	Renneke	

So the resolution passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 152: A bill for an act relating to conciliation courts, traffic violations bureaus, and ordinance violations bureaus; eliminating certain obsolete provisions; repealing Minnesota Statutes 1982, chapters 491; 492; and 493.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 report from the Committee on Agriculture and Natural Resources, reported February 28, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Merriam moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported February 28, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

WATER PLANNING BOARD

Donald H. Ogaard, R.R. #1, Ada, Norman County, effective August 12, 1982, for a term expiring June 30, 1983.

Paul E. Toren, 805 Park Avenue, Mahtomedi, Washington County, effective August 12, 1982, for a term expiring June 30, 1983.

MINNESOTA POLLUTION CONTROL AGENCY

Russell W. Domino, 23 West Road, Circle Pines, Anoka County, effective February 23, 1982, for a term expiring the first Monday in January, 1986.

The motion prevailed. So the appointments were confirmed.

GENERAL ORDERS

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

After some time spent therein, the committee arose, and Mr. Hughes re-

ported that the committee had considered the following:

S.F. No. 164, which the committee recommends to pass, after the following motions:

Mr. Renneke moved to amend S.F. No. 164 as follows:

Pages 7 to 10, delete sections 12 to 15

Pages 14 and 15, delete section 22

Pages 15 and 16, delete sections 24 and 25

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, delete line 14

Page 1, line 15, delete "subdivision 1; 85A.01, subdivision 1;"

Page 1, line 18, delete "182.664, subdivision 1;"

Page 1, line 19, delete "299B.05, subdivision 1; 414.01,"

Page 1, line 20, delete "subdivision 2;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Knutson	Pehler	Ulland
Belanger	Frederick	Kronebusch	Peterson, D.L.	Waldorf
Benson	Frederickson	Laidig	Ramstad	Willet
Bernhagen	Isackson	Langseth	Renneke	
Brataas	Johnson, D.E.	McQuaid	Sieloff	
Dahl	Kamrath	Mehrrens	Storm	
Dieterich	Knaak	Olson	Taylor	

Those who voted in the negative were:

Adkins	Freeman	Merriam	Peterson, R.W.	Stumpf
Berglin	Hughes	Moe, D. M.	Petty	Vega
Bertram	Johnson, D.J.	Moe, R. D.	Pogemiller	Wegscheid
Chmielewski	Jude	Nelson	Reichgott	
Davis	Kroening	Novak	Schmitz	
Dicklich	Lantry	Peterson, C.C.	Solon	
Diessner	Lessard	Peterson, D.C.	Spear	

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

Mr. Ulland moved to amend S.F. No. 164 as follows:

Pages 8 and 9, delete section 13

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 14, delete "16.823, subdivision 2;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam; Peterson, R.W.; Petty and Wegscheid voted in the negative.

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 164 as follows:

Pages 2 and 3, delete section 5

Page 18, after line 20, insert:

“Sec. 28. [REPEALER.]

Minnesota Statutes 1982, section 11A.07, subdivision 3, is repealed.”

Page 18, line 22, delete “6, 10, 17, 26, and 27” and insert “9, 16, 25, and 26”

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 12, delete “11A.07, subdivision 3;”

Page 1, line 22, before the period, insert “; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3”

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend S.F. No. 164 as follows:

Page 6, line 33, delete “or the house of representatives”

Page 7, delete lines 24 to 32

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. DeCramer, Wegscheid, Pehler and Knaak introduced—

S.F. No. 526: A bill for an act relating to workers' compensation; regulating workers' compensation insurance rates; accelerating the deregulation of rates; amending Minnesota Statutes 1982, sections 79.071, subdivision 1;

79.51, subdivisions 2 and 3; and Laws 1981, chapter 346, section 145.

Referred to the Committee on Employment.

Ms. Reichgott, Messrs. Petty, Merriam, Pogemiller and Johnson, D.E. introduced—

S.F. No. 527: A bill for an act relating to legal liability; prohibiting retaliation against an individual who complies with the child abuse reporting act; providing damages for retaliation; clarifying immunity provisions for good faith compliance with the child abuse reporting act; amending Minnesota Statutes 1982, section 626.556, subdivision 4, and by adding a subdivision.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Petty, Spear, Mrs. Brataas and Mr. Freeman introduced—

S.F. No. 528: A bill for an act relating to crimes; providing that acquittal or conviction of the crime of kidnapping does not bar conviction for any other crime committed during the time of the victim's confinement; amending Minnesota Statutes 1982, section 609.035; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Spear, Pogemiller, Ramstad, Jude and Freeman introduced—

S.F. No. 529: A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivisions 10, 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

Referred to the Committee on Judiciary.

Messrs. Dieterich and Hughes introduced—

S.F. No. 530: A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

Referred to the Committee on Local and Urban Government.

Mrs. Lantry, Messrs. Schmitz and Bertram introduced—

S.F. No. 531: A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

Referred to the Committee on Veterans and General Legislation.

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

S.F. No. 532: A bill for an act relating to taxation; providing for the valuation of limited equity cooperative apartments; amending Minnesota Stat-

utes 1982, section 273.11, subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Freeman, Solon, Belanger, Laidig and Samuelson introduced—

S.F. No. 533: A bill for an act relating to insurance; accident and health; exempting administrators of self insured health plans established by collective bargaining agreement from certain regulatory provisions; amending Minnesota Statutes 1982, section 60A.23, subdivision 8.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 534: A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Benson, Petty, Mmes. Brataas, McQuaid and Mr. Knaak introduced—

S.F. No. 535: A bill for an act relating to child support enforcement; amending Minnesota Statutes 1982, section 256.87, subdivision 1a, and by adding subdivisions.

Referred to the Committee on Health and Human Services.

Messrs. Jude; Johnson, D.J.; Schmitz; Samuelson and Johnson, D.E. introduced—

S.F. No. 536: 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 Ethics.

Messrs. Kamrath, Isackson, Anderson and Peterson, D.L. introduced—

S.F. No. 537: A bill for an act relating to tax-forfeited lands; requiring their sale before classification by the county; amending Minnesota Statutes 1982, section 282.01, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Kamrath introduced—

S.F. No. 538: A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

Referred to the Committee on Local and Urban Government.

Messrs. Kamrath; Peterson, D.L. and Isackson introduced—

S.F. No. 539: 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 1982, sections 14.17; 14.18; 14.19; 14.26; and 14.33; proposing new law coded in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations.

Ms. Peterson, D.C.; Messrs. Petty and Luther introduced—

S.F. No. 540: A bill for an act relating to insurance; requiring mandatory no-fault automobile underinsurance coverage; providing for notice of settlement of claims to underinsurance carriers; amending Minnesota Statutes 1982, section 65B.49, by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Messrs. Kroening; Chmielewski; Willet; Moe, R.D. and Vega introduced—

S.F. No. 541: A bill for an act relating to counties; authorizing a jobs program.

Referred to the Committee on Economic Development and Commerce.

Messrs. Anderson, Knaak, Berg, Mehrkens and Frederickson introduced—

S.F. No. 542: A bill for an act relating to taxation; repealing the mortgage registration tax; amending Minnesota Statutes 1982, section 290.09, subdivision 4; repealing Minnesota Statutes 1982, sections 287.01 to 287.12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson, Mehrkens, Frederick, Schmitz and Dahl introduced—

S.F. No. 543: A bill for an act relating to taxation; sales; permitting a deduction for costs of collection and remittance; amending Minnesota Statutes 1982, section 297A.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Frank; Peterson, C.C. and Moe, D.M. introduced—

S.F. No. 544: A bill for an act relating to taxation; providing for a freeze on property taxes paid on homesteads owned by certain elderly persons; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Mses. Berglin, Reichgott, Mrs. Lantry and Mr. Frank introduced—

S.F. No. 545: A bill for an act relating to welfare; changing laws relating to child support enforcement; amending Minnesota Statutes 1982, sections 256.87, subdivision 1a, and by adding subdivisions; 257.55, subdivision 1;

257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.65; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.551, subdivisions 1, 5, and 6; 518.611, subdivisions 1 and 4, and by adding subdivisions; 518.64, subdivision 2; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257 and 518; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich and Solon introduced—

S.F. No. 546: A bill for an act relating to counties; providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, by adding a subdivision.

Referred to the Committee on Transportation.

Ms. Berglin introduced—

S.F. No. 547: A bill for an act relating to criminal justice; imposing a tax on alcoholic beverages sold for resale by the drink; providing for the distribution of the proceeds to local units of government to meet the costs of enforcement of laws relating to driving offenses involving alcohol or drugs; providing penalties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 340.

Referred to the Committee on Judiciary.

Messrs. Ramstad; Peterson, C.C.; Sieloff and Knaak introduced—

S.F. No. 548: A bill for an act relating to traffic regulations; providing for limitations on persons who must be brought to detoxification centers; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Merriam, Spear, Knaak and Luther introduced—

S.F. No. 549: A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

Referred to the Committee on Judiciary.

Mr. Isackson, by request, introduced—

S.F. No. 550: A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

Referred to the Committee on Education.

Messrs. Jude, Bertram, Davis, Merriam and Bernhagen introduced—

S.F. No. 551: A bill for an act relating to waters; imposing a restriction on diversion to destinations outside the state; amending Minnesota Statutes 1982, section 105.38.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon and Dicklich introduced—

S.F. No. 552: A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.49.

Referred to the Committee on Health and Human Services.

Mr. Willet introduced—

S.F. No. 553: A bill for an act relating to agriculture; providing for the promotion of Minnesota agricultural products; appropriating money; amending Minnesota Statutes 1982, section 17.101.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Mehrkens introduced—

S.F. No. 554: A bill for an act relating to housing and redevelopment; providing for the appointment of commissioners of multi-county authorities; amending Minnesota Statutes 1982, section 462.428, subdivision 2.

Referred to the Committee on Energy and Housing.

Mr. Langseth introduced—

S.F. No. 555: A bill for an act relating to game and fish; prohibiting commercial fishing for game fish on Lake of the Woods and Rainy Lake; authorizing negotiations on compensation; amending Minnesota Statutes 1982, section 102.26, subdivisions 1 and 3.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Langseth introduced—

S.F. No. 556: A bill for an act relating to game and fish; prohibiting the use of gill nets in taking fish; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 101.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ramstad; Peterson, C.C.; Kamrath; Pogemiller and Knaak introduced—

S.F. No. 557: 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 14.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Pogemiller; Spear; Ramstad and Knaak introduced—

S.F. No. 558: A bill for an act relating to administrative rulemaking; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations.

Messrs. Frederickson; Davis; Stumpf; Peterson, D.L. and Bernhagen introduced—

S.F. No. 559: A bill for an act relating to soil and water conservation; changing provisions for election of district supervisors; amending Minnesota Statutes 1982, section 40.04, subdivision 12.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Peterson, D.C.; Messrs. Hughes, Luther, Storm and Johnson, D.E. introduced—

S.F. No. 560: A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

Referred to the Committee on Elections and Ethics.

Messrs. Johnson, D.J.; Ulland; Dicklich and Solon introduced—

S.F. No. 561: A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

Referred to the Committee on Local and Urban Government.

Messrs. Nelson, Pehler, Ms. Reichgott and Mr. Waldorf introduced—

S.F. No. 562: A bill for an act relating to education; providing that no member of the higher education coordinating board shall be an employee of or receiving compensation from a public or private post-secondary institution while serving on the board; amending Minnesota Statutes 1982, section 136A.02, subdivision 1.

Referred to the Committee on Education.

Mr. Nelson introduced—

S.F. No. 563: A bill for an act relating to education; authorizing school districts to levy certain additional amounts to eliminate deficits in the

operating funds, determined as of a certain date; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Jude and Luther introduced—

S.F. No. 564: A bill for an act relating to retirement; Brooklyn Park volunteer firefighters survivor benefit maximum; amending Laws 1975, chapter 237, section 2, subdivision 1, as amended.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C. introduced—

S.F. No. 565: A bill for an act relating to retirement; public employees retirement association; increasing the retirement annuity formula; changing the reduction factor for early retirement; altering the form of joint and survivor annuities; granting survivor benefits to survivors of coordinated members; providing an additional surviving spouse optional annuity; amending Minnesota Statutes 1982, sections 353.29, subdivision 3; 353.30, subdivisions 1a and 3; 353.31, subdivision 1; 353.32, subdivision 1a; and 353.651, subdivision 3, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Pehler introduced—

S.F. No. 566: A bill for an act relating to unemployment compensation; changing the availability of wage credits; amending Minnesota Statutes 1982, section 268.07, subdivision 3.

Referred to the Committee on Employment.

Messrs. Peterson, C.C.; Novak; Moe, R.D.; Benson and Bernhagen introduced—

S.F. No. 567: A bill for an act relating to public utilities; defining scope of independent telephone companies accountable under chapter 237; amending Minnesota Statutes 1982, section 237.01, subdivision 3.

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

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

S.F. No. 568: A bill for an act relating to state government; providing for a permanent job sharing program; amending Minnesota Statutes 1982, sections 43A.42; 43A.43, subdivision 2; amending Laws 1981, chapter 210, section 55, as amended.

Referred to the Committee on Governmental Operations.

Mr. Knutson introduced—

S.F. No. 569: A bill for an act relating to public welfare; setting standards

for determining the county of financial responsibility for purposes of medical assistance and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; and 256D.37, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Knutson introduced—

S.F. No. 570: A bill for an act relating to public welfare; defining the county of financial responsibility for purposes of the community social services act; amending Minnesota Statutes 1982, section 256E.08, subdivision 7.

Referred to the Committee on Health and Human Services.

Mr. Knutson introduced—

S.F. No. 571: A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance; amending Minnesota Statutes 1982, section 256B.02, subdivisions 2 and 3.

Referred to the Committee on Health and Human Services.

Mr. Samuelson introduced—

S.F. No. 572: A bill for an act relating to public welfare; authorizing the establishment of community work experience programs on a pilot demonstration basis; proposing new law coded in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 573: A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 2, as amended.

Referred to the Committee on Governmental Operations.

Messrs. Pehler; Dicklich; Willet; Johnson, D.E. and Renneke introduced—

S.F. No. 574: 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; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

Referred to the Committee on Employment.

Messrs. Chmielewski, Frank, Vega, Kroening and Dicklich introduced—

S.F. No. 575: A bill for an act relating to workers' compensation; providing for a fee-for-service reimbursement system for services provided to in-

jured workers; proposing new law coded in Minnesota Statutes, chapter 176.

Referred to the Committee on Employment.

Messrs. Pehler, Taylor, Frederick, Diessner and Chmielewski introduced—

S.F. No. 576: A bill for an act relating to labor; providing for occupational health and safety; providing for an employee right to know; protecting trade secrets; providing penalties; amending Minnesota Statutes 1982, section 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.658; 182.66, subdivision 1; 182.661; 182.663, subdivisions 2 and 5; 182.664, subdivisions 3 and 5; 182.666; 182.667, subdivision 2; and 182.668.

Referred to the Committee on Employment.

Messrs. Diessner, Wegscheid, Knutson and Mrs. Lantry introduced—

S.F. No. 577: A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 578: A bill for an act relating to the city of Gilbert; fixing the amount of the city's permitted property tax levy.

Referred to the Committee on Local and Urban Government.

Mr. Moe, R.D. introduced—

S.F. No. 579: A bill for an act relating to retirement; increasing certain benefit provisions for the Crookston firemen's relief association; amending Laws 1971, chapter 51, sections 10, subdivision 3; 12; and 14, subdivisions 1, 7, 8, 9, 11, and by adding subdivisions.

Referred to the Committee on Governmental Operations.

Messrs. Vega, Pehler and Nelson introduced—

S.F. No. 580: A bill for an act relating to labor; providing for fair labor standards; defining "employee"; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes, section 177.23, subdivision 7; amending Laws 1981, chapter 289, section 3.

Referred to the Committee on Employment.

Mr. Peterson, C.C. and Mrs. Lantry introduced—

S.F. No. 581: A bill for an act relating to retirement; public employees

retirement association; providing an additional surviving spouse optional annuity after retirement; amending Minnesota Statutes 1982, sections 353.30, subdivision 3; 353.31, by adding a subdivision; and 353.657, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C. and Mrs. Lantry introduced—

S.F. No. 582: A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Solon, Pehler and Johnson, D.J. introduced—

S.F. No. 583: 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 1982, sections 11A.14, subdivision 5; 11A.23, subdivision 4; 353.05; and 353.06; proposing new law coded in Minnesota Statutes, chapter 353.

Referred to the Committee on Governmental Operations.

Messrs. Moe, R.D.; Pehler and Pogemiller introduced—

S.F. No. 584: A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

Referred to the Committee on Employment.

Mr. Pogemiller introduced—

S.F. No. 585: A bill for an act relating to taxation; income; providing a credit for sales tax paid by low income taxpayers; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegscheid, Davis and Isackson introduced—

S.F. No. 586: A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; proposing new law coded in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Hughes, Nelson, Dahl, Ms. Peterson, D.C. and Mr. Peterson, D.L. introduced—

S.F. No. 587: A bill for an act relating to education; authorizing the es-

establishment of education districts; requiring the appointment of an advisory council; requiring state board approval of agreements of education districts; authorizing aid; appropriating money; proposing new law coded in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Luther; Freeman; Ramstad; Johnson, D.J. and Willet introduced—

S.F. No. 588: A bill for an act relating to courts; providing for interest rates on judgments; amending Minnesota Statutes 1982, section 549.09, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Vega and Nelson introduced—

S.F. No. 589: A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

Referred to the Committee on Employment.

Messrs. Nelson, Dicklich, Waldorf, Merriam and Hughes introduced—

S.F. No. 590: A bill for an act relating to education; establishing certain curriculum for all pupils in elementary, middle, and secondary schools; requiring school districts to comply with curriculum requirements; imposing aid penalty; amending Minnesota Statutes 1982, sections 124.15, subdivision 2; and 124.19, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Messrs. Petty, Luther and Spear introduced—

S.F. No. 591: A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Ms. Berglin introduced—

S.F. No. 592: A bill for an act relating to the department of economic security; establishing a pilot project to provide child care information and referral at selected job service sites; appropriating money.

Referred to the Committee on Health and Human Services.

Messrs. Ramstad, Luther, Pogemiller, Petty and Knaak introduced—

S.F. No. 593: A bill for an act relating to traffic regulations; providing for a mandatory alcohol problem assessment; amending Minnesota Statutes

1982, section 169.121, subdivision 8.

Referred to the Committee on Judiciary.

Messrs. Pogemiller; Moe, R.D.; Johnson, D.J.; Solon and Chmielewski introduced—

S.F. No. 594: A bill for an act relating to employment; creating a Minnesota emergency employment development program; providing meaningful employment opportunities in the public and private sector; adjusting individual income tax rates; prohibiting deduction of federal income taxes; imposing a surtax to fund the program; appropriating money; amending Minnesota Statutes 1982, sections 290.06, subdivisions 2c, 2d, 3g, and by adding a subdivision; 290.09, subdivision 4; 290.10; and 290.18, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, sections 290.06, subdivision 2e; and 290.18, subdivision 4.

Referred to the Committee on Economic Development and Commerce.

Messrs. Luther, Dahl, Mmes. Kronebusch and Adkins introduced—

S.F. No. 595: A bill for an act relating to insurance; holding companies; modifying the commissioner's jurisdiction with respect to the interests of shareholders; making miscellaneous style and form changes; amending Minnesota Statutes 1982, section 60D.02, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1982, section 60D.02, subdivision 5.

Referred to the Committee on Economic Development and Commerce.

Messrs. Peterson, C.C.; Johnson, D.J.; Moe, R.D. and Laidig introduced—

S.F. No. 596: A bill for an act establishing an agricultural resource energy loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 290.01, by adding a subdivision; 297A.44, subdivision 1; and 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 9, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SECOND DAY

St. Paul, Minnesota, Wednesday, March 9, 1983

The Senate met at 12:00 noon and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Richard Goebel.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Luther and Vega 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 File, herewith returned: S.F. No. 113.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 7, 1983

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. 8: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 7, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 298.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 7, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 298: A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

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

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

S.F. No. 412: A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; transferring functions and powers of the corrections board to the commissioner of corrections; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 244.05; 244.06; 244.065; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

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

Page 2, line 8, strike "the" in both places

Page 2, lines 9 and 21, strike "the"

Page 2, line 21, strike "of"

Page 2, line 24, strike "as"

Page 2, line 25, after "educational" insert a comma

Page 3, line 20, strike "thereof" and insert "*of rule or policy*"

Page 3, line 24, strike "thereof"

Page 3, line 33, strike "shall be" and insert "*is*" and strike "to" and insert "*authority for*"

Page 4, line 5, strike "to" and insert "*authority for*"

Page 4, line 16, strike "without" and insert "*outside*"

Page 6, line 8, delete "*such*" and insert "*that*"

Page 7, after line 13, insert:

"Sec. 5. Minnesota Statutes 1982, section 243.51, subdivision 3, is amended to read:

Subd. 3. [TEMPORARY DETENTION.] The commissioner of corrections is authorized to contract with the United States attorney general and with the appropriate officials of any county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury to the credit of the facility in which the persons may be confined. ~~This subdivision is effective to June 30, 1983.~~"

Page 7, line 17, after "1." insert "[SUPERVISED RELEASE REQUIRED.]"

Page 7, line 24, after "2." insert "[RULES.]"

Page 7, line 32, after "3." insert "[SANCTIONS FOR VIOLATION.]"

Page 8, line 7, after "4." insert "[MINIMUM IMPRISONMENT, LIFE SENTENCE.]"

Page 8, line 10, after "5." insert "[SUPERVISED RELEASE, LIFE SENTENCE.]"

Page 9, after line 2, insert:

"Sec. 9. Minnesota Statutes 1982, section 260.251, subdivision 1a, is amended to read:

Subd. 1a. [COST OF GROUP FOSTER CARE.] Whenever a child is placed in a group foster care facility as provided in section 260.185, subdivision 1, clause (b) or clause (c), item (5) *or in section 260.194, subdivision 1, clause (b) or clause (c)*, the cost of providing the care shall, upon certification by the juvenile court, be paid from the welfare fund of the county in which the proceedings were held. To reimburse the counties for the costs of providing group foster care for delinquent children and to promote the establishment of suitable group foster homes, the state shall quarterly, from funds appropriated for that purpose, reimburse counties 50 percent of the costs not paid by federal and other available state aids and grants. Reimbursement shall be prorated if the appropriation is insufficient.

The commissioner of corrections shall establish procedures for reimbursement and certify to the commissioner of finance each county entitled to receive state aid under the provisions of this subdivision. Upon receipt of a certificate the commissioner of finance shall issue a state warrant to the county treasurer for the amount due, together with a copy of the certificate prepared by the commissioner of corrections."

Page 9, line 13, delete "*Sections 1 to 9 are*" and insert "*This act is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "removing the limitation on contracts for temporary detention of pre-trial detainees;"

Page 1, line 6, after the semicolon, insert "providing for reimbursement of foster care costs for delinquent juveniles;"

Page 1, line 8, after "243.05;" insert "243.51, subdivision 3;"

Page 1, line 8, after "244.065;" insert "260.251, subdivision 1a;"

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. 215: A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

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

Page 1, lines 11, 22, and 23, after "soil" insert "and water"

Amend the title as follows:

Page 1, line 4, after "soil" insert "and water"

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

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

S.F. No. 237: A bill for an act relating to taxation; property; allowing the county board to abate taxes in certain instances; proposing new law coded in Minnesota Statutes, chapter 375.

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

Page 1, line 7, delete "[375.1925]" and before "ABATEMENT" insert "ST. LOUIS COUNTY"

Page 1, line 9, after "board" insert "of St. Louis County"

Page 1, after line 22, insert:

"Sec. 2. [APPLICABILITY.]

On its effective date, section 1 applies to St. Louis County."

Page 1, line 24, delete "the day after final enactment" and insert "after local approval at 12:01 a.m. on the day after compliance with Minnesota Statutes, section 645.021, subdivision 3,"

Page 1, line 25, delete "thereafter" and insert "1979"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "taxation; property" and insert "St. Louis County"

Page 1, line 3, after "abate" insert "property" and delete "; proposing" and insert a period

Page 1, delete line 4

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

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

S.F. No. 267: A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for the assessment of certain class 3 property based upon its use; clarifying the requirements for homesteads of members of the armed forces; requiring publication of certain requirements for obtaining a homestead after the assessment date; clarifying the method of assessment for certain low income properties; providing for split classification of certain homestead property; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; removing certain exempt entities from payment of mortgage registration tax; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on deed to penalties imposed on other taxes; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 1; 273.11, subdivision 7; 273.111, subdivision 3; 273.13, subdivisions 4, 10, 16, 17, 17b, 17c, and by adding a subdivision; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.06; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 505.04; 524.3-1001; 524.3-1003; and 524.3-1204; repealing Minnesota Statutes 1982, sections 272.022;

272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.43; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; 473F.04; and 477A.04.

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

Page 4, line 15, after "thereafter" insert "*when a taxing jurisdiction lies in two or more counties*"

Page 4, line 19, reinstate the stricken "shall" and delete "may" and strike the period and delete "*Factors which*"

Page 4, line 20, delete "*may affect the decision to apportion include*" and insert "*unless it finds that*" and delete "if"

Page 4, line 23, delete "if"

Page 6, line 1, delete "1" and insert "2"

Page 6, delete lines 2 to 19 and insert:

"Subd. 2. [AUDITOR TO COMBINE LEGAL DESCRIPTIONS.] The county auditor, upon written application of any person, shall for property tax purposes only, combine legal descriptions, as defined in section 272.195, of contiguous parcels to which the applicants hold title. *The county auditor shall not be required to combine legal descriptions over section lines in the following situations: when the parcels to be combined are located in different school districts or different assessment districts or when a combination of legal descriptions would require the auditor's office to modify an existing record keeping system.*"

Page 7, line 8, delete "nonpublic" and insert "private"

Page 7, line 9, delete "15.162, subdivision 5c" and insert "13.02, subdivision 12"

Page 7, line 10, after "and" insert ", upon request, to"

Page 7, delete lines 11 to 13

Page 7, line 36, delete "act" and insert "section"

Page 8, after line 11, insert:

"Sec. 8. Minnesota Statutes 1982, section 273.112, subdivision 7, is amended to read:

Subd. 7. When real property which is being, or has been, valued and assessed under this section ~~is sold or~~ no longer qualifies under subdivision 3, ~~the portion sold or~~ the portion which no longer qualifies under subdivision 3 shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, provided; ~~however,~~ that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arms length transaction been used in lieu of the market value determined under subdivision 5. ~~Such~~ *The* additional taxes shall be extended against the property on the tax list for the current year, provided; ~~however,~~ that no

interest or penalties shall be levied on ~~such~~ the additional taxes if timely paid, and provided further, that ~~such~~ the additional taxes shall only be levied with respect to the last seven years that the ~~said~~ property has been valued and assessed under this section.

Sec. 9. Minnesota Statutes 1982, section 273.112, is amended by adding a subdivision to read:

Subd. 10. When real property qualifying under subdivision 3 is sold, no additional taxes plus interest shall be extended against the property provided the property continues to qualify pursuant to subdivision 3, and provided the new owner files an application for continued deferment within 30 days after the sale."

Page 8, line 19, reinstate the stricken language

Page 8, line 20, reinstate the stricken "provided by classes 1, 3b, 3e,"

Pages 9 and 10, delete section 9

Pages 11 to 13, delete sections 11 to 14

Page 13, line 28, delete "shall" and insert "may"

Page 13, line 29, delete "\$10" and after "any" insert "dishonored" and delete "returned due to insufficient"

Page 13, line 30, delete "funds"

Page 14, line 11, after the period, insert "For purposes of this section whole odd numbered dollars shall be adjusted to the next higher even numbered dollar."

Page 16, line 3, delete "building"

Pages 16 and 17, delete section 22

Page 19, line 25, strike "1981" and insert "1982"

Page 19, line 29, after "occurred" insert "or a person who was party to a contract with the decedent at time of death pursuant to Minnesota Statutes, section 513.075, if the contract specifies the distribution of assets to be made at time of death"

Page 24, line 15, delete "specified in section 270.75" and insert "of eight percent per annum"

Page 31, after line 27, insert:

"Sec. 36. Minnesota Statutes 1982, section 477A.04, is amended to read:

477A.04 [ASSESSMENT DISPERSION PENALTY.]

Subdivision 1. To encourage the proper assessment of property an assessment dispersion penalty shall be imposed on assessment districts as provided in subdivision 2. Each city or town which employs a local assessor, either singly or jointly with other cities or towns, shall be considered an assessment district for purposes of this section. Any two or more cities or towns which enter into an agreement pursuant to section 471.59, for the assessment of property in the contracting units, shall for purposes of this section be a single assessment district. The balance of each county, includ-

ing any city or town which contracts with the county for assessment of property therein, shall be deemed a single assessment district for purposes of this section.

The coefficient of dispersion shall be determined by the equalization aid review committee of the department of revenue. The coefficient of dispersion shall be determined on the assessor's market value before the limitation provided in section 273.11, subdivision 2. The population shall be the number of persons residing in the assessment district according to the 1970 federal census.

Subd. 2. Beginning in calendar year ~~1984~~ 1985 and subsequent years, an assessment district shall be penalized according to the following schedule:

(a) \$1 per capita if the coefficient of dispersion in assessments for the preceding year is more than ten percent but less than 12.5 percent;

(b) \$3 per capita if the coefficient of dispersion in assessments for the preceding year is at least 12.5 percent but no more than 15 percent;

(c) \$5 per capita if the coefficient of dispersion in assessments for the preceding year is greater than 15 percent.

Subd. 3. The amount of penalty resulting from this section shall be deducted from the local government aid payments provided in sections 477A.011 to 477A.014."

Pages 31 to 35, delete sections 41 to 43

Page 35, line 30, delete "273.43;"

Page 35, line 31, after "288.05;" insert "and" and delete "; and 477A.04"

Page 35, line 36, delete "10, 16, 20 and 21" and insert "11, 13, 17, and 18"

Page 36, line 1, delete "15, and 17" and insert "9, 10, 12, and 14"

Page 36, line 3, delete "19, 33, 34, and 44" and insert "16, 29, 30, 36, and 38"

Page 36, line 4, delete "Sections 9, 11, 12, 13, and 14 are"

Page 36, delete line 5

Page 36, line 6, delete "1985 and thereafter." and delete "18" and insert "15"

Page 36, line 7, delete "22, 23, 32, 35, 36, 37, 38" and insert "19, 28, 31, 32, 33, 34"

Page 36, line 8, delete "39" and insert "35" and delete "24" and insert "20"

Page 36, line 10, delete "25, 26, 27, 28, 29, 30, 41, 42, 43, and 44" and insert "21, 22, 23, 24, 25, 26, and 38"

Page 36, line 12, delete "31" and insert "27" and delete "40" and insert "37"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "providing for continuation of open space treatment;"

Page 1, line 12, delete "clarifying the requirements for homesteads of"

Page 1, line 13, delete "members of the armed forces;"

Page 1, line 15, delete "clarifying the method of"

Page 1, delete line 16

Page 1, line 26, delete "removing certain exempt entities from payment"

Page 1, line 27, delete "of mortgage registration tax;"

Page 1, line 46, delete "deed" and insert "beer"

Page 2, line 1, after the semicolon, insert "delaying implementation of the assessment penalty;"

Page 2, line 4, delete "1" and insert "2"

Page 2, line 5, after "3;" insert "273.112, subdivision 7, and by adding a subdivision;"

Page 2, line 6, after "4," insert "and" and delete "10," and delete ", 17, 17c, and by adding a"

Page 2, line 7, delete "subdivision"

Page 2, line 9, delete "287.06;"

Page 2, line 15, after "340.492;" insert "477A.04;" and delete "524.3-1001;"

Page 2, line 16, delete everything before "repealing"

Page 2, line 19, delete "273.43;"

Page 2, line 21, after "3;" insert "and" and delete "; and 477A.04"

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. 238: A bill for an act relating to environment; providing for the reclamation of peat bogs; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivision 2, and by adding a subdivision; 93.47, subdivisions 2 and 5; and 93.481, subdivision 1.

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

Page 1, line 15, delete "and" and insert "or"

Pages 2 to 4, delete sections 3 to 6 and insert:

"Sec. 3. Minnesota Statutes 1982, section 93.46, subdivision 6, is amended to read:

Subd. 6. "Operator" means any owner or lessee of mineral rights *or peat*

rights engaged in or preparing to engage in mining operations with respect thereto.

Sec. 4. [93.461] [PEAT INCLUDED IN MINELAND RECLAMATION.]

Sections 93.46 to 93.51 apply to peat in the same manner as to metallic minerals, to the greatest extent practicable, with the following exceptions:

(a) No permit to mine peat is required under section 93.481 until 180 days after the effective date of rules promulgated to regulate peat mining and reclamation. The rules shall be adopted by July 1, 1985.

(b) No permit is required for a peat mining operation of 40 acres or less, unless the commissioner determines that there is potential for significant environmental effects which may result from the peat mining operation. A person intending to engage in or carry on a peat mining operation of 40 acres or less, if the intended operation involves removal of more than 2,000 tons of air dried peat per year, shall notify the commissioner in writing at least 90 days before beginning any mining, specifying the legal description of the tract to be mined and the mining methods to be used. Within 20 days after receipt of written notice of intent to mine such a tract, or after receiving additional information requested, the commissioner shall notify the person of his decision to require, or not to require, a permit.

Sec. 5. Minnesota Statutes 1982, section 93.481, is amended by adding a subdivision to read:

Subd. 6. [RECLAMATION RULES REQUIRED BEFORE ISSUANCE OF A PERMIT TO MINE.] Except for taconite and iron ore mining permits, no permit to mine metallic minerals may be issued by the commissioner until rules relating to reclamation of metallic mineral minelands have been amended, or new rules adopted, under sections 93.44 to 93.51 and in the manner provided in chapter 14, for the reclamation of minelands of the class for which the permit application is submitted. This section does not apply to metallic minerals which are mined incidentally to the mining of a mineral included in any mineland reclamation rule and covered by the permit to mine which has been issued for the mining project.

Sec. 6. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

"relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93."

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

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

S.F. No. 322: A bill for an act relating to soil and water conservation

districts; authorizing annual audits by certified public accountants; amending Minnesota Statutes 1982, section 40.06, subdivision 4.

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

Page 1, line 17, delete "unless" and insert "or, at the request of"

Page 1, line 18, delete "shall" and insert ", the state auditor may"

Page 1, line 19, after the period, insert "The state auditor may determine that an annual audit of a soil and water conservation district is not necessary, in which case the audit shall be conducted at least every four years."

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

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

S.F. No. 428: A bill for an act relating to state government; removing the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.922, subdivision 8; 16.02, subdivision 28; 121.87, subdivision 3; 121.902, subdivisions 1 and 1a; 126.531; 145.93, subdivision 3; 148.191, subdivision 2; 148.67; 149.02; 175.007, subdivision 1; 182.656, subdivision 3; 198.055, subdivision 1; 241.64; 246.017; 252.31; 254A.04; 256.482, subdivision 1; 256B.58; 268.12, subdivision 6; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 4.31, subdivision 5; 15.059, subdivision 5; 16.853; 16.91; 21.112, subdivision 2; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 82.30; 84B.11; 86A.10; 115A.12, subdivision 2; 121.901; 121.938; 123.581; 124.215; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 178.02; 184.23; 214.14; 222.65; 241.71; 245.84, subdivision 4; 326.41; 326.49; and 363.04, subdivisions 4, 4a, and 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.9223, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] There is created a state council on affairs of Spanish-speaking people to consist of seven members appointed by the governor with the advice and consent of the senate. The members of the council shall be broadly representative of the Spanish-speaking community of the state. Membership, terms, compensation, removal of members and filling of vacancies shall be as provided in Minnesota Statutes, Section 15.0575. The council shall annually elect from its membership a chairperson and other officers it deems necessary. *The council shall expire on the date provided by section 15.059, subdivision 5.*

Sec. 2. Minnesota Statutes 1982, section 4.31, subdivision 5, is amended to read:

Subd. 5. The governor shall appoint an advisory committee of not more than 21 members, at least one member from each economic development region, to advise and make recommendations to him and the director of volunteer services. Notwithstanding this numerical limitation, members currently serving on an advisory group to the governor's office of volunteer services shall complete their prescribed terms of office; thereafter, appointments of successors shall be made so as to be consistent with the numerical limitation contained in this section. Membership terms, compensation, removal and filling of vacancies of members *and expiration* of the advisory committee shall be as provided in section 15.059; provided, that members shall not be eligible for a per diem.

Sec. 3. Minnesota Statutes 1982, section 11A.08, subdivision 4, is amended to read:

Subd. 4. [TERMS; COMPENSATION; REMOVAL; VACANCIES; EXPIRATION.] The membership terms, compensation ~~and~~, removal of members appointed by the state board, ~~and~~ filling of vacancies of ~~such~~ members, *and expiration of the board* shall be as provided in section 15.059 except that council members shall not receive a per diem.

Sec. 4. Minnesota Statutes 1982, section 15.059, subdivision 5, is amended to read:

Subd. 5. [EXPIRATION DATE.] Unless an earlier date is specified by law, the existence of each advisory council and committee governed by this section shall terminate on June 30, ~~1983~~ 1989.

Sec. 5. Minnesota Statutes 1982, section 16.02, subdivision 28, is amended to read:

Subd. 28. To provide an employee assistance program comprised of training, diagnostic and referral services for state employees and their dependents. ~~In conjunction with the program, the governor shall appoint an advisory committee on state employee assistance consisting of not more than 15 members. The committee, which shall be subject to the provisions of section 15.059, shall advise the commissioner regarding the operational policies of the employee assistance program.~~

Sec. 6. Minnesota Statutes 1982, section 16.872, subdivision 3, is amended to read:

Subd. 3. The state ceremonial building council consists of the following 15 members: the commissioner of administration; the spouse of the governor; the executive director of the board of arts; the director of the Minnesota historical society; a member of the senate appointed pursuant to the rules of the senate; a member of the house of representatives appointed pursuant to the rules of the house of representatives; seven persons appointed by the governor including one in the field of higher education, one member of the American Society of Interior Designers, Minnesota chapter, one member of the American Institute of Architects, Minnesota chapter, one member of the American Society of Landscape Architects, Minnesota chapter, one member of the family that donated the ceremonial building to the state, if available, and four public members. Members of the council serve without compensation. Membership terms, removal, and filling of vacancies for members appointed by the governor are governed by section 15.0575. The

council shall elect a chairman and a secretary from among its members. *The council shall expire on the date provided by section 15.059, subdivision 5.*

Sec. 7. Minnesota Statutes 1982, section 21.112, subdivision 2, is amended to read:

Subd. 2. [ADVISORY SEED POTATO CERTIFICATION COMMITTEE.] ~~He~~ *The commissioner* shall appoint an advisory seed potato certification committee to consist of six members, each of whom shall be a grower in Minnesota of certified seed potatoes, and shall serve without compensation, ~~except he~~ *but* shall receive ~~his~~ traveling expenses and other expenses necessary in attending committee meetings. The term of each committee member shall be three years from July 1 following ~~his~~ appointment, except that of the first committee to be appointed, two members shall serve one year, two members shall serve two years and two members shall serve three years. Vacancies shall be filled by the commissioner for the balance of the vacant term. ~~Said~~ *The* committee shall hold at least one meeting each year and other meetings ~~when deemed necessary by~~ *at the call of the commissioner. The committee shall expire on the date provided by section 15.059, subdivision 5.*

Sec. 8. Minnesota Statutes 1982, section 41.54, subdivision 2, is amended to read:

Subd. 2. [TERMS AND COMPENSATION.] The compensation ~~and~~, removal of members *and expiration* of the council shall be governed by section 15.059. The council shall meet monthly or more often as needed.

The terms of the members serving on January 15, 1981, shall end on the first Monday in April in the year indicated as follows:

- (a) The dairy farmer and one officer from a commercial lending institution, 1982;
- (b) The cash grain farmer and the officer from a farm credit association, 1983;
- (c) The livestock farmer and one officer from a commercial lending institution, 1984; and
- (d) The agricultural economist, 1985.

After a term expires as provided in clauses (a) to (d), all successors shall be appointed for four year terms. The terms of the present officers from a commercial lending institution shall be decided by lot subject to clauses (a) and (c).

Sec. 9. Minnesota Statutes 1982, section 52.062, subdivision 1, is amended to read:

Subdivision 1. Whenever the commissioner of banks shall find that a credit union is engaged in unsafe or unsound practices in conducting its business or that the shares of the members are impaired or are in immediate danger of becoming impaired, or that such credit union has knowingly or negligently permitted any of its officers, directors, committee members, or employees to violate any material provision of any law, bylaw, or regulation to which the credit union is subject, the commissioner of banks may proceed in the manner provided by ~~either~~ subdivision 2 ~~or~~ ~~subdivision 3.~~

Sec. 10. Minnesota Statutes 1982, section 52.062, subdivision 2, is

amended to read:

Subd. 2. The commissioner of banks may suspend the operation of the credit union by giving notice to its board of directors by certified mail ~~with a copy to the advisory council~~. Said notice shall include a list of reasons for said suspension and a list of any specific violations of law, bylaw, or regulation, and shall specify which operations of the credit union may be continued during the period of suspension. The notice shall also fix a time and place for a hearing before the commissioner of banks or such person or persons as the commissioner of banks may designate. The hearing shall be held within 60 days of the notice of suspension, and the advisory council shall sit at such hearing for the purpose of providing advice and counsel to the commissioner of banks or his representative. Evidence may be produced at said hearing by any party thereto, and the commissioner of banks shall base his decision as to the continued suspension of operation of the credit union upon said evidence. If the commissioner of banks decides to continue the suspension, he shall give notice of his decision to the board of directors of the credit union.

Sec. 11. Minnesota Statutes 1982, section 115A.12, subdivision 1, is amended to read:

Subdivision 1. [SOLID AND HAZARDOUS WASTE MANAGEMENT.] The chairperson of the board shall establish a solid waste management advisory council and a hazardous waste management planning council broadly representative of the geographic areas and interests of the state. The councils shall have not less than nine nor more than 18 members each. The membership of the solid waste council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The solid waste council shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery. The membership of the hazardous waste advisory council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms. The chairpersons of the advisory councils shall be appointed by the chairperson of the board. The chairperson of the board shall provide administrative and staff services for the advisory councils. The advisory councils shall have such duties as are assigned by law or the chairperson of the board. The solid waste advisory council shall make recommendations to the board on its solid waste management activities. The hazardous waste advisory council shall make recommendations to the board on its activities under sections 115A.08, 115A.09, 115A.10, and 115A.11, and sections 115A.20, 115A.21 115A.23, and 115A.24. Members of the advisory councils shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the chairperson of the board. *The councils shall expire on the date provided by section 15.059, subdivision 5.*

Sec. 12. Minnesota Statutes 1982, section 121.938, is amended to read:

121.938 [~~STUDENT AND PERSONNEL REPORTING STANDARDS;~~
ADVISORY TASK FORCES.]

Subdivision 1. There ~~are~~ *is* created ~~two~~ *an* advisory task ~~forces~~, ~~one~~ *on* ~~uniform data standards for student reporting and one force~~ on uniform data standards for personnel/payroll reporting, ~~each~~ composed of nine members as follows:

(a) One employee of the state department of education appointed by the commissioner of education;

(b) One representative of the management information services division of the Minnesota educational computing consortium appointed by the board of the Minnesota educational computing consortium;

(c) One representative from the regional management information centers appointed by the state board of education;

(d) Three persons who are representatives of the various size school districts in the state and who are public school employees whose positions involve activities related to student reporting or personnel/payroll reporting, as applicable, appointed by the state board of education;

(e) One person representing the office of the governor appointed by the governor to serve ex officio;

(f) One person representing the senate appointed by the committee on committees to serve ex officio;

(g) One person representing the house of representatives appointed by the speaker of the house to serve ex officio.

Subd. 2. ~~Each task force shall report to the legislature, by September 1, 1981, recommendations for broad policy standards for school district reporting of student data or personnel/payroll data. Each~~ The task force shall recommend to the ~~ESV computer council and the~~ state board specific data standards for ~~student data or personnel/payroll data~~. These data standards shall be consistent with the uniform financial accounting and reporting standards and the uniform property accounting and reporting standards adopted by the state board pursuant to sections 121.90 to 121.917.

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

Sec. 13. Minnesota Statutes 1982, section 123.581, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] Programs for in-service training for regular classroom teachers, assistant principals and principals in techniques of education of handicapped pupils shall be established in school districts designated by the state board of education. Funds for these programs shall be granted by the state board ~~upon the recommendation of the advisory council for in-service training in techniques of education of handicapped pupils~~. Handicapped pupils for the purposes of this section, are those defined in section 120.03.

Sec. 14. Minnesota Statutes 1982, section 126.531, is amended to read:

126.531 [ADVISORY TASK FORCE COUNCIL ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.]

Subdivision 1. The Minnesota Indian Affairs intertribal board shall nomi-

nate 15 persons for membership to the American Indian language and culture education advisory ~~task force~~ *council*. The state board of education shall appoint nine persons from those so nominated to constitute the ~~task force~~ *council*. Members shall include representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs, persons involved in programs for American Indian children in nonsectarian nonpublic, urban, community, tribal or alternative schools and persons knowledgeable in the field of American Indian language and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Subd. 2. The advisory ~~task force~~ *council* on American Indian language and culture education programs shall advise the state board in the administration of its duties under sections 126.45 to 126.55.

Subd. 3. The advisory task force shall expire and the terms, ~~compensation~~ and removal of members shall be as provided for in section 15.059, ~~subdivision 6~~ *but members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.*

Sec. 15. Minnesota Statutes 1982, section 145.919, is amended to read:

145.919 [COMMUNITY HEALTH SERVICES ADVISORY COMMITTEE.]

An advisory committee is established to advise, consult with, and make recommendations to the state commissioner of health on matters relating to the development, maintenance, funding and evaluation of community health services. Each board of health meeting the eligibility requirements of section 145.917 may appoint a member to serve on the committee. The terms shall be two years and no member shall serve more than three consecutive terms. Continuity of membership shall be assured by having an approximately equal number of terms expire each year. Members may receive a per diem and shall be reimbursed for travel and other necessary expenses while engaged in their official duties. The committee shall meet at least quarterly and special meetings may be called by the chairman or a majority of the members. *The committee shall expire June 30, 1989.*

Sec. 16. Minnesota Statutes 1982, section 145.93, subdivision 3, is amended to read:

Subd. 3. [GRANT AWARD; DESIGNATION; PAYMENTS UNDER GRANT.] Each year the commissioner shall give reasonable public notice of the availability of moneys appropriated pursuant to Laws 1980, Chapter 577, Section 2. ~~After consulting with the advisory council,~~ The commissioner shall select as grantee a nonprofit corporation or unit of government which applies for the moneys and best fulfills the criteria specified in subdivision 4. The grantee selected shall be designated the Minnesota poison information center. Moneys appropriated under Laws 1980, Chapter 577, Section 2 shall be paid to the grantee quarterly beginning on July 1.

Sec. 17. Minnesota Statutes 1982, section 145.98, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERSHIP.] There is established in the

executive branch a council on health promotion and wellness. Members of the council shall be appointed by the governor. They shall be experienced or interested in health promotion and wellness. There shall be 15 members with at least one member from each congressional district. The initial membership shall include all persons holding current membership on the governor's council on health promotion and wellness established by Executive Order No. 81-6. The chairperson shall be appointed by the governor from among the members. Members shall not receive per diem pay but may be reimbursed for travel and other expenses in the same manner and amount as state employees. Terms of office shall be governed by section 15.0575. *The council shall expire on the date provided by section 15.059, subdivision 5.*

Sec. 18. Minnesota Statutes 1982, section 148.191, subdivision 2, is amended to read:

Subd. 2. The board is authorized to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.299. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.299. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of sections 148.171 to 148.299 and board rules. It shall examine, license and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate and periodically revise, as necessary, requirements for licensure and for registration and renewal of registration as defined in section 148.231. It shall cause the prosecution of all persons violating sections 148.171 to 148.299 and have power to incur such necessary expense therefor. It shall keep a record of all its proceedings. ~~The board shall appoint an advisory task force on nursing education consisting of 11 members for the purposes of advising the board on matters pertaining to career progression and the approval and operation of nursing programs; assisting with surveys of nursing programs; collecting nursing education data and providing liaison between the board and nursing education. Three members shall be either an administrator or supervisor in one of the following types of agencies at the time of appointment and throughout his term: hospital, nursing home or community nursing service. The remaining eight members shall be either an administrator or faculty member in one of the following types of educational programs at the time of appointment and throughout his term: nursing assistant program; practical nursing program preparing for licensure; professional nursing program preparing for licensure; or advanced nursing program for licensed practical or registered nurses. The task force shall expire and the compensation and removal of members shall be as provided in section 15.059.~~

Sec. 19. Minnesota Statutes 1982, section 152.02, subdivision 13, is amended to read:

Subd. 13. The state board of pharmacy ~~and the advisory council on controlled substances~~ shall study the implementation of Laws 1971, Chapter 937 in relation to the problems of drug abuse in Minnesota and shall report to the legislature annually on or before December 1, their recommendations concerning amendments to Laws 1971, Chapter 937.

Sec. 20. Minnesota Statutes 1982, section 155A.06, subdivision 5, is

amended to read:

Subd. 5. [COMPENSATION.] Members of the council shall be compensated for expenses *and the council shall expire* as provided in section 15.059.

Sec. 21. Minnesota Statutes 1982, section 156A.06, subdivision 1, is amended to read:

Subdivision 1. There is hereby created the water well contractors and exploratory borers advisory council, herein referred to as the "advisory council," as an advisory council to the state commissioner of health. The advisory council shall be composed of 13 voting members. Of the 13 voting members, one member shall be from the state department of health, appointed by the state commissioner of health; one member shall be from the department of natural resources, appointed by the commissioner of natural resources; one member shall be a member of the Minnesota geological survey of the University of Minnesota appointed by the director; two members shall be engaged in the business of exploratory boring for minerals; two public members who are not connected with the business of exploratory boring or the water well drilling industry; and six members shall be contractors actively engaged in the water well drilling industry, not to exceed two from the seven county metropolitan area and at least four from the remainder of the state who shall be representative of different geographical regions. They shall be residents of the state of Minnesota and appointed by the commissioner of health. No appointee of the water well drilling industry shall serve consecutive terms. The appointees to the advisory council from the water well drilling industry shall have been bona fide residents of this state for a period of at least three years prior to appointment and shall have had at least five years experience in the water well drilling business. The council shall ~~not~~ expire, ~~but~~ *and* the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 22. Minnesota Statutes 1982, section 161.1419, is amended by adding a subdivision to read:

Subd. 8. The commission shall expire on the date provided by section 15.059, subdivision 5.

Sec. 23. Minnesota Statutes 1982, section 198.055, is amended by adding a subdivision to read:

Subd. 1a. [REDUCED MEMBERSHIP.] After July 1, 1983, appointments to each group of appointees on the advisory committee shall be reduced by one so that after the second group of appointments subsequent to July 1, 1983, the committee shall consist of nine members. The commissioner shall comply with Laws 1976, chapter 149, section 48, regarding the composition of the committee in all appointments made after July 1, 1983.

Sec. 24. Minnesota Statutes 1982, section 241.64, is amended to read:

241.64 [ADVISORY ~~TASK FORCE~~ COUNCIL.]

Subdivision 1. [CREATION.] Within 60 days after the effective date of sections 241.61 to 241.66, the commissioner shall appoint a nine member advisory ~~task force~~ council 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, and expiration of the advisory ~~task force~~ council. *Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.*

Subd. 2. [MEMBERSHIP.] Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. Five members of the advisory ~~task force~~ council shall be representatives of community or governmental organizations which provide services to battered women, and four members of the advisory ~~task force~~ council shall be public members.

Subd. 3. [DUTIES.] The advisory ~~task force~~ council shall:

(a) recommend to the commissioner the names of five applicants for the position of project coordinator.

(b) advise the commissioner on the rules promulgated pursuant to section 241.63;

(c) review and comment on applications received by the commissioner for designation as a pilot program and applications for education grants; and

(d) advise the project coordinator in the performance of his duties in the administration and coordination of the programs funded under section 241.62.

Sec. 25. Minnesota Statutes 1982, section 241.71, is amended to read:

241.71 [CREATION OF ADVISORY TASK FORCE.]

Within 60 days after July 1, 1981, the commissioner of corrections shall appoint an advisory task force on the woman offender in corrections. The task force shall have at least ten but no more than 20 members and shall reflect a statewide geographical representation. The provisions of section 15.059, subdivision 6, shall govern the terms, expenses, and removal of members of the advisory task force. *The task force shall expire on the date provided by section 15.059, subdivision 5.*

Sec. 26. Minnesota Statutes 1982, section 246.017, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP, DUTIES, MEETINGS.] The commissioner of public welfare shall create and establish a medical policy directional committee on mental health composed of seven members five of whom are experts in their fields of medicine, mental health, mental retardation, or related sciences. Two members shall be selected from social service, rehabilitation, volunteer services, nursing, hospital administration or related fields. Not more than one member shall be selected from any one field of medicine or related sciences which shall include the field of psychiatry, neurology, physiology, biochemistry, internal medicine, pediatrics, pharmacology, and psychology.

One member shall be appointed whose term shall expire July 1, 1954, and his successors thereafter shall be appointed for a period of three years; two members shall be appointed whose terms expire on July 1, 1955, and their successors shall be appointed for a term of three years; two members shall

be appointed whose terms shall expire on July 1, 1956, and their successors thereafter shall be appointed for a term of three years. Two members shall be appointed whose terms shall be determined by the commissioner. *The committee shall expire on the date provided by section 15.059, subdivision 5.*

The committee will meet at least six times each year at such times and in such places as the commissioner of public welfare may determine. He may call such additional meetings from time to time as he may deem necessary not exceeding a maximum of 50 meetings in any one year. Each member will receive the sum of \$50 per day for time actually spent in transacting the business of the board and shall be reimbursed for expenses actually incurred in the performance of their official duties.

The committee shall advise the commissioner of public welfare as to all phases of professional standards including patient care, training of personnel, management practices, establishment of treatment programs, obtaining adequate staff, establishment of medical and statistical records and operation of practices in order that they be compatible with professional requirements. The committee shall advise the commissioner of public welfare in approval and guidance of research projects and distribution of research funds. They shall assist him in establishing and maintaining the best possible practices in all mental institutions.

The commissioner of public welfare shall appoint, and unless otherwise established by law, set the salary of a licensed physician to serve as medical director to assist him in establishing and maintaining the medical policies of the department of public welfare. The commissioner may place the medical director's position in the unclassified service if the position meets the criteria of section 43A.08, subdivision 1a.

Sec. 27. Minnesota Statutes 1982, section 256B.58, is amended to read:

256B.58 [ADMINISTRATION.]

The pilot programs shall be administered by the commissioner. The commissioner may employ staff to administer the programs. The cost of the staff shall be met solely by funds authorized to be spent for administering the programs. ~~The commissioner shall appoint a seven member advisory task force to advise the commissioner on the operation of the pilot programs. All of the members of the advisory task force shall be senior citizens. The compensation of members, their removal from office, and the filling of vacancies shall be as provided in section 15.059.~~

Sec. 28. Minnesota Statutes 1982, section 268.12, subdivision 6, is amended to read:

Subd. 6. [ADVISORY COUNCILS.] The commissioner of economic security shall appoint a state advisory council and may appoint such local advisory councils as he deems advisable, composed in each case of an equal number of employer and employee representatives who shall be selected because of their vocation, employment, or affiliation, and of such members representing the general public as he may designate. ~~The commissioner may also appoint an agricultural employment advisory council and such other advisory councils as may be found necessary for proper administration. Such The advisory councils shall aid the commissioner in formulating policies and discussing problems relating to the administration of sections 268.03 to~~

268.24 and in assuring impartiality and freedom from political influence in the solution of such problems. The councils shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 29. Minnesota Statutes 1982, section 507.09, is amended to read:

507.09 [FORMS APPROVED; AMENDMENTS.]

The several forms of deeds, mortgages, land contracts, assignments, satisfactions, and other conveyancing instruments prepared by the uniform conveyancing blanks commission and filed by the commission with the secretary of state pursuant to Laws 1929, Chapter 135, as amended by Laws 1931, Chapter 34, are approved and recommended for use in the state. Such forms shall be kept on file with and be preserved by the secretary of state as a public record. The commissioner of securities and real estate may appoint an advisory committee on uniform conveyancing forms to recommend to the commissioner of securities and real estate amendments to existing forms or the adoption of new forms. *The terms, compensation, removal of members, vacancies, and expiration of the advisory committee shall be as provided by section 15.059.* The commissioner of securities and real estate may adopt amended or new forms consistent with the laws of this state by rule in accordance with chapter 14.

Sec. 30. Laws 1976, chapter 314, section 3, is amended to read:

Sec. 3. This act is effective upon final enactment. The board shall expire on ~~June 30, 1983~~ *the date provided by Minnesota Statutes, section 15.059, subdivision 5.*

Sec. 31. Laws 1980, chapter 614, section 192, is amended to read:

Sec. 192. [EFFECTIVE DATE.] Except as otherwise provided in this act, this act is effective the day following final enactment. Section 55 is effective retroactive to April 1, 1980. Sections 87 and 88 are effective for any notice of the objects of the petition served after the day following final enactment. Sections 85 and 86 are effective for each district named in section 86 upon approval by a majority of the board of managers of the respective districts, and upon compliance with the provisions of Minnesota Statutes, Section 645.021. Sections 168 to 180 are effective upon approval by resolution of the St. Paul city council. The resolution shall be adopted after published notice to the public and public hearing. Sections 37 to 39, 49, 51, 57, 60 to 68, 70 to 74, 79, 81 to 83, 89, 101 to 123, 126, 128, 135 to 145, 148, 152, and 155, are effective July 1, 1980. Section 187 is effective July 1, 1980 and expires ~~June 30, 1983~~ *on the date provided by Minnesota Statutes, section 15.059, subdivision 5.* Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (b), section 155 is effective without local approval July 1, 1980. Section 157 is effective March 1, 1981 and applies to causes of action accruing on or after that date. Section 191, subdivision 2 is effective July 1, 1981.

Sec. 32. [REPEALER.]

Minnesota Statutes 1982, sections 16.91; 16.853; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 52.061; 52.062, subdivision 3; 82.30; 84.524; 84B.11; 86A.10; 115A.12, subdivision 2; 116J.04; 121.934; 123.581, sub-

divisions 2, 3, 4, 5, and 7; 124.215; 128A.03; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 152.02, subdivision 11; 184.23; 214.14; 222.65; 245.84, subdivision 4; and 363.04, subdivisions 4, 4a, and 5 are repealed.

Sec. 33. [EFFECTIVE DATE.]

This act is effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to state government; extending the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.9223, subdivision 1; 4.31, subdivision 5; 11A.08, subdivision 4; 15.059, subdivision 5; 16.02, subdivision 28; 16.872, subdivision 3; 21.112, subdivision 2; 41.54, subdivision 2; 52.062, subdivisions 1 and 2; 115A.12, subdivision 1; 121.938; 123.581, subdivision 1; 126.531; 145.919; 145.93, subdivision 3; 145.98, subdivision 1; 148.191, subdivision 2; 152.02, subdivision 13; 155A.06, subdivision 5; 156A.06, subdivision 1; 161.1419, by adding a subdivision; 198.055, by adding a subdivision; 241.64; 241.71; 246.017, subdivision 2; 256B.58; 268.12, subdivision 6; and 507.09; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 16.91; 16.853; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 52.061; 52.062, subdivision 3; 82.30; 84.524; 84B.11; 86A.10; 115A.12, subdivision 2; 116J.04; 121.934; 123.581, subdivisions 2, 3, 4, 5, and 7; 124.215; 128A.03; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 152.02, subdivision 11; 184.23; 214.14; 222.65; 245.84, subdivision 4; and 363.04, subdivisions 4, 4a, and 5."

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

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

S.F. No. 220: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Page 1, lines 21 and 25, delete "19" and insert "20"

Page 2, line 22, delete "19" and insert "20"

Page 3, line 13, delete "holds title to,"

Page 3, line 14, after the first "of" insert ", has the right of control"

Page 3, line 14, after "including" insert "without limitation a person who may be"

Page 3, line 15, delete "or" and insert a comma

Page 3, line 15, after "tenant" insert ", lessor, contract for deed vendee, licensor, licensee, or occupant"

Page 3, after line 15, insert:

"Any person owning or holding a remainder or other nonpossessory interest or estate in real property shall become an owner of real property only from and after the time that person's interest or estate in the real property vests in actual possession or after that person obtains the unconditioned right to possession or control of the real property."

Page 3, line 18, after "the" insert "United States government, any interstate body, and the"

Page 6, line 21, delete "19" and insert "20"

Page 6, line 25, delete "Owned" and insert "Possessed with the right of control, controlled the use of,"

Page 7, line 32, delete "he"

Page 7, line 33, delete "acquired the property" and insert "right, title, or interest in the property was first acquired by the person and engaged in conduct by which he associated himself with the release"

Page 7, after line 36, insert:

"In determining whether any person acquiring any right, title, or interest in the real property or the owner of real property knew or reasonably should have known that a hazardous substance was located in or on the facility at the time he either acquired his interest in the property or became an owner of real property, he may rely upon a written warranty, representation, or undertaking set forth in any instrument conveying any right, title, or interest in the real property executed by the person conveying the right, title, or interest, or set forth in any memorandum of any such instrument executed for the purpose of recording. The written warranty, representation, or undertaking is admissible as evidence in any action involving the acquiring person's knowledge or duty to know of the location of a hazardous substance on or in the property and is prima facie evidence of the facts set forth in it and of the acquiring person's knowledge or duty to investigate; or

Any liabilities or causes of action accruing hereunder during the time the owner of real property is in possession with the right of control or has control of the real property shall not accrue against such other persons holding any right, title, or interest in the real property."

Page 8, line 4, delete "11" and insert "10"

Page 8, line 26, delete "16" and insert "17"

Page 8, delete lines 28 to 31

Page 8, line 32, delete "5" and insert "4"

Page 9, line 5, delete "6" and insert "5"

Page 9, line 13, delete "16" and insert "17"

Page 9, line 15, delete "7" and insert "6"

Page 9, line 21, after "party" insert "or the plaintiff"

Page 9, line 34, delete "8" and insert "7"

Page 10, line 26, delete "9" and insert "8"

Page 11, line 1, delete "10" and insert "9"

Page 11, line 5, delete "16" and insert "17"

Page 11, line 11, delete "11" and insert "10"

Page 11, line 12, delete "6 to 10" and insert "5 to 9"

Page 11, line 18, delete "9" and insert "8"

Page 12, delete lines 13 to 16

Page 12, line 17, delete "5" and insert "4"

Page 12, line 26, delete "6" and insert "5"

Page 12, line 32, after "party" insert "or the plaintiff"

Page 13, line 9, delete "7" and insert "6"

Page 14, line 1, delete "8" and insert "7"

Page 14, line 5, delete "16" and insert "17"

Page 14, line 11, delete "9" and insert "8"

Page 14, line 12, delete "6 to 8" and insert "5 to 7"

Pages 14 and 15, delete section 6 and insert:

"Sec. 6. [115B.06] [RETROACTIVE APPLICATION.]

Notwithstanding any provision or rule of law, if a defendant shows that his hazardous substance was placed or came to be located in or on the facility on or before April 1, 1963, sections 5, 7, 8, 10, and 13 do not apply to any claim or proceeding for personal injury, death, disease, or economic loss or other harm or loss subject to section 5."

Page 15, delete lines 14 to 18 and insert:

"(a) There was a release of a hazardous substance;

(b) Defendant was a responsible person with respect to the release;

(c) The plaintiff was exposed to the hazardous substance;

(d) The hazardous substance to which the plaintiff was exposed was the same kind of substance as that which was released from the facility;"

Page 15, line 19, delete "(c) It is more likely than not that" and insert "(e)"

Page 15, line 32, after "disease" insert " , or that a defendant is a person responsible for the release of the hazardous substance from the facility"

Pages 15 and 16, delete section 8 and insert:

"Sec. 8. [115B.08] [COMPARATIVE FAULT OF PLAINTIFF AND DEFENDANT; LIABILITY LIMITED; CONTRIBUTION.]

Subdivision 1. [COMPARATIVE FAULT.] In an action under section 5, the court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages that are recoverable in the action, and the percentage of fault attributable to each party. The court shall then reduce the amount of damages that are recoverable by the percentage of fault attributable to the plaintiff.

Subd. 2. [FAULT ATTRIBUTABLE TO PLAINTIFF.] For the purpose of subdivision 1, fault attributable to a plaintiff is limited to:

(a) Voluntary assumption of a known risk; or

(b) Knowingly and unreasonably subjecting himself to a risk which results from the special or unusual character of the hazardous substance.

A plaintiff does not assume a risk for purposes of clause (a) if, in order to avoid assuming the risk, the plaintiff would be required to forego the exercise of a valuable right or privilege.

Subd. 3. [FAULT ATTRIBUTABLE TO DEFENDANT.] For the purpose of subdivision 1, the following factors shall be considered in determining the percentage of fault attributable to a defendant:

(a) The extent to which the defendant's contribution to the release of a hazardous substance can be distinguished;

(b) The amount of hazardous substance involved;

(c) The degree of toxicity of the hazardous substance involved;

(d) The degree of involvement of and care exercised by the defendant in manufacturing, treating, transporting, and disposing of the hazardous substance;

(e) The degree of cooperation by the defendant with federal, state, or local officials to prevent any harm to the public health or the environment; and

(f) Knowledge of the defendant of the hazardous nature of the substance.

The burden is on a defendant to show the percentage of fault which is attributable to him or to other defendants.

Subd. 4. [LIMITATION OF LIABILITY.] If the percentage of fault attributable to a defendant is determined as provided in this section, the defendant shall be liable for that percentage of the damages recoverable in the action.

Subd. 5. [CONTRIBUTION.] Any defendant held liable for damages which exceed that proportion of the damages recoverable in the action which is attributable to the fault of the defendant is entitled to seek contribution from any other defendant to the extent of that other defendant's proportionate share of the damages."

Page 16, line 35, delete “14” and insert “15”

Page 17, lines 4, 10, 13, 26, and 33, delete “14” and insert “15”

Page 18, lines 4, 14, 18, 20, 35, and 36, delete “14” and insert “15”

Page 18, delete lines 23 to 34 and insert:

“Sec. 14. [115B.14] [STATE AND POLITICAL SUBDIVISION LIABILITY.]

Notwithstanding any other provision or rule of law, including sections 3.732 to 3.84 and chapter 466, the state and political subdivisions shall be subject to the same liability, responsibility, and proceedings as a private individual for claims arising out of the release or threatened release of hazardous substances or pollutants and contaminants.”

Page 18, line 35, delete “[115B.14]” and insert “[115B.15]”

Page 19, line 3, delete “14” and insert “15”

Page 19, line 7, delete “[115B.15]” and insert “[115B.16]”

Page 19, line 22, delete “the owner” and insert “a person having any right, title, or interest in real property”

Page 19, line 35, delete “or ascertainable”

Page 20, line 25, delete “owner” and insert “person”

Page 20, line 35, delete “[115B.16]” and insert “[115B.17]”

Page 21, line 19, delete “the owner of real property” and insert “any person having any right, title, or interest in the real property”

Page 21, line 21, delete “owner” and insert “person”

Page 21, line 36, delete “, sub-clauses (1) and (2)”

Page 22, line 20, delete “17” and insert “18”

Page 22, lines 23 and 24, delete “the owner of” and insert “a person having any right, title, or interest in the”

Page 23, lines 16 and 17, delete “17” and insert “18”

Page 23, line 30, delete “19” and insert “20”

Page 24, lines 5 and 16, delete “19” and insert “20”

Page 25, line 10, delete “6” and insert “5”

Page 26, line 12, delete “[115B.17]” and insert “[115B.18]”

Page 26, line 29, delete “16” and insert “17”

Page 27, line 6, delete “the owner of” and insert “any person having any right, title, or interest in and to the”

Page 27, line 9, delete “owner” and insert “person”

Page 27, line 26, delete “[115B.18]” and insert “[115B.19]”

Page 27, line 28, delete “19” and insert “20”

Page 27, line 29, delete “21” and insert “22”

Page 28, line 18, delete "[115B.19]" and insert "[115B.20]"

Page 28, lines 28 and 33, delete "16" and insert "17"

Page 28, lines 31 and 34, delete "16 or" and after "17" insert "or 18"

Page 29, line 11, delete "16" and insert "17"

Page 29, line 12, delete "16 or" and after "17" insert "or 18"

Page 30, line 29, delete "21" and insert "22"

Page 30, line 30, delete "17" and insert "18"

Page 30, line 34, delete "24" and insert "25"

Page 31, line 16, delete "20 to 23" and insert "21 to 24"

Page 32, line 32, delete "21" and insert "22"

Page 32, line 34, delete "19" and insert "20"

Page 33, line 2, delete "19" and insert "20"

Page 33, lines 7, 26, and 36, delete "21" and insert "22"

Page 34, lines 1, 11, 25, 29, and 32, delete "21" and insert "22"

Page 34, line 22, delete "20" and insert "21"

Page 35, line 8, delete "19" and insert "20"

Pages 37 and 38, delete sections 26 to 28

Page 38, line 23, delete "19" and insert "20"

Page 38, line 27, delete "20 and 22" and insert "21 and 23"

Page 39, after line 12, insert:

"Sec. 28. [STUDY.]

The commissioner of insurance shall conduct a study to determine (1) whether adequate private insurance is available on reasonable terms and conditions to the persons subject to liability under section 5 of this act, and (2) whether the market for this insurance is sufficiently competitive to insure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The commissioner shall submit the results of the study, together with his recommendations, to the legislature by January 1, 1985. The director of the pollution control agency shall cooperate with and provide assistance to the commissioner during the course of the study."

Page 39, lines 2 and 9, delete "16" and insert "17"

Page 39, line 4, delete "19" and insert "20"

Page 39, line 17, delete "23" and insert "24" and delete "29" and insert "27"

Page 39, line 18, delete "21" and insert "22"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the second semicolon, insert "providing for a study of insurance availability;"

Page 1, line 12, delete "sections" and insert "section" and delete everything after the semicolon

Page 1, line 13, delete everything before "proposing"

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

H.F. No. 79 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.
79	144				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 79 be amended as follows:

Page 2, line 20, to page 4, line 2, delete sections 3, 4, and 5 and insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1983, and apply to adult reference motions filed on or after that date. Orders for reference issued prior to the effective date shall be considered in the enforcement of this act."

Amend the title as follows:

Page 1, line 5, delete the semicolon and insert a period

Page 1, delete lines 6 and 7

And when so amended H.F. No. 79 will be identical to S.F. No. 144, and further recommends that H.F. No. 79 be given its second reading and substituted for S.F. No. 144, 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. 412, 237, 267, 322 and 428 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 215 and 79 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Mehrkens moved that his name be stricken as a co-author to S.F. No. 342. The motion prevailed.

Mr. Petty moved that the name of Mr. Ramstad be added as a co-author to

S.F. No. 455. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Ms. Reichgott be added as a co-author to S.F. No. 483. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Lessard be added as a co-author to S.F. No. 531. The motion prevailed.

Mr. Solon moved that the name of Mr. Lessard be added as a co-author to S.F. No. 583. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 584. The motion prevailed.

Ms. Berglin moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 568. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Berglin be added as a co-author to S.F. No. 585. The motion prevailed.

Mr. Belanger introduced—

Senate Resolution No. 25: A Senate resolution congratulating the slalom skiing team from Bloomington Jefferson High School for winning the 1983 State Championship.

Referred to the Committee on Rules and Administration.

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 7, 1983, 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 7, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Lauren Larsen, 109 E. Anoka Street, Duluth, St. Louis County, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

MINNESOTA POLLUTION CONTROL AGENCY

Duane A. Dahlberg, 421 Horn Avenue South, Moorhead, Clay County, effective February 23, 1982, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Kroening moved that S. F. No. 164, on the Calendar, be stricken and

placed at the top of General Orders.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 47 and nays 16, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Olson	Storm
Anderson	Frank	Knutson	Pehler	Stumpf
Belanger	Frederick	Kroening	Peterson,C.C.	Taylor
Benson	Frederickson	Kronebusch	Peterson,D.L.	Ulland
Bernhagen	Hughes	Langseth	Ramstad	Waldorf
Bertram	Isackson	Lantry	Reichgott	Wegscheid
Brataas	Johnson, D.E.	Lessard	Renneke	Willet
Chmielewski	Johnson, D.J.	McQuaid	Samuelson	
Dahl	Jude	Mehrkens	Schmitz	
Davis	Kamrath	Merriam	Sieloff	

Those who voted in the negative were:

Berglin	Freeman	Nelson	Peterson,R.W.	Purfeerst
Dicklich	Moe, D. M.	Novak	Petty	Solon
Diessner	Moe, R. D.	Peterson,D.C.	Pogemiller	Spear
Dieterich				

The motion prevailed.

GENERAL ORDERS

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

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

S.F. No. 39 which the committee recommends to pass, after the following motions:

Mr. Davis moved to amend S.F. No. 39 as follows:

Page 2, lines 4 and 9, after "board" insert "*may review and comment, but*"

The motion prevailed. So the amendment was adopted.

Mr. Davis then moved to amend S.F. No. 39 as follows:

Page 2, line 9, delete "*immediately*" and insert "*, within 30 days,*"

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S.F. No. 39 as follows:

Page 2, line 9, after "*immediately*" insert "*order a hearing in accordance with section 414.09, and if no township or municipality has withdrawn its consent to the joint resolution within 30 days after the hearing, the board shall*"

Page 2, line 10, after the period, insert "*The criteria stated in section 414.0325, subdivision 3, and any other appropriate criteria shall be considered at the hearing.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Taylor
Belanger	Frederickson	Kronebusch	Peterson, D.L.	Ulland
Benson	Isackson	Laidig	Peterson, R.W.	
Brataas	Johnson, D.E.	McQuaid	Ramstad	
Chmielewski	Kamrath	Mehrrens	Sieloff	
Dieterich	Knaak	Merriam	Storm	

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Pehler	Samuelson
Berglin	Diessner	Lantry	Peterson, C.C.	Schmitz
Bernhagen	Frank	Lessard	Peterson, D.C.	Solon
Bertram	Freeman	Moe, D. M.	Petty	Spear
Dahl	Hughes	Moe, R. D.	Pogemiller	Stumpf
Davis	Johnson, D.J.	Nelson	Purfeerst	Waldorf
DeCramer	Jude	Novak	Reichgott	Wegscheid

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Petty, Pehler and Samuelson introduced—

S.F. No. 597: A bill for an act relating to financial institutions; credit unions; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, section 52.05.

Referred to the Committee on Economic Development and Commerce.

Mr. Solon introduced—

S.F. No. 598: A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, section 59A.09, subdivisions 3 and 6.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty, Solon, Freeman and Belanger introduced—

S.F. No. 599: A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.09, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Messrs. Chmielewski, Purfeerst, Berg, Bernhagen and Schmitz introduced—

S.F. No. 600: A bill for an act relating to transportation; apportioning five percent of the net highway user tax distribution fund; creating a town road account in the county state-aid highway fund; providing for the distribution of money in the town road account to towns for the construction, reconstruction, and maintenance of town roads; abolishing county and municipal turn-back accounts; amending Minnesota Statutes 1982, sections 161.081; 162.08, subdivision 4; and 383A.16, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 162; repealing Minnesota Statutes 1982, sections 161.082; 161.083; 161.084; 161.085; and 162.08, subdivision 3.

Referred to the Committee on Transportation.

Messrs. Ulland and Solon introduced—

S.F. No. 601: A bill for an act relating to housing; eliminating requirements that housing programs for urban Indians combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, subdivision 3.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Waldorf, Mrs. Adkins, Messrs. Belanger and Wegscheid introduced—

S.F. No. 602: A bill for an act relating to highway traffic regulations; authorizing admission into evidence of a defendant's refusal to submit to chemical testing; amending Minnesota Statutes 1982, section 169.121, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Dahl, Luther, Willet, Dicklich and Langseth introduced—

S.F. No. 603: A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1982, section 201.091, subdivision 2.

Referred to the Committee on Elections and Ethics.

Messrs. Jude, Luther, Spear, Freeman and Kamrath introduced—

S.F. No. 604: A bill for an act relating to corporations; foreign corporations; establishing bond requirements; authorizing the secretary of state to insure compliance with these requirements; amending Minnesota Statutes 1982, sections 303.08, subdivision 1; 303.17, subdivision 1; and 303.19, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 303.

Referred to the Committee on Economic Development and Commerce.

Messrs. Anderson, Knaak, Langseth and Mehrkens introduced—

S.F. No. 605: A bill for an act relating to taxation; exempting sales of currency or legal tender from the sales and use tax; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear; Moe, D.M.; Renneke and Frederickson introduced—

S.F. No. 606: A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivisions 2 and 3; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.35, subdivision 1; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; and 422A.221, subdivision 2; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Spear; Moe, D.M.; Ms. Berglin, Mr. Pogemiller and Mrs. McQuaid introduced—

S.F. No. 607: A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of money designated by them for certain combined charitable funds; amending Minnesota Statutes 1982, section 15.375, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 309; repealing Minnesota Statutes 1982, section 15.375, subdivision 1.

Referred to the Committee on Governmental Operations.

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

S.F. No. 608: A bill for an act relating to employment; encouraging public and private sector pension funds to invest in real estate; permitting certain public funds to participate in real estate investments; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; 354A.08; 422A.05, subdivision 2c; 423.389; and 423.60; proposing new law coded in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Messrs. Wegscheid, Belanger, Solon, Benson and Mrs. Adkins introduced—

S.F. No. 609: A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts

and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.05; 56.131, subdivision 3; 56.14; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Mr. Novak introduced—

S.F. No. 610: A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Novak and Purfeerst introduced—

S.F. No. 611: A bill for an act relating to occupations and professions; establishing licensing, bonding, and insurance requirements for tow truck operators; requiring the commissioner of transportation to adopt rules; providing for the revocation, suspension, and denial of a license; prohibiting local regulation; proposing new law coded in Minnesota Statutes, chapter 221.

Referred to the Committee on Transportation.

Messrs. Belanger, Frederick and Jude introduced—

S.F. No. 612: A bill for an act relating to the city of Bloomington; authorizing the issuance of capital notes for certain equipment acquisitions.

Referred to the Committee on Local and Urban Government.

Messrs. Dahl, Solon, Freeman, Mrs. Adkins and Mr. Laidig introduced—

S.F. No. 613: A bill for an act relating to insurance; fire; requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; amending Minnesota Statutes 1982, sections 65A.01, subdivision 3; and 299F.054, subdivisions 1, 2, 4, and by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Mr. Renneke introduced—

S.F. No. 614: A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

Referred to the Committee on Veterans and General Legislation.

Mr. Knutson, Mrs. Brataas, Messrs. Renneke and Benson introduced—

S.F. No. 615: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; 62E.531, subdivision 2; 62E.54, by adding a subdivision; and 256.98; proposing new law coded in Minnesota Statutes, chapter 62E.

Referred to the Committee on Economic Development and Commerce.

Mr. Solon, Mrs. McQuaid, Messrs. Wegscheid, Pogemiller and Dicklich introduced—

S.F. No. 616: A bill for an act relating to the council for the handicapped; providing for appointment of members to the council; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

Referred to the Committee on Governmental Operations.

Ms. Berglin; Messrs. Solon; Johnson, D.E. and Mrs. Lantry introduced—

S.F. No. 617: A bill for an act relating to health; providing for the distribution of federal funds for maternal and child health care; amending Minnesota Statutes 1982, sections 145.881, subdivision 1; and 145.882; proposing new law coded in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Petty and Moe, D.M. introduced—

S.F. No. 618: A bill for an act relating to public welfare; providing for the establishment of a state foster care advisory council and local review boards under the jurisdiction of juvenile judges; prescribing conditions of membership and duties of board members; requiring agency cooperation; providing for the adoption of supreme court rules; setting limitations; appropriating money; proposing new law coded in Minnesota Statutes, chapter 260.

Referred to the Committee on Health and Human Services.

Messrs. Sieloff; Knaak; Dieterich; Peterson, R.W. and Laidig introduced—

S.F. No. 619: A bill for an act relating to taxation; providing for collection of employers' contributions to the unemployment compensation fund by the department of revenue; amending Minnesota Statutes 1982, sections 268.05, subdivision 2; 268.12, subdivision 12; 268.16, subdivisions 1 and 2; 268.161, subdivisions 1, 3, 4, 5, 6, 7, 8, and 9; proposing new law coded in chapter 270.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegscheid; Moe, D.M.; Ms. Berglin, Mr. Laidig and Ms.

Reichgott introduced—

S.F. No. 620: 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 and Human Services.

Messrs. Wegscheid; Petty; Peterson, R.W.; Dahl and Anderson introduced—

S.F. No. 621: A bill for an act relating to state government; allowing the acceptance of gifts to the state without the governor's approval; authorizing the commissioner of administration to rent state property without the governor's approval; authorizing the state to transfer surplus state property to local units of government; allowing the governor and lieutenant governor to use unmarked state cars; amending Minnesota Statutes 1982, sections 7.09, subdivision 1; 16.02, subdivisions 14 and 18; 16.75, subdivision 7; and 16.753, subdivision 5.

Referred to the Committee on Governmental Operations.

Messrs. Petty, Dahl, Jude and Anderson introduced—

S.F. No. 622: A bill for an act relating to no-fault automobile insurance; clarifying legislative intent concerning stacking of insurance policies; establishing tort threshold limitations on uninsured motorist coverage; amending Minnesota Statutes 1982, sections 65B.47, by adding a subdivision; and 65B.49, subdivision 4.

Referred to the Committee on Economic Development and Commerce.

Messrs. Jude; Moe, D.M.; Novak; Sieloff and Merriam introduced—

S.F. No. 623: A bill for an act relating to taxation; property; expanding the purposes for which a certain levy may be used; providing that the county board expend the funds raised by the levy; amending Minnesota Statutes 1982, sections 450.23; 450.24; and 450.25; proposing new law coded in Minnesota Statutes, chapter 450.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Knutson, Sieloff, Ramstad, Kamrath and Knaak introduced—

S.F. No. 624: 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 vacancies on trial courts; appropriating money; proposing new law coded as Minnesota Statutes, chapter 494.

Referred to the Committee on Judiciary.

Messrs. Knutson, Sieloff, Ramstad, Kamrath and Knaak introduced—

S.F. No. 625: A bill for an act relating to courts; establishing a supreme

court judicial nominating commission; providing for membership and terms of office of the commission; providing a nomination procedure for selection of qualified persons to fill supreme court vacancies; appropriating money; proposing new law coded as Minnesota Statutes, chapter 494.

Referred to the Committee on Judiciary.

Messrs. Knutson, Sieloff, Ramstad, Kamrath and Knaak introduced—

S.F. No. 626: A bill for an act relating to courts; establishing a court of appeals judicial nominating commission; providing for membership and terms of office of the commission; providing a nomination procedure for selection of qualified persons to fill court of appeals vacancies; appropriating money; proposing new law coded as Minnesota Statutes, chapter 494.

Referred to the Committee on Judiciary.

Messrs. Jude, Lessard, DeCramer, Schmitz and Storm introduced—

S.F. No. 627: A bill for an act relating to the Minnesota humane society; providing for appointment of the executive director by the governor; amending Minnesota Statutes 1982, section 343.01, subdivision 3.

Referred to the Committee on Veterans and General Legislation.

Messrs. Davis, DeCramer, Peterson, C.C.; Willet and Moe, R.D. introduced—

S.F. No. 628: A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frank and Novak introduced—

S.F. No. 629: A bill for an act relating to hospitals; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board; amending Minnesota Statutes 1982, section 447.32, subdivisions 1 and 4.

Referred to the Committee on Health and Human Services.

Ms. Reichgott, Messrs. Spear, Peterson, R.W.; Sieloff and Merriam introduced—

S.F. No. 630: A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47,

subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes, sections 508.41; 508.42; 508A.41; and 508A.42.

Referred to the Committee on Judiciary.

Messrs. Ramstad, Taylor and Frederick introduced—

S.F. No. 631: A bill for an act relating to unemployment compensation; providing an exception for contributions and coverage for self-employed business owners; proposing new law coded in Minnesota Statutes 1982.

Referred to the Committee on Employment.

Mr. Moe, R.D., by request, introduced—

S.F. No. 632: A bill for an act relating to education; authorizing residents of land which previously constituted a school district to petition the school board for detachment from the present school district; requiring the school board to call a referendum under certain conditions; providing for annexation of land subject to approval of annexing district; proposing new law coded in Minnesota Statutes, chapter 122.

Referred to the Committee on Education.

Messrs. Chmielewski, Pehler, Diessner and Taylor introduced—

S.F. No. 633: A bill for an act relating to unemployment compensation; regulating the disqualification of certain health facility workers; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

Referred to the Committee on Employment.

Messrs. Peterson, C.C.; Johnson, D.J.; Bernhagen; Novak and Merriam introduced—

S.F. No. 634: A bill for an act relating to game and fish; designation of experimental and specialized fishing waters; notice of netting season; licensing fishing guides; fishing license surcharge and fees; establishing a sport fishing improvement account and joint select committee on sport fisheries; advisory committee; restricting the use of tip-ups; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.49, by adding a subdivision; 97.53, by adding a subdivision; 98.46, subdivision 5; and 101.42, subdivision 20; proposing new law coded in Minnesota Statutes, chapters 98 and 101.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Knutson introduced—

S.F. No. 635: A bill for an act relating to health; requiring registration of home health agencies; allowing for complaints about home health agencies to the office of health facility complaints; specifying rights; requiring reporting of abuse; amending Minnesota Statutes 1982, sections 144.651; 144A.51, by adding a subdivision; 144A.52, subdivision 3; 144A.53;

144A.54, subdivision 1; and 626.557, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Messrs. DeCramer, Berg, Kamrath and Nelson introduced—

S.F. No. 636: A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; and Laws 1980, chapter 610, section 1, as amended.

Referred to the Committee on Transportation.

Messrs. Purfeerst, Berg and Stumpf introduced—

S.F. No. 637: A bill for an act relating to agriculture; establishing a program of financial assistance for agricultural commodity promotion organizations; appropriating money; proposing new law coded in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Novak, Purfeerst, Mrs. Lantry, Messrs. Vega and Laidig introduced—

S.F. No. 638: A bill for an act relating to metropolitan government; regulating transit commission debt; amending Minnesota Statutes 1982, section 473.436, subdivision 5.

Referred to the Committee on Transportation.

Messrs. Frank and Dahl introduced—

S.F. No. 639: A bill for an act relating to energy; data reporting; definition of "earth sheltered"; biennial energy reports; certificate of need fees; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; 116J.18, subdivision 1; and 116J.28, subdivision 6.

Referred to the Committee on Energy and Housing.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 14, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-THIRD DAY

St. Paul, Minnesota, Monday, March 14, 1983

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Gerald C. Stoppel.

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

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

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, Lessard, Novak and Vega were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 7, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

Our office is requesting the return of the appointment papers for Sally Martin, Director of the Public Service Department, which were forwarded to you for the Senate's action on January 25, 1983.

We would appreciate return of those documents from the respective assigned committee and from your office.

We expect shortly to forward a letter of appointment for the new appointee, Ray Bohn.

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

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 24 and 121.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1983

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. 61: A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, and 14.

Senate File No. 61 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1983

Mr. Luther moved that the Senate do not concur in the amendments by the House to S. F. No. 61, 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. 56, 182, 268, 223, 252 and 330.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 9, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 56: A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 39, now on the Calendar.

H.F. No. 182: A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 459.

H.F. No. 268: A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 2; and 52.17, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 236.

H.F. No. 223: A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing for service of summons and subpoena by mail; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that the withholding tax clearance required for state contractors be expanded to include out-of-state subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 297A.42, subdivision 2; and 524.3-805.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 361.

H.F. No. 252: A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, subdivision 1.

Referred to the Committee on Health and Human Services.

H.F. No. 330: A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 52.063; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 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; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 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; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02 by adding a subdivision; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; and Laws 1982, chapter 501, section 27; repealing Minnesota Statutes 1982, sections 14.70; 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Moc, 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

S.F. No. 337: A bill for an act relating to drivers' licenses; requiring licenses of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

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

Page 2, after line 5, insert:

“Sec. 2. [EXTENSION OF EXISTING PROVISIONAL LICENSES.]

Provisional licenses issued before the effective date of this act will remain valid until the licensee reaches the age of 19.”

Renumber the sections in sequence

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. 458: A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending Minnesota Statutes 1982, section 473.446, 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. 459: A bill for an act relating to the metropolitan transit commission; special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 473.408, is amended by adding a subdivision to read:

Subd. 3a. [SPECIAL FARES FOR JOBSEEKERS.] The commission may print or have printed special bus passes for jobseekers, and shall distribute the passes to government agencies, civic and community organizations and other nonprofit organizations which assist persons seeking employment and which the commission determines will use the passes in compliance with the intent of this subdivision. Agencies and organizations receiving the passes may use them only for loaning at no charge to unemployed or underemployed persons who are actively seeking employment, and persons using the passes

may use them only while engaged in travel relating to the seeking of employment. Agencies and organizations receiving the passes are responsible for the use of the passes in conformity with this subdivision. From Monday through Friday, during the off-peak hours specified by the commission, the commission may charge a reduced fare for persons displaying cards issued pursuant to this subdivision.

This subdivision expires June 30, 1985.

Sec. 2. Minnesota Statutes 1982, section 473.408, subdivision 5, is amended to read:

Subd. 5. [OTHER REDUCED FARES PROHIBITED; EXCEPTION.] Except for the advance sale of service through special passes or for other special promotional efforts, and except as provided in subdivisions 3 and 4 and section 1, the commission and other operators ~~shall~~ may not grant any reduced fares for regular route bus service.

Sec. 3. [JOBSEEKER FARE NOT A SOCIAL FARE.]

The reduced fare for jobseekers under section 1 is not a social fare for which the commission may receive reimbursement under section 174.24, subdivision 4.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for"

Page 1, line 4, before "by" insert "subdivision 5. and"

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

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

S.F. No. 361: A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing for service of summons and subpoena by mail; setting the amount of bond for liquor licenses and making them conditioned on payment of taxes to the state; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that state contract settlement proceeds be applied to unpaid withholding taxes of contractors or subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4,

5, and by adding a subdivision; 290A.42, subdivision 2; 340.12; and 524.3-805.

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

Page 3, line 27, delete the period

Page 3, delete lines 28 and 29

Page 3, line 30, delete the new language

Page 5, line 13, after "court" insert "without payment of the tax, penalty, or interest"

Page 7, line 3, after "or" insert "if the tax judgment has been filed,"

Page 7, line 23, after "court" insert "without payment of the tax, penalty, or interest"

Page 9, line 5, delete the new language

Page 9, delete lines 6 to 8

Page 14, line 24, after "determines" insert ", not to exceed twice the estimated average liability for future monthly withholding tax periods"

Page 15, line 18, after "and" insert "by"

Page 15, line 19, delete ", if any" and insert "whose business location is outside of the state of Minnesota"

Page 15, line 20, after "contractor" insert "or out-of-state subcontractor"

Page 15, line 22, before the period, insert "with respect to the contractor or out-of-state subcontractor. If, at the time of final settlement, there are any unpaid withholding taxes, penalties, or interest arising from the government contract, the department shall issue a certification to the contractor or out-of-state subcontractor upon payment, with certified funds, of any unpaid withholding taxes, penalties, and interest. Payment is received by the department upon delivery of the certified funds to the central office located in St. Paul, or any district or subdistrict office located throughout the state"

Page 15, lines 22 to 28, delete the new language

Page 17, line 3, delete the new language

Page 17, delete lines 4 to 6

Pages 17 to 19, delete section 19

Page 20, line 13, after "3" delete the comma and insert "to" and delete "20" and insert "19"

Page 20, line 16, delete "Section 19 is effective October 1, 1983" and insert "This act shall not apply to any tax, the collection of which is barred by statute of limitations on July 1, 1983"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 5 to 7

Page 1, line 8, delete "state;"

Page 1, line 18, delete "that state"

Page 1, delete lines 19 and 20 and insert "for payment of withholding taxes by contractors and certain subcontractors prior to final contract settlement;"

Page 1, line 27, delete "340.12;"

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

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

S.F. No. 153: A bill for an act relating to taxation; extending tax exemption to property held for future development by certain nonprofit organizations; amending Minnesota Statutes 1982, section 272.02, subdivision 5.

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

Delete everything after the enacting clause and insert:

"Section 1. [CITY OF BEMIDJI; PROPERTY TAX EXEMPTION FOR PROPERTY HELD FOR FUTURE DEVELOPMENT.]

The governing body of the city of Bemidji may authorize the exemption from property tax of property entirely located within the city of Bemidji, held by a qualified nonprofit organization for later resale for economic development purposes.

For purposes of this section, a "qualified nonprofit organization" is a corporation organized under the provisions of chapter 317 which is prohibited by its articles of incorporation from affording any pecuniary gain to its members or directors and which has as its primary purpose the civic betterment and development of the city of Bemidji. The exemption provided under this subdivision for property held by a qualified nonprofit organization shall apply only to property held for the purpose of encouraging development of commerce and industry in the city in accordance with the provisions of the articles of incorporation of the organization. This section shall not operate to create an exemption from sections 272.01, subdivision 2; 272.68; 273.19; or 462.575, subdivision 3; or other provision of law providing for the taxation of or for payments in lieu of taxes for publicly held property which is leased, loaned, or otherwise made available and used by a private person.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after approval by the city council of the city of Bemidji at 12:01 a.m. the day after compliance with Minnesota Statutes, section 645.021, subdivision 3."

Amend the title as follows:

Page 1, line 2, delete "taxation; extending" and insert "the city of Bemidji; authorizing the granting of property tax"

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

S.F. No. 444: A bill for an act relating to taxation; requiring notice of estimated mill rate increases likely to result from bond issue submitted to electors; amending Minnesota Statutes 1982, section 475.59.

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

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

S.F. No. 333: A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, section 144.651.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 144.651, is amended to read:

144.651 [PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES; BILL OF RIGHTS.]

Subdivision 1. [LEGISLATIVE INTENT.] It is the intent of the legislature and the purpose of this section to promote the interests and well being of the patients and residents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. Any guardian or conservator of a patient or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a patient or resident. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.

Subd. 2. [DEFINITIONS.] For the purposes of this section, “patient” means a person who is admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. “Resident” means a person who is admitted to a non-acute care facility including extended care facilities, nursing homes, and board and care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age.

Subd. 3. [PUBLIC POLICY DECLARATION.] It is declared to be the

public policy of this state that the interests of each patient and resident be protected by a declaration of a patients' bill of rights which shall include but not be limited to the following:

(1) Every patient and resident shall have the right to considerate and respectful care;

(2) Every patient and resident can reasonably expect to obtain from his physician or the resident physician of the facility complete and current information concerning his diagnosis, treatment and prognosis in terms and language the patient can reasonably be expected to understand. In cases in which it is not medically advisable to give the information to the patient or resident the information may be made available to the appropriate person in his behalf;

(3) Every patient and resident shall have the right to know by name and specialty, if any, the physician responsible for coordination of his care;

(4) Every patient and resident shall have the right to every consideration of his privacy and individuality as it relates to his social, religious, and psychological well being;

(5) Every patient and resident shall have the right to respectfulness and privacy as it relates to his medical care program. Case discussion, consultation, examination, and treatment are confidential and should be conducted discreetly;

(6) Every patient and resident shall have the right to expect the facility to make a reasonable response to his requests;

(7) Every patient and resident shall have the right to obtain information as to any relationship of the facility to other health care and related institutions insofar as his care is concerned;

(8) Every patient and resident shall have the right to expect reasonable continuity of care which shall include but not be limited to what appointment times and physicians are available;

(9) Every resident shall be fully informed, prior to or at the time of admission and during his stay, of services available in the facility, and of related charges including any charges for services not covered under medicare or medicaid or not covered by the facility's basic per diem rate;

(10) Every patient and resident shall be afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research;

(11) No resident shall be arbitrarily transferred or discharged but may be transferred or discharged only for medical reasons, for his or other residents' welfare, or for nonpayment for stay unless prohibited by the welfare programs paying for the care of the resident, as documented in the medical record. Reasonable advance notice of any transfer or discharge must be given to a resident;

(12) Every resident may manage his personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on his behalf if he delegates this responsibility in accordance with the laws of Minnesota to the facility for any period of time;

(13) Every resident shall be encouraged and assisted, throughout his period

of stay in a facility; to understand and exercise his rights as a patient and as a citizen; and to this end; he may voice grievances and recommend changes in policies and services to facility staff and outside representatives of his choice; free from restraint; interference; coercion; discrimination or reprisal;

(14) Every resident shall be free from mental and physical abuse; and free from chemical and physical restraints; except in emergencies; or as authorized in writing by his physician for a specified and limited period of time; and when necessary to protect the resident from injury to himself or to others;

(15) Every patient and resident shall be assured confidential treatment of his personal and medical records; and may approve or refuse their release to any individual outside the facility; except as otherwise provided by law or a third party payment contract;

(16) No resident shall be required to perform services for the facility that are not included for therapeutic purposes in his plan of care;

(17) Every resident may associate and communicate privately with persons of his choice; and send and receive his personal mail unopened; unless medically contraindicated and documented by his physician in the medical record;

(18) Every resident may meet with representatives and participate in activities of commercial; religious; and community groups at his discretion; provided; however; that the activities shall not infringe upon the right to privacy of other residents;

(19) Every resident may retain and use his personal clothing and possessions as space permits; unless to do so would infringe upon rights of other patients or residents; and unless medically contraindicated and documented by his physician in the medical record;

(20) Every resident; if married; shall be assured privacy for visits by his or her spouse and if both spouses are residents of the facility; they shall be permitted to share a room; unless medically contraindicated and documented by their physicians in the medical record;

(21) Every patient or resident shall be fully informed; prior to or at the time of admission and during his stay at a facility; of the rights and responsibilities set forth in this section and of all rules governing patient conduct and responsibilities; and

(22) Every patient or resident suffering from any form of breast cancer shall be fully informed; prior to or at the time of admission and during her stay; of all alternative effective methods of treatment of which the treating physician is knowledgeable; including surgical; radiological; or chemotherapeutic treatments or combinations of treatments and the risks associated with each of those methods *rights specified in this section.*

Subd. 4. [INFORMATION ABOUT RIGHTS.] Patients and residents shall be fully informed, prior to or at the time of admission and during their stay at a facility, of the rights and responsibilities set forth in this section and of all facility policies governing their rights and responsibilities. This information shall be provided both verbally and in writing, with reasonable arrangements made for those with communication impairments and those who speak a language other than English. Current facility policies and inspection findings of state and local health authorities shall be available to patients,

residents, their guardians or their designated representatives upon reasonable request to the administrator or other designated staff person.

Subd. 5. [COURTEOUS TREATMENT.] Patients and residents have the right to be treated with courtesy and respect for their individuality by employees of or persons providing service in a health care facility.

Subd. 6. [APPROPRIATE HEALTH CARE.] Patients and residents shall have the right to medical and personal care based on individual needs to achieve their highest level of physical and mental functioning. This right is limited where the service is not reimbursable by public or private resources.

Subd. 7. [PHYSICIAN'S IDENTITY.] Patients and residents shall have or be given, in writing, the name, business address, telephone number, and specialty, if any, of the physician responsible for coordination of their care. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.

Subd. 8. [RELATIONSHIP WITH OTHER HEALTH SERVICES.] Patients and residents shall be informed, in writing, of any health care services which are provided to those patients or residents by individuals, corporations, or organizations other than their facility. Information shall include the name of the outside provider, the address, and a description of the service which may be rendered. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative.

Subd. 9. [INFORMATION ABOUT TREATMENT.] Patients and residents shall be given by their physicians complete and current information concerning their diagnosis, treatment, and prognosis in terms and language the patients or residents can reasonably be expected to understand. Patients and residents may be accompanied by a family member or other chosen representative. This information shall include the probable medical or psychological consequences of the treatment and its alternatives. In cases where it is medically inadvisable, as documented by the attending physician in a patient's or resident's care record, the information shall be given to the patient's or resident's guardian or other person designated by the patient or resident as his or her representative. Individuals have the right to refuse this information.

Subd. 10. [PARTICIPATION IN PLANNING TREATMENT.] Patients and residents shall have the right to participate in the planning of their health care. This right includes the opportunity to discuss treatment and alternatives with individual caregivers, the opportunity to participate in care conferences, and the right to include a family member or other chosen representative.

Subd. 11. [CONTINUITY OF CARE.] Patients and residents shall have the right to be cared for with reasonable regularity and continuity of staff assignment as far as facility policy allows.

Subd. 12. [RIGHT TO REFUSE CARE.] Competent patients and residents

shall have the right to refuse treatment, medication, or dietary restrictions and be given the medical or psychological consequences of the refusal, with documentation in the individual care record. In cases where a resident is incapable of understanding the circumstances but has not been adjudicated incompetent, limitation of this right shall be fully documented by the attending physician in the patient's or resident's care record.

Subd. 13. [EXPERIMENTAL RESEARCH.] Written, informed consent must be obtained prior to a patient's or resident's participation in experimental research. Patients and residents have the right to refuse participation. Both consent and refusal shall be documented in the individual care record.

Subd. 14. [FREEDOM FROM ABUSE.] Patients and residents shall be free from mental or physical abuse as defined in section 626.557, subdivision 2, clause (d). "Abuse" means any act which constitutes solicitation, inducement or promotion of prostitution as described in section 609.322 or criminal sexual conduct as defined in sections 609.342, 609.343, 609.344, and 609.345; or the intentional and non-therapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress. Every patient and resident shall also be free from chemical and physical restraints, except in fully documented emergencies, or as authorized in writing after examination by a patient's or resident's physician for a specified and limited period of time, and only when necessary to protect the resident from self-injury or injury to others.

Subd. 15. [TREATMENT PRIVACY.] Patients and residents shall have the right to respectfulness and privacy as it relates to their medical and personal care program. Case discussion, consultation, examination, and treatment are confidential and shall be conducted discreetly. Privacy shall be respected during toileting, bathing, and other activities of personal hygiene, except as needed for patient or resident safety or assistance.

Subd. 16. [CONFIDENTIALITY OF RECORDS.] Patients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility. Patients and residents shall be notified when personal records are requested and may select someone to accompany them when the records or information are the subject of a personal interview. Copies of records and written information from the records shall be made available in accordance with this subdivision and section 144.335. This right does not apply to complaint investigations and inspections by the department of health, where required by third party payment contracts, or where otherwise provided by law.

Subd. 17. [DISCLOSURE OF SERVICES AVAILABLE.] Patients and residents shall be fully informed, prior to or at the time of admission and during their stay, of services which are included in the facility's basic per diem rate and other available services for which there are additional charges. Facilities shall make every effort to assist patients and residents in obtaining information regarding whether the medicare or medical assistance program will pay for any or all of the aforementioned services. A resident may purchase or rent goods or services not included in the per diem rate from a supplier of his or her choice unless otherwise provided by law. The

supplier shall ensure that these purchases are sufficient to meet the medical or treatment needs of the resident.

Subd. 18. [FINANCIAL AFFAIRS.] Competent residents may manage their personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on their behalf if they delegate this responsibility in accordance with the laws of Minnesota to the facility for any period of time.

Subd. 19. [RESPONSIVE SERVICE.] Patients and residents shall have the right to a prompt and reasonable response to their questions and requests.

Subd. 20. [PERSONAL PRIVACY.] Patients and residents shall have the right to every consideration of their privacy, individuality, and cultural identity as related to their social, religious, and psychological well-being. Facility staff shall respect the privacy of a patient's or resident's room by knocking on the door and seeking consent before entering, except in an emergency or where clearly inadvisable.

Subd. 21. [GRIEVANCES.] Patients and residents shall be encouraged and assisted, throughout their stay in a facility, to understand and exercise their rights as patients, residents, and citizens. Patients and residents may voice grievances and recommend changes in policies and services to facility staff and others of their choice, free from restraint, interference, coercion, discrimination, or reprisal, including threat of discharge. Notice of the facility's grievance procedure, as well as addresses and telephone numbers for the office of health facility complaints and the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12), shall be posted in a conspicuous place.

Subd. 22. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and leave the facility as they choose. In cases where it is medically or programmatically inadvisable, as documented by the attending physician in a patient's or resident's care record, this right shall be limited accordingly. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' and residents' calls.

Subd. 23. [RIGHT TO ASSOCIATE.] Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11, and community groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for improvements in long-term care.

Subd. 24. [ADVISORY COUNCILS.] Residents and their families shall have the right to organize, maintain, and participate in resident advisory and

family councils. Each facility shall provide assistance and space for meetings. Council meetings shall be afforded privacy, with staff or visitors attending only upon the council's invitation. A staff person shall be designated the responsibility of providing this assistance and responding to written requests which result from council meetings. Resident and family councils shall be encouraged to make recommendations regarding facility policies.

Subd. 25. [PERSONAL PROPERTY.] Patients and residents may retain and use their personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients or residents, and unless medically or programmatically contraindicated and documented by their physicians in the medical record. The facility must either maintain a central locked depository or provide individual locked storage areas in which residents may store their valuables for safekeeping. The facility may, but is not required to, provide compensation for or replacement of lost or stolen items.

Subd. 26. [MARRIED RESIDENTS.] Residents, if married, shall be assured privacy for visits by their spouses and, if both spouses are residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their physicians in the medical records.

Subd. 27. [SERVICES FOR THE FACILITY.] No patients or residents shall be required to perform services for the facility unless the services are included for therapeutic purposes in their plans of care.

Subd. 28. [TRANSFERS AND DISCHARGES.] Residents shall not be arbitrarily transferred or discharged. Residents must be notified, in writing, of the proposed discharge or transfer and its justification no later than 30 days before discharge from the facility and seven days before transfer to another room within the facility. This notice shall include the resident's right to contest the proposed action, with the address and telephone number of the area nursing home ombudsman pursuant to the Older Americans Act, section 307(a)(12). The resident, informed of this right, may choose to relocate before the notice period ends. The notice period may be shortened in situations outside the facility's control, such as a determination by utilization review, the accommodation of newly-admitted residents, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or non-payment for stay unless prohibited by the public program or programs paying for the resident's care, as documented in the medical record. Facilities shall make a reasonable effort to accommodate new residents without disrupting room assignments.

Sec. 2. Minnesota Statutes 1982, section 144.652, subdivision 1, is amended to read:

144.652 ~~[POLICY STATEMENT BILL OF RIGHTS NOTICE TO PATIENT OR RESIDENT; VIOLATION.]~~

Subdivision 1. [DISTRIBUTION; POSTING.] ~~The policy statement contained in~~ Except as provided below, section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58, or 144A.02 ~~or any law providing for the licensure of nursing homes.~~ Copies of the ~~policy statement law~~ shall be furnished the patient or resident and the patient or resident's guardian or conservator upon admittance to the facility. ~~Hospitals may delete subdivisions 18, 23, 24, 26,~~

and 28 from copies posted or distributed to hospital patients. A notation of this deletion shall be made. The policy statement shall include the address and telephone number of the board of medical examiners and/or the name and phone number of the person within the facility to whom inquiries about the medical care received may be directed. The notice shall include a brief statement describing how to file a complaint with the ~~nursing home complaint team of the health department or any division or agency of state government which succeeds it~~ office of health facility complaints established pursuant to section 144A.52 concerning a violation of section 144.651 or any other state statute or rule. This notice shall include the address and phone number of the office of health facility complaints."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections" and before the period insert "; and 144.652, subdivision 1"

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

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

S.F. No. 236: A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivision 1; and 52.17, subdivision 2.

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

Page 1, line 15, after the period, insert "[GENERALLY.]"

Page 1, line 15, strike "shall have" and insert "has"

Page 1, line 19, strike "such"

Page 2, line 13, strike "providing that" and insert ". However,"

Page 2, line 14, strike "shall be" and insert "are"

Page 2, line 16, strike "shall" and insert "do"

Page 2, line 33, strike "shall be" and insert "is"

Page 2, line 33, strike "such" and insert "the"

Page 2, line 35, strike "Such" and insert "The"

Page 2, line 35, strike "shall" and insert "is"

Page 2, line 35, strike "be"

Page 3, line 6, strike "such" and insert "those"

Page 3, line 10, strike "provided that any" and insert "but a"

Page 3, line 29, strike "provided that" and insert "if"

Page 3, line 30, strike "shall obtain" and insert "*obtains*"

Page 4, line 15, strike "such" and strike "as"

Page 4, line 16, strike "may be"

Page 4, line 18, strike "provided" and insert "if"

Page 5, line 35, strike "It shall be the duty of"

Page 5, line 36, strike "to have general management of" and insert "*shall manage*"

Page 6, line 1, strike ", particularly" and insert "*and shall*"

Page 6, lines 2, 8, 15, 19, 22, and 35, strike "to"

Page 6, line 4, strike "The" and insert "An"

Page 6, lines 5 and 36, strike "shall" and insert "*must*"

Page 6, line 13, after "directors" insert a comma

Page 6, line 13, strike "may" and insert "*need*"

Page 6, line 15, strike "which shall be"

Page 6, line 17, strike the first and second "to" and strike the commas

Page 6, line 28, strike "shall" and insert "*is*"

Page 6, line 29, strike "be"

Page 6, line 29, strike "central" and after "*corporate*" insert "*credit*"

Page 6, line 32, strike the first "to"

Page 7, line 2, strike "to"

Page 7, line 3, strike "shall" and insert "*will*"

Page 7, lines 4, 9, and 14, strike the first "to"

Page 7, line 6, strike "to" and insert a comma

Page 7, line 8, strike "to be"

Page 7, line 17, strike the second "to"

Page 7, line 22, strike "which shall" and strike "exceed" and insert "*exceeding*"

Page 7, lines 28 and 29, delete the new language

Page 7, after line 29, insert:

"Sec. 4. Minnesota Statutes 1982, section 52.15, subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, a credit union, with the prior written approval of the commissioner of banks, may borrow additional sums to meet its liquidity needs. For purposes of this subdivision, "liquidity needs" means the needs of a credit union for:

(a) Short-term adjustment credit to cushion deposit or share outflows pending an orderly adjustment of assets and liabilities;

(b) Seasonal needs arising from a combination of expected patterns of movement in share and deposit accounts and loans; and

(c) Protracted adjustment needs in the event of unusual or emergency circumstances of a longer-term nature resulting from national, regional or local difficulties. *Applications for written approval must include the specific dollar amount or increase in the aggregate percentage with respect to unimpaired assets that may be borrowed by the credit union and the period of time the additional borrowed sums will be needed. The commissioner's approval must state the specific dollar amount or increase in the aggregate percentage being approved and the period of time for which the approval is effective.*"

Page 7, line 35, strike "shall" and insert "must"

Page 8, line 18, delete "30 days after its date of final"

Page 8, line 19, delete "enactment" and insert "June 1, 1983"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "subdivision 1" and insert "subdivisions 1 and 2"

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 200: A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1982, section 340.15, subdivision 1.

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

Page 1, line 15, after "licensees" insert "or municipal liquor stores"

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 201: A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1982, section 340.11, subdivision 15.

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

Page 1, line 22, after "licensee" insert "or municipal liquor store"

Page 1, line 23, after "licensee" insert "or municipal liquor store"

Page 2, line 2, before the period, insert "in a quantity less than 50 milliliters of wine per variety per customer and 25 milliliters of liqueur or cordial per variety per customer"

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. 325: A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, section 2.

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

Page 1, line 23, delete "*could be devoted to state forest purposes and*"

Page 2, line 24, delete "*state forest*"

Page 2, line 24, before the period, insert "*pertaining to the activities of the department*"

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

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

H.F. No. 26: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

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

Page 1, line 12, delete "(1)" and insert "(a)"

Page 1, line 13, delete "*normally*"

Page 1, line 14, after "*purposes*" insert "*at least 50 percent of the time*"

Page 1, line 19, delete "(2)" and insert "(b)"

Page 1, line 24, delete "(3)" and insert "(c)"

Page 2, line 4, delete "(4)" and insert "(d)"

Page 2, line 4, delete "(a)" and insert "(1)"

Page 2, line 6, delete "(b)" and insert "(2)"

Page 2, line 22, delete the first "*or*"

Page 2, line 22, after "*agents*" insert a comma

Page 2, line 22, after the second "*or*" insert "*its*"

Page 2, line 27, after "*shall*" insert "*, at the consumer's option, either*"

Page 2, line 32, delete "*shall*" and insert "*must*"

Page 2, line 34, delete "*may*"

Page 3, line 9, after "*or*" insert "*its*"

Page 3, line 13, delete the second "or" and insert a comma

Page 3, line 14, after "agents" insert a comma

Page 3, line 14, after "or" insert "its"

Page 3, line 24, delete "In"

Page 3, line 25, delete "no event shall" and insert "Except as provided below," and after "section" insert "shall"

Page 3, line 26, delete "unless" and insert "only if"

Page 3, line 26, delete the first "or" and insert a comma

Page 3, line 26, after "agent" insert a comma

Page 3, line 26, after the second "or" insert "its"

Page 3, line 27, after "prior" insert "written"

Page 3, line 28, after "consumer" insert "at least once"

Page 3, line 29, after the period, insert: "If the notification is received by the manufacturer's agent or authorized dealer, the agent or dealer must forward it to the manufacturer by certified mail, return receipt requested. At the time of purchase, the manufacturer, either directly or through its agent or its authorized dealer, must provide the consumer a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: **IMPORTANT: IF THIS VEHICLE IS DEFECTIVE, YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. HOWEVER, TO BE ENTITLED TO REFUND OR REPLACEMENT, YOU MUST FIRST NOTIFY THE MANUFACTURER, ITS AGENT, OR ITS AUTHORIZED DEALER OF THE PROBLEM IN WRITING AND GIVE THEM AN OPPORTUNITY TO REPAIR THE VEHICLE.**"

Page 4, line 2, after "as" insert "nonbinding" and delete "but not binding"

Page 4, line 10, delete "shall" and insert "must"

Page 4, line 13, delete "earlier" and insert "later"

Page 4, line 18, delete "the day following final enactment" and insert "June 15, 1983, and applies to all motor vehicles which as of that date are still under a manufacturer's express warranty and were originally delivered during the previous one year period"

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. 253: A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

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

Page 1, line 11, delete "*current*"

Page 1, line 12, after "*commissioner*" insert "*, in effect at any time between January 1, 1983, and June 30, 1983,*"

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

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

S.F. No. 254: A bill for an act relating to public welfare; providing for medical assistance payment for certain nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

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

Page 2, line 28, delete "*and*"

Page 2, line 29, after "*formula*" insert "*, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product*"

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

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

S.F. No. 369: A bill for an act relating to local government; providing for the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, subdivision 3.

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

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

S.F. No. 278: A bill for an act relating to Hennepin county; providing for financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; amending Laws 1969, chapter 1037, section 1, subdivision 2.

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

Page 1, after line 8, insert:

"Section 1. Laws 1969, chapter 1037, section 1, subdivision 1, is amended to read:

Subdivision 1. [HENNEPIN COUNTY; PARKING FACILITIES.] The county of Hennepin, *subject to the limitation imposed by subdivision 4*, may use and develop any property heretofore acquired or hereafter acquired by gift, lease, purchase or condemnation proceedings, which condemnation proceedings shall be in accordance with Minnesota Statutes, Chapter 117,

any real property within said county of Hennepin, or any interest therein, deemed by the board of county commissioners to be needed for the purposes of providing off street parking facilities in conjunction with any of the public buildings which are under the control of the board of county commissioners for county purposes. The term "off street parking facilities" as used in this section includes lots, lanes, garages, ramps or other structures and accessories."

Page 2, line 10, delete "not"

Page 2, after line 14, insert:

"Sec. 3. Laws 1969, chapter 1037, section 1, is amended by adding a subdivision to read:

"*Subd. 4. [LOCATION OF PARKING FACILITY: MINNEAPOLIS.] The county of Hennepin may build not more than one off street parking facility within the city of Minneapolis. The facility shall be located in proximity to and primarily used for the Hennepin County medical center and juvenile justice facility. The amount of bonded indebtedness to be issued for the facility shall not exceed \$11,000,000. This section shall not limit the authority of Hennepin County to build off street parking facilities outside of the city of Minneapolis.*"

Page 2, line 16, delete "Section 1" and insert "This act"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing the construction of one off street parking facility within the city of Minneapolis;"

Page 1, line 6, delete "subdivision 2" and insert "subdivisions 1 and 2, and by adding a subdivision"

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

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

S.F. No. 240: A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

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

Page 1, line 16, strike "or"

Page 1, line 19, after the semicolon, insert "*or (iii) intrafamilial sexual abuse, within the meaning of sections 609.364 to 609.3644, committed against a minor family or household member by an adult family or household member;*"

Page 2, line 28, delete "notice" and insert "the filing of an affidavit" and delete ", someone designated by"

Page 2, line 29, delete "the petitioner," and after "officer" insert a

comma

Page 2, line 31, delete *“shall”* and insert *“may”*

Page 2, line 31, delete *“a summons”* and insert *“an order”*

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

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

S.F. No. 455: A bill for an act relating to nonprofit corporations; providing for approval of certain actions by boards of directors without formal board meetings; amending Minnesota Statutes 1982, section 317.20, subdivision 12.

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

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

S.F. No. 156: A bill for an act relating to education; providing for active military service to be counted toward the number of years required to be eligible for the teacher early retirement incentive program; extending the date of application to March 1, 1983, for certain individuals; requiring expeditious processing of certain applications in 1983; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

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

Pages 1 and 2, delete section 1 and insert:

“Section 1. Minnesota Statutes 1982, section 125.611, subdivision 1, is amended to read:

Subdivision 1. [CRITERIA.] For purposes of this section, “teacher” means a teacher as defined in section 125.03, subdivision 1, who:

(a) is employed in the public elementary, secondary or area vocational-technical schools in the state and

(b) either

(1)(i) has not less than 15 total years of full time teaching service in elementary, secondary and area vocational-technical schools, or at least 15 years of allowable service as defined in sections 354.05, subdivision 13, or 354A.011, subdivision 4, and

(ii) has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made, or

(2) has not less than 30 total years of full time teaching service in elementary, secondary and area vocational-technical schools, or at least 30 years of allowable service as defined in sections 354.05, subdivision 13, or 354A.011, subdivision 4.”

Page 2, line 14, delete *“March”* and insert *“June”*

Delete the title and insert:

“A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1.”

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

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

S.F. No. 87: A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; requiring denial or revocation of a day care or foster care license to be upheld by hearing examiners unless the decision is arbitrary or capricious; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; providing that whenever there is a conflict of interest under the juvenile court act, the child's interests shall prevail over parental rights; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivisions 1 and 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; 626.556, subdivision 10; 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 1982, section 245.783, subdivision 3, is amended to read:

Subd. 3. [STUDY OF APPLICANT.] Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. The bureau of criminal apprehension, a county attorney, a county sheriff, and a chief of a local police department ~~with the informed consent of~~, *after notice to* the subject of the data, shall assist in this study by providing to the commissioner, the director of any local agency responsible for licensing, or their representatives all criminal conviction data, *arrest information, reports regarding abuse or neglect of children, and investigation results* available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals connected with the application for or renewal of a license: applicants, operators, all persons living in the household, all staff of any day care or residential facility and all staff of agencies placing children for care. If the commissioner is satisfied that the provisions of sections 245.781 to 245.812 and 252.28, subdivision 2 and the applicable rules ~~and regulations~~ promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws, ~~and rules and regulations~~ can-

not be met immediately, but can and will be met within one year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license may be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant.

Sec. 2. Minnesota Statutes 1982, section 245.801, subdivision 4, is amended to read:

Subd. 4. [SUSPENSION; APPEAL.] An operator whose license the commissioner proposes to suspend, revoke, or make probationary shall be given notice by certified mail addressed to the location shown on the license. The notice shall contain a statement of, and the reasons for, the proposed action and shall inform the operator of his right to appeal the decision to the commissioner, in writing, within ten days after receipt of the notice of the proposed action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. *The local welfare agency may demonstrate reasonable cause to revoke, suspend, not renew, or make probationary a family foster care or family day care license by submitting reports, statements, affidavits, or other reliable hearsay to substantiate the allegations of noncompliance with rules promulgated by the commissioner pursuant to section 245.802 governing family foster care licensing and family day care licensing. Upon demonstration by the agency that reasonable cause exists to take the proposed action with respect to a family foster care or family day care license, the burden of proof shall shift to the licensee to demonstrate compliance with the rule by a preponderance of the evidence.* The hearing examiner shall make a recommendation to the commissioner as to whether the license shall be suspended, revoked, or made probationary. However, if the commissioner finds that the health, safety or rights of the persons served by the facility or agency are in imminent danger, he shall order the immediate suspension of the license. The operator shall be given written notice of the order by personal service. The notice shall contain a statement of the reasons for the suspension and shall inform the operator of his right to petition the commissioner for reconsideration of the order. The petition shall be in writing and shall be made within five days after the personal service of the order. Upon receiving a timely written petition, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the order of suspension of the license. The hearing examiner shall make a recommendation to the commissioner as to whether the order of suspension should be affirmed or reversed. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 14 and as stated in this section.

Sec. 3. Minnesota Statutes 1982, section 260.011, subdivision 2, is amended to read:

Subd. 2. [PURPOSE; CONSTRUCTION.] (a) The purpose of the laws

relating to juvenile courts is to secure for each child alleged or adjudicated neglected or dependent and under the jurisdiction of the court, the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; to preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety cannot be adequately safeguarded without removal; and, when the child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents court and alleged or adjudicated dependent or neglected children is to carry out the public policy of protecting children whose health or welfare may be jeopardized by physical abuse, neglect, or sexual abuse and to secure for each of these children care and guidance which will serve the spiritual, emotional, mental, and physical welfare of the child and further the best interests of the state in protecting its child citizens.

Further, it is the policy of this state to preserve and strengthen the family by improving parental and guardian capacity for responsible child care so that a child under the jurisdiction of the juvenile court may safely reside in his or her own home. It is preferable that a child's needs be met in his or her own home. However, if the child's welfare or safety cannot be adequately safeguarded without removal, the child should be removed from the custody of his or her parents, guardian, or custodian and placed in a safe temporary or permanent home environment.

When the child is removed from his or her own family, it is the policy of the state to secure for him or her custody, care and discipline, as nearly as possible equivalent to that which should have been given by his or her parents.

(b) The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

(c) The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 4. Minnesota Statutes 1982, section 260.242, is amended by adding a subdivision to read:

Subd. 1a. [BOTH PARENTS DECEASED.] If upon petition to the juvenile court by any reputable person, including but not limited to any agent of the commissioner of public welfare, and upon hearing in the manner provided in section 260.155, the court finds that both parents are deceased and no appointment has been made or petition for appointment filed pursuant to sections 525.6155 to 525.6165, the court shall order the guardianship and legal custody of the child transferred to:

(a) the commissioner of public welfare;

(b) a licensed child placing agency; or

(c) an individual who is willing and capable of assuming the appropriate

duties and responsibilities to the child.

Sec. 5. Minnesota Statutes 1982, section 260.242, subdivision 2, is amended to read:

Subd. 2. [GUARDIAN'S POWERS.] (a) A guardian appointed under the provisions of ~~subdivision 1~~ *this section* has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to ~~subdivision 1, clause (a)~~ *this section*, the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of ~~subdivision 1~~ *this section* shall not of itself include the guardianship of the estate of the ward.

Sec. 6. Minnesota Statutes 1982, section 364.09, is amended to read:

364.09 [LAW ENFORCEMENT; EXCEPTION.]

This chapter shall not apply to the practice of law enforcement; ~~but or to eligibility for a family day care license or a family foster care license.~~ Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in his discretion *to apply to law enforcement.*

Sec. 7. Minnesota Statutes 1982, 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,~~ *of a child* to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. 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 *child's* 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.

(g) "*Commissioner*" means the commissioner of public welfare.

Sec. 8. Minnesota Statutes 1982, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Any public or private school, other facility, or the employee of any public or private school or other facility who permits access by a local welfare agency and assists in good faith in an investigation pursuant to subdivision 10 shall have immunity from any liability, civil or criminal, that otherwise might result by reason of that action.

This subdivision shall not be construed to provide immunity to any person for failure to make a required report or for committing any neglect, physical abuse, or sexual abuse of a child.

Sec. 9. Minnesota Statutes 1982, section 626.556, subdivision 7, is amended to read:

Subd. 7. [REPORT.] An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report shall be of sufficient content to identify the child, ~~the parent, guardian, or other~~ any person *believed to be* responsible for ~~his care~~ *the child's injuries if the person is known*, the nature and extent of the child's injuries and the name and address of the reporter. Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded im-

mediately to the local police department or the county sheriff.

A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.

Sec. 10. Minnesota Statutes 1982, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A REPORT.] (1) [PARENT; GUARDIAN; RESPONSIBLE PERSON.] (a) *If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or person responsible for a child's care, the local welfare agency shall immediately investigate and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.*

(b) Authority of the local welfare agency responsible for investigating the child abuse report shall include, but not be limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or any other facility where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent.

(c) Where a parent, guardian, or person responsible for the care of the alleged victim or other minor, or the perpetrator prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents to produce the alleged victim or other minor for questioning by the local welfare agency outside the presence of the perpetrator and parents at reasonable places and times as specified by court order.

(d) Before making any order under clause (c), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court.

(e) The commissioner and the local welfare agencies responsible for investigating reports have the right to enter facilities and inspect and copy records of a facility or agency required to be licensed as part of its investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility or agency under investigation that it is conducting an investigation and to disclose to the facility or agency the names of the individuals under investigation for abusing or neglecting a child and to provide the facility or agency with a copy of the report and its investigative findings.

(2) [DUTIES OF SCHOOL OFFICIALS.] *When the local welfare agency determines that an interview should take place on school property, written notification must be received by school officials prior to the interview. The*

notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. The notification must be signed by the chairman of the county welfare board or his designee. The time, place, and manner of the interview on school premises shall be within the discretion of school officials. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted as soon as reasonably possible but not more than 24 hours after the receipt of the notification or at such other time as deemed appropriate and necessary by agreement between the school officials and the local welfare agency. School officials shall not disclose to the parent or perpetrator that a request to interview the child has been made until after abuse investigation has been concluded. Every effort shall be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(3) [DUTIES OF COMMISSIONER; NEGLECT OR ABUSE IN A FACILITY.] *If the report alleges that a child in the care of a facility or agency required to be licensed is neglected, physically abused, or sexually abused by an individual in that facility or agency, the commissioner shall immediately investigate. The commissioner shall arrange for the transmittal of reports received by local agencies to him or her and may delegate to any local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the powers and duties specified for local welfare agencies under this section."*

Delete the title in its entirety and insert:

"A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; and 626.556, subdivisions 2, 4, 7, and 10."

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

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

H.F. No. 121: A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home and the Longfellow House in Minneapolis as state historic sites; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision; and section 138.56, by adding a subdivision.

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

Report adopted.

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

S.F. No. 324: A bill for an act relating to the housing finance agency; increasing the maximum permissible return to certain mortgagors; increasing the maximum rehabilitation loan amount; combining certain bonding categories; clarifying other agency duties and powers; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 14a and 18; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b; and 462A.22, subdivisions 1 and 5; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

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

Page 2, after line 4, insert:

“Sec. 2. Minnesota Statutes 1982, section 462A.05, subdivision 4, is amended to read:

Subd. 4. It may purchase and enter into commitments for the purchase of eligible securities, *certificates of deposit, time deposits, or existing mortgage loans from banks, savings and loan associations, insurance companies, or other financial intermediaries*, provided that the agency shall first determine that the proceeds of such ~~securities instruments~~ will be utilized for the purpose of ~~making loans for residential housing for occupancy by persons or families of low and moderate income as defined in section 462A.03, subdivision 7.~~

Sec. 3. Minnesota Statutes 1982, section 462A.05, subdivision 9, is amended to read:

Subd. 9. It may invest any funds not required for immediate disbursement in ~~direct obligations of the United States government or in obligations the principal of and interest on which are guaranteed by the United States government or an agency thereof~~ accordance with the provisions of section 462A.18, subdivision 2.”

Page 3, after line 23, insert:

“Sec. 6. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 22. It may make or participate in the making and enter into commitments for the making of loans to any banking institution, savings and loan association, or other lender approved by the members, organized under the laws of this or any other state or of the United States having an office in this state, notwithstanding the provisions of section 462A.03, subdivision 13, if it first determines that the proceeds of such loans will be utilized for the purpose of making loans to or for the benefit of eligible persons and families as provided and in accordance with sections 462A.01 to 462A.24. Loans pursuant to this subdivision shall be secured, repaid and bear interest at the rate as determined by the members.”

Page 3, line 29, delete “*therein*” and insert “*in one or more loans*”

Page 3, line 31, after "loan" insert ", to enter into commitments for timely remittal of the principal and interest,"

Page 4, lines 9 to 11, delete the new language

Page 4, line 11, after the period, insert "*If, for any reason, whether existing at the date of issue of any bonds or notes or at the date of making or purchasing any loan or securities from the proceeds or thereafter, the interest on any bonds or notes shall be or become subject to federal income taxation, this shall not impair or affect the validity or the provisions made for the security of the bonds or notes. The agency may make such covenants and take or cause to be taken such actions as are in its judgment necessary or desirable to comply with conditions established by federal law or regulations for the exemption of interest on its obligations. The agency may refrain from compliance with such conditions if in its judgment this would serve the purposes and policies set forth in this chapter with respect to any particular issue of bonds or notes, unless this would violate covenants made by the agency.*"

Page 5, after line 8, insert:

"Sec. 10. Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

Subd. 8a. It may establish a multifamily development assistance fund, on terms and conditions it deems advisable, to be used in connection with the financing of multifamily developments (a) to make loans, with or without interest, pursuant to section 462A.05, subdivisions 1 and 3, or (b) to make payments into accounts of the agency for the purpose of making payments required by a resolution for the issuance of its notes or bonds, as permitted by section 462A.10, subdivision 4."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, before "14a" insert "4, 9," and after "18" insert ", and by adding a subdivision"

Page 1, line 9, after "4b" insert ", and by adding a subdivision"

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

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

S.F. No. 218: A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental retardation to be held in the court in which acquittal took place; modifying the standard of proof on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding subdivisions; 253B.07, subdivisions 1, 2, 3, and 7; 253B.08, subdivision 7; 253B.09, subdivision 1; 253B.12, subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; 253B.23,

subdivisions 7 and 9; and 611.026; proposing new law coded in Minnesota Statutes, chapter 253B.

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

Page 2, lines 1 and 3, delete the commas and insert semicolons

Page 2, line 2, delete “, 609.21,” and insert a semicolon and after “609.205” delete the comma and insert “; 609.21;”

Page 2, line 2, delete the remaining commas and insert semicolons

Page 2, line 4, after “609.255” delete the comma and insert “; 609.265;”

Page 2, line 6, after the semicolon, delete the commas and insert semicolons

Page 2, line 7, delete the first three commas and insert semicolons and delete “609.405” and insert “609.365”

Page 2, line 8, delete “and” and before the period, insert “; 609.562; and 609.595”

Page 2, line 13, delete “*Minnesota Rules of Criminal Procedure*” and insert “*rules of criminal procedure*”

Page 2, line 23, delete “*retardation*” and insert “*deficiency*”

Page 3, line 30, delete “*retardation*” and insert “*deficiency*”

Page 4, line 3, delete “*retardation*” and insert “*deficiency*”

Page 4, after line 26, insert:

“Sec. 6. Minnesota Statutes 1982, section 253B.07, is amended by adding a subdivision to read:

Subd. 2a. [PETITION FOLLOWING ACQUITTAL; REFERRAL.] When a petition is filed pursuant to subdivision 2 with the court in which acquittal of a criminal charge took place, the court shall assign the judge before whom the acquittal took place to hear the commitment proceedings unless that judge is unavailable.”

Page 5, line 20, delete “*immediately*”

Page 5, lines 20 and 32, delete “*retardation*” and insert “*deficiency*”

Page 5, line 21, delete “*prima facie*”

Page 5, line 23, before the period, insert “*and shifts the burden of going forward in the presentation of evidence to the proposed patient; provided that the standard of proof remains as required by this chapter*”

Pages 5 and 6, delete section 9

Page 7, line 13, delete "*immediately*"

Page 7, line 16, delete "*prima facie*"

Page 7, line 17, before the period, insert "*and shifts the burden of going forward in the presentation of evidence to the proposed patient; provided that the standard of proof remains as required by this chapter*"

Page 7, line 36, delete "*for*"

Page 8, lines 1 and 2, delete the new language

Page 8, line 20, delete "*retardation*" and insert "*deficiency*"

Page 8, line 29, strike "*district*"

Page 8, lines 29 and 34, after "*court*" insert "*of appeals*"

Page 8, line 30, after "*chapter*" insert "*as*" and strike "*the manner prescribed in section 487.39*"

Page 8, lines 31 and 32, delete the new language and insert "*other civil cases*"

Page 9, line 2, delete "*appellate*" and after "*court*" insert "*of appeals*"

Page 9, line 2, strike everything after the period

Page 9, strike lines 3 to 5 and delete the new language in line 4

Page 9, delete sections 15 and 16

Page 10, line 1, delete "*Sections 1 to 17 are*" and insert "*This act is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "*retardation*" and insert "*deficiency*"

Page 1, line 9, delete "*standard of proof*" and insert "*burden of going forward with the evidence*"

Page 1, line 14, after the first "*7*" insert "*,* and by adding a subdivision" and delete "*253B.09, subdivision 1;*"

Page 1, line 16, after "*5;*" insert "*and*"

Page 1, line 17, delete everything after "*253B.23,*" and insert "*subdivision 7; and 611.026.*"

Page 1, delete line 18

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 10, 1983:

MINNESOTA POLLUTION CONTROL AGENCY

Keith H. Langmo

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. Willet from the Committee on Finance, to which was referred the following appointment as reported in the Journal for February 2, 1983:

DEPARTMENT OF FINANCE
COMMISSIONER

Gordon M. Donhowe

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. Lessard from the Committee on Veterans and General Legislation, to which were referred the following appointments as reported in the Journal for February 10, 1983:

BOARD OF THE ARTS

Dee Knaak

Jane A. Wold

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

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which were referred the following appointments as reported in the Journal for February 14, 1983:

STATE COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE

Fermin Aragon

Raul Cardona, Jr.

Juan Moreno

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

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred the following appointment as reported in the Journal for March 7, 1983:

STATE ZOOLOGICAL BOARD

James E. Stimson

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. 337, 458, 459, 361, 153, 444, 333, 236, 200, 201, 325, 253,

254, 369, 278, 240, 455, 87, 324 and 218 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 26 and 121 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Langseth be added as a co-author to S.F. No. 6. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Petty be added as a co-author to S.F. No. 196. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Diessner be added as a co-author to S.F. No. 422. The motion prevailed.

Ms. Peterson, D.C. moved that the names of Mrs. McQuaid and Mr. Wegscheid be added as co-authors to S.F. No. 495. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Renneke be added as a co-author to S.F. No. 531. The motion prevailed.

Ms. Berglin moved that the name of Mrs. Brataas be added as a co-author to S.F. No. 545. The motion prevailed.

Mr. Solon moved that the name of Mr. Diessner be added as a co-author to S.F. No. 598. The motion prevailed.

Mr. Renneke moved that the name of Mr. Lessard be added as a co-author to S.F. No. 614. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 636. The motion prevailed.

GENERAL ORDERS

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

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

S.F. Nos. 351, 221, 233, 269, 73, 421, 31, 237, 270, 322 and H.F. Nos. 364, 46 and 215, which the committee recommends to pass.

H.F. No. 68, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Amend H.F. No. 68, as amended pursuant to Rule 49, adopted by the Senate March 3, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 62.)

Page 2, line 9, strike “, so”

Page 2, line 10, strike “far as practicable,”

The motion prevailed. So the amendment was adopted.

S.F. No. 271, which the committee recommends to pass with the follow-

ing amendment offered by Mr. Merriam:

Page 1, line 23, before “city” in both places insert “ *statutory or home rule charter*”

The motion prevailed. So the amendment was adopted.

S.F. No. 72, which the committee recommends be re-referred to the Committee on Governmental Operations.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Freeman, Vega and Spear introduced—

S.F. No. 640: A bill for an act relating to energy; creating the Minnesota conservation partnership; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4; repealing Minnesota Statutes 1982, section 3.351.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Pogemiller, Ms. Reichgott, Messrs. Petty and Peterson, R.W. introduced—

S.F. No. 641: A bill for an act relating to insurance; no-fault automobile; regulating the crime of driving without the required security; providing penalties; amending Minnesota Statutes 1982, section 65B.67, subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1982, section 65B.67, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Kroening, Chmielewski and Wegscheid introduced—

S.F. No. 642: A bill for an act relating to labor; regulating fair labor standards record keeping; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, subdivision 1.

Referred to the Committee on Employment.

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

S.F. No. 643: A bill for an act relating to taxation; limiting the reduced assessment and reimbursement for certain structures used for housing; amending Minnesota Statutes 1982, section 273.13, subdivisions 17, 17b, and 17c.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin introduced—

S.F. No. 644: A bill for an act relating to labor; providing funds for labor education; appropriating money.

Referred to the Committee on Economic Development and Commerce.

Messrs. Pogemiller and Vega introduced—

S.F. No. 645: A resolution memorializing the President and Congress to authorize the issuance of qualified mortgage bonds beyond the current expiration date of December 31, 1983.

Referred to the Committee on Energy and Housing.

Ms. Berglin, Messrs. Petty, Pogemiller, Ms. Peterson, D.C. and Mr. Spear introduced—

S.F. No. 646: A bill for an act relating to taxation; property; providing for the taxation of certain cable communications property; providing for deposit of the proceeds of certain levies in special funds in the city of Minneapolis and Independent School District No. 1; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; and 273.13, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.E.; Pehler and Bertram introduced—

S.F. No. 647: A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

Referred to the Committee on Health and Human Services.

Messrs. Novak and Sieloff introduced—

S.F. No. 648: A bill for an act relating to taxation; sales; reducing the tax on sales of manufactured homes; exempting the sale of used manufactured homes; amending Minnesota Statutes 1982, sections 297A.02, subdivision 1, as amended; and 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon, Dicklich, Pehler, Laidig and Mrs. Lantry introduced—

S.F. No. 649: A bill for an act relating to health; establishing minimum standards for systems of reimbursing providers of pharmaceutical goods and services to certain third-parties; proposing new law coded as Minnesota Statutes, chapter 151A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dieterich; Vega; Johnson, D.J. and Knaak introduced—

S.F. No. 650: A bill for an act relating to commerce; authorizing municipalities to grant franchises for the operation of certain video game arcades;

providing for the regulation of these franchises; proposing new law coded in Minnesota Statutes, chapter 465.

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

Messrs. Storm, Ulland, Knaak, Sieloff and Peterson, C.C. introduced—

S.F. No. 651: A bill for an act relating to taxation; allowing an income tax deduction for certain earnings on small business participating debentures; amending Minnesota Statutes 1982, sections 290.01, subdivision 20b, as amended, and by adding subdivisions; and 290.09, subdivision 3, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davis, Wegscheid, DeCramer and Bertram introduced—

S.F. No. 652: A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Samuelson introduced—

S.F. No. 653: A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Samuelson introduced—

S.F. No. 654: A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; appropriating money.

Referred to the Committee on Health and Human Services.

Messrs. Storm, Kamrath, Freeman and DeCramer introduced—

S.F. No. 655: A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

Referred to the Committee on Local and Urban Government.

Messrs. Nelson and Hughes introduced—

S.F. No. 656: A bill for an act relating to education; authorizing a school district to levy for the costs of providing cooperative programs; providing for an equalized aid; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes,

chapter 124.

Referred to the Committee on Education.

Messrs. Belanger, Laidig, Knaak, Knutson and Renneke introduced—

S.F. No. 657: A bill for an act relating to workers' compensation; regulating benefits; amending Minnesota Statutes 1982, sections 176.011, subdivision 18, and by adding subdivisions; 176.021, subdivision 3; 176.095; 176.101, by adding subdivisions; 176.105, subdivision 2; 176.111, by adding subdivisions; 176.121; 176.131, subdivision 1; 176.132, subdivision 2; 176.165; 176.221, subdivision 1; and 176.645, subdivision 1; repealing Minnesota Statutes 1982, sections 176.021, subdivision 3a; 176.101, subdivisions 1, 2, 3, 4, 5, and 6; and 176.111, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 8a, 10, 12, 14, 15, 16, 17, 18, 20, and 21 are repealed.

Referred to the Committee on Employment.

Messrs. Dieterich, Waldorf, Mrs. Lantry, Messrs. Moe, D.M. and Knaak introduced—

S.F. No. 658: A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

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

Mr. Moe, R.D. introduced—

S.F. No. 659: A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Frederickson; Renneke; Spear and Moe, D.M. introduced—

S.F. No. 660: A bill for an act relating to retirement; public plans generally; providing that moneys of public pension plans are for the exclusive benefit of eligible employees and their beneficiaries; proposing new law coded in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S.F. No. 661: A bill for an act relating to taxation; providing for apportionment of property tax refund claims for unrelated persons occupying a homestead; amending Minnesota Statutes 1982, sections 290A.03, subdivisions 8 and 13; and 290A.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C.; Solon; Purfeerst; Mrs. Brataas and Mr. Moe,

D.M. introduced—

S.F. No. 662: A bill for an act relating to economic development; creating the office of tourism; appropriating money; amending Minnesota Statutes 1982, sections 116J.58, subdivisions 2 and 3; 116J.59; 116J.60; 116J.61; and 116J.63.

Referred to the Committee on Economic Development and Commerce.

Messrs. Jude, Schmitz, Mrs. Adkins, Messrs. Purfeerst and Sieloff introduced—

S.F. No. 663: A bill for an act relating to public safety; increasing the registration tax and establishing a special account; establishing a system for notification of unpaid fines; allowing computer communication between the department and deputy registrars; providing for a reporting system for unpaid fines; providing for notice of an unpaid traffic ticket; prohibiting issuance of arrest warrants on persons failing to pay parking tickets; amending Minnesota Statutes 1982, sections 169.95; 169.99, subdivision 1, and by adding a subdivision; and 171.16, subdivision 3, and by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Mr. Pehler introduced—

S.F. No. 664: A bill for an act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.

Referred to the Committee on Local and Urban Government.

Messrs. Pehler, Davis, Taylor, Mrs. Brataas and Mr. Purfeerst introduced—

S.F. No. 665: A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

Referred to the Committee on Judiciary.

Mr. Peterson, R.W. introduced—

S.F. No. 666: A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

Referred to the Committee on Judiciary.

Messrs. Davis; Merriam; Johnson, D.J.; Pehler and Willet introduced—

S.F. No. 667: A bill for an act relating to education; establishing aid for certain adult vocational education programs; amending Minnesota Statutes 1982, section 124.572, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Davis; Jude; DeCramer; Johnson, D.J. and Purfeerst introduced—

S.F. No. 668: A bill for an act relating to public utilities; directing rate schedules for certain customers; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Ms. Berglin, Messrs. Solon, Dicklich, Mrs. Lantry and Mr. Johnson, D.E. introduced—

S.F. No. 669: A bill for an act relating to public welfare; authorizing a prospective payment system for inpatient hospital service under the medical assistance and general assistance medical care programs; establishing an appeals board; defining "emergency services" for purposes of medical assistance outpatient services; amending Minnesota Statutes 1982, section 256B.02, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, C.C.; Moe, D.M.; Spear; Frederickson and Renneke introduced—

S.F. No. 670: A bill for an act relating to retirement; guaranteeing public employees certain pension rights; proposing new law coded in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Mr. Merriam introduced—

S.F. No. 671: A bill for an act relating to education; clarifying the amount in the debt service fund of a school district which shall be considered excess and subtracted from levies; amending Minnesota Statutes 1982, section 475.61, subdivision 3.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 672: A bill for an act relating to game and fish; setting a size limit for walleyes; amending Minnesota Statutes 1982, section 101.42, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

S.F. No. 673: A bill for an act relating to motor vehicles; abolishing vehicle weight limitation for handicapped persons to obtain special plates; amending Minnesota Statutes 1982, section 168.021, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Waldorf; Diessner; Petty; Moe, D.M. and Johnson, D.E. intro-

duced—

S.F. No. 674: A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending the competency of witnesses statutes to provide an exemption for professional consultations; amending Minnesota Statutes 1982, sections 13.46, subdivision 1, and by adding a subdivision; 245.69, subdivision 2; and 595.02.

Referred to the Committee Judiciary.

Mr. Petty introduced—

S.F. No. 675: A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

Referred to the Committee on Judiciary.

Mr. Schmitz, Mrs. Adkins, Messrs. Purfeerst and Bernhagen introduced—

S.F. No. 676: A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

Referred to the Committee on Economic Development and Commerce.

Mr. Lessard introduced—

S.F. No. 677: A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

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

Mr. Ramstad, by request, introduced—

S.F. No. 678: A bill for an act relating to elections; clarifying the right of employees to take time off to vote; amending Minnesota Statutes 1982, section 204C.04.

Referred to the Committee on Elections and Ethics.

Messrs. Dicklich; Johnson, D.J. and Solon introduced—

S.F. No. 679: A bill for an act relating to redevelopment; authorizing the financing of redevelopment projects by the iron range resources and rehabilitation board; amending Minnesota Statutes 1982, section 298.292; proposing new law coded in Minnesota Statutes, chapter 298.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller introduced—

S.F. No. 680: A bill for an act relating to data processing systems; directing the legislative reference library to develop and maintain a directory of state information systems; appropriating money; proposing new law

in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations.

Mr. Johnson, D.J. introduced—

S.F. No. 681: A bill for an act relating to taxation; increasing the fee for issuance of a petroleum products distributors license; increasing the fee for issuance of special fuel dealers or bulk purchasers licenses; increasing the fee for issuance of a motor carrier license; increasing the fee for issuance of a temporary trip permit; amending Minnesota Statutes 1982, sections 296.06, subdivision 2; 296.12, subdivisions 1 and 2; and 296.17, subdivisions 10 and 17.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski and Ulland introduced—

S.F. No. 682: A bill for an act relating to animals; providing for the welfare of certain pets and companion animals; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 346.

Referred to the Committee on Veterans and General Legislation.

Mr. Kroening introduced—

S.F. No. 683: A bill for an act relating to education; requiring the board of teaching to adopt temporary rules relating to placing provisionally licensed teachers on unrequested leaves of absence.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 684: A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for chapter 518 instruments; amending Minnesota Statutes 1982, section 287.03.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 685: A bill for an act relating to workers' compensation; providing an application fee for self-insurers; amending Minnesota Statutes 1982, section 176.181, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 686: A bill for an act relating to workers' compensation; creating a rehabilitation fund; proposing new law coded in Minnesota Statutes 1982, chapter 176.

Referred to the Committee on Employment.

Messrs. Frederick, Taylor and Mrs. Brataas introduced—

S.F. No. 687: A bill for an act relating to workers' compensation; regulating benefits; providing for rehabilitation; providing for continued insurance coverage; regulating workers' compensation insurance; requiring the release of medical information; requiring notice of injury to insurer; regulating late payments and medical reports; providing reemployment responsibilities; providing penalties; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 79.25, subdivision 1, and by adding a subdivision; 79.63, subdivisions 1, 2, and 4; 176.011, subdivisions 3, 9, and by adding subdivisions; 176.021, subdivision 3; 176.061, subdivision 6; 176.121; 176.131, subdivisions 1, 1a, 6, 8, and 10; 176.132, subdivisions 1 and 2; 176.133; 176.135, by adding a subdivision; 176.155, subdivision 5; 176.182; 176.221, subdivisions 1, 2, 3, and 7; 176.225, subdivisions 1 and 5; 176.231, subdivision 10; 176.235, by adding a subdivision; 176.241, subdivision 4; 176.331; 176.391, subdivision 3; 176.641; 176.645, subdivision 1; 352E.04; proposing new law coded in Minnesota Statutes, chapters 79 and 176; repealing Minnesota Statutes 1982, sections 79.211, subdivision 1; 176.011, subdivisions 14 and 18; 176.021, subdivision 3a; 176.095; 176.101; 176.102; 176.105; 176.111; 176.152; 176.235, subdivisions 1 and 2.

Referred to the Committee on Employment.

Mr. Solon introduced—

S.F. No. 688: A bill for an act relating to alcoholic beverages; hours of sale on Sunday; amending Minnesota Statutes 1982, sections 340.034, subdivision 1; and 340.14, subdivision 5.

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

Mr. Pehler introduced—

S.F. No. 689: A bill for an act relating to the town of St. Cloud; permitting its division into urban and rural service districts.

Referred to the Committee on Local and Urban Government.

Mr. Pehler introduced—

S.F. No. 690: A bill for an act relating to the town of St. Cloud; permitting the town property tax to exceed statutory levy limits.

Referred to the Committee on Local and Urban Government.

Mr. Peterson, C.C. introduced—

S.F. No. 691: A bill for an act relating to education; authorizing school districts to use technology desired by them when making reports for the uniform financial accounting and reporting system; proposing new law coded in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Messrs. Spear, Jude, Dieterich and DeCramer introduced—

S.F. No. 692: A bill for an act relating to public utilities; specifying the treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, subdivision 7.

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

Mr. Solon introduced—

S.F. No. 693: A bill for an act relating to insurance; providing for the payment of certain expenses incurred in collecting certain claims; proposing new law coded in Minnesota Statutes, chapter 60A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Merriam; Dahl; Moe, R.D.; Johnson, D.J. and Laidig introduced—

S.F. No. 694: A bill for an act relating to open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Messrs. Samuelson, Benson and Dicklich introduced—

S.F. No. 695: A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on licensure or certification of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivision 6; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 696: A bill for an act relating to health; directing the commissioner of health to revise rules regulating supervised living facilities; directing the commissioner of public welfare to revise certain rules for residential living facilities; amending Minnesota Statutes 1982, sections 144.56, subdivision 4; and 245.802, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Dahl, Merriam, Davis, Luther and Willet introduced—

S.F. No. 697: A bill for an act relating to the disposal and reuse of waste

tires; defining terms; establishing a waste tire recycling account in the state treasury; providing for the expenditure of money in the account; granting certain powers to counties relative to tire dumps and the disposal of waste tires; defining duties and responsibilities of the pollution control agency; authorizing certain studies; providing for the licensure and regulation of waste tire processors; imposing an excise tax supplemental to the general sales tax on the sale at retail of new tires; imposing a registration and transfer tax on certain vehicles; providing for certain tax credits; appropriating money; amending Minnesota Statutes 1982, sections 86.11, by adding a subdivision; and 290.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 168B.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, March 17, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FOURTH DAY

St. Paul, Minnesota, Thursday, March 17, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. William L. O'Neill.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Nelson was excused from the Session of today. Mr. Hughes was excused from the Session of today until 11:00 a.m. and at 12:20 p.m. Mr. Lessard was excused from the Session of today at 12:15 p.m. Mr. Peterson, R.W. was excused from the Session of today until 11:00 a.m. Mr. Sieloff was excused from the Session of today until 10:30 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

March 4, 1983

The Honorable Harry A. Sieben, Jr.

Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
	57	4	March 4	March 4
118		5	March 4	March 4
26		6	March 4	March 4
71		7	March 4	March 4

Sincerely,

Joan Anderson Growe
Secretary of State

March 11, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 25 and 65.

Sincerely,

Rudy Perpich, Governor

March 11, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
25		8	March 11	March 11
65		9	March 11	March 11

Sincerely,

Joan Anderson Growe
Secretary of State

March 11, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

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

Ray Bohn, 1042 Beatrice Street, Eagan, Dakota County, has been appointed by me, effective March 15, 1983, for a term expiring the first Monday in January, 1987.

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

Sincerely,

Rudy Perpich, 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. 342, 381 and 398.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 342: A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.01, by adding a subdivision; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, subdivision 2.

Referred to the Committee on Health and Human Services.

H.F. No. 381: A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 7, as amended, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding a subdivision; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota

Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 448.

H.F. No. 398: A resolution memorializing the Secretary of Agriculture to include barley in the Payment in Kind Program.

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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 3: A bill for an act relating to taxation; abolishing a tax on on-sale liquor; repealing Minnesota Statutes 1982, section 340.986.

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

Page 1, after line 6, insert:

“Section 1. [340.987] [WHOLESALE LIQUOR TAX.]

In addition to the excise taxes imposed by this chapter, a tax is imposed in the amount of two percent on the net invoice dollar amount of the sale (prior to any application of prompt payment discounts), for all wholesale sales of intoxicating liquor and non-intoxicating malt liquor sold to a licensed on-sale or off-sale retail establishment or municipal liquor store within the state. For purposes of this section, “intoxicating liquor” has the meaning given it in section 340.07, subdivision 2, and “non-intoxicating malt liquor” has the meaning given it in section 340.001, subdivision 2. The tax shall be reported and paid to the commissioner of revenue by a licensed wholesaler with other taxes imposed by this chapter, and shall be due only upon collection of this tax from a licensed on-sale or off-sale retail establishment or municipal liquor store within the state, and subject to the same penalties, interest, and enforcement provisions. The tax collected pursuant to this section shall be deposited in the general fund.”

Page 1, line 7, delete “Section 1.” and insert “Sec. 2.”

Page 1, line 9, delete “2” and insert “3”

Page 1, line 10, delete “Section 1 is” and insert “Sections 1 and 2 are” and delete “the day of”

Page 1, line 11, delete everything before the period and insert “June 30, 1983”

Amend the title as follows:

Page 1, line 2, after the semicolon insert “imposing a wholesale liquor tax;”

Page 1, line 3, after the semicolon insert “proposing new law coded in

Minnesota Statutes, chapter 340;”

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. 320: A bill for an act relating to agriculture; making certain changes in the law relating to establishing a fertilizer inspection fund; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 17.713, subdivision 7; 17.714, subdivision 1; 17.715, subdivision 1; 17.717, subdivision 1; 17.718, subdivision 1; 17.725, subdivisions 1 and 2; and 17.728, subdivision 4, and by adding a subdivision; repealing Minnesota Statutes 1982, section 17.717, subdivisions 3, 4, 5, and 6.

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

Page 2, line 12, delete the second “and” and insert “or”

Page 2, line 26, before “tonnages” insert “and”

Page 2, line 26, delete “, facility and”

Page 2, line 27, delete “equipment approvals, and other” and insert “in the”

Page 2, line 29, after “17.729,” insert “including the portion of general support costs and statewide indirect costs of the agency attributable to that function,”

Page 2, line 29, delete “, and” and insert “. The commissioner”

Page 2, line 30, delete the first comma and insert “and”

Page 2, line 30, delete “, and facility and”

Page 2, line 31, delete “equipment approvals” and delete “The fees may be”

Page 2, line 32, delete everything before “The” and insert “The commissioner shall meet annually with representatives of those regulated under sections 17.711 to 17.729 to review the financial status of the fertilizer inspection fund before adjusting any fees under this subdivision.”

Page 2, line 33, delete “The fees set”

Page 2, delete lines 34 and 35, and insert “Fees set under this subdivision are effective on July 1 of the fiscal year commencing at least 60 days after the fees are set. The fees remain in effect until a different fee is set under this subdivision.”

Page 4, lines 9 and 10, delete the new language

Page 4, delete lines 13 to 21, and insert:

“Subd. 2. [LIMING MATERIALS.] The commissioner may ~~make and publish~~ adopt rules governing the labeling, registration, and distribution of

liming materials as are sold for agricultural purposes, including: limestone (carbonates), sulfates, slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products shall not, ~~however, be deemed fertilizers, soil amendments or plant amendments~~ be subject to the registration and any tonnage fees stated in sections ~~47.711 to 47.729~~ under section 17.717, subdivision 4. No registration fee may be imposed on any distributor who sells liming materials only at retail to customers."

Page 4, line 26, delete "Each additional day"

Page 4, delete line 27

Page 4, line 28, delete "person is" and insert "Any person convicted of another violation of the same provision or rule upon a subsequent prosecution within one year of the original conviction is guilty of"

Page 4, delete lines 29 to 36, and insert:

"Sec. 9. [EXISTING FEES CONTINUE.]

The commissioner shall continue to charge the fees set by law as of January 1, 1983, until the commissioner sets different fees under Minnesota Statutes, section 17.717, subdivision 1."

Page 5, line 3, delete "\$200,000" and insert "\$50,000"

Page 5, line 6, delete "in two equal"

Page 5, line 7, delete "payments on" and insert "by"

Page 5, line 7, delete "and June 30, 1985"

Amend the title as follows:

Page 1, line 9, delete ", 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. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 465: A bill for an act relating to agriculture; redefining agricultural alcohol gasoline; providing a tax reduction for agricultural alcohol gasoline; providing an additional reduction for agricultural alcohol gasoline sold to local units of government; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, by adding subdivisions; repealing Minnesota Statutes 1982, section 296.02, subdivision 7.

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

Page 1, line 16, delete "denatured" and strike "agricultural ethyl alcohol of at least"

Page 1, line 17, delete "200" and strike "proof" and insert "fermentation ethyl alcohol of a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, distilled in the United States, and derived

from agricultural or forest products or other renewable resources produced in the United States”

Page 1, line 22, delete “January” and insert “July” and delete “1984” and insert “1983”

Page 1, line 23, delete “December 31” and insert “June 30”

Page 1, line 24, delete “January” and insert “July” and delete “1986” and insert “1985”

Page 1, line 26, delete everything after “24,”

Page 1, delete line 27

Page 2, line 1, delete everything before “and”

Page 2, line 10, after “SOLD” insert “IN BULK”

Page 2, line 11, delete “four” and insert “eight”

Page 2, line 12, delete “January” and insert “July” and delete everything after “I,”

Page 2, line 13, delete everything before “, and” and insert “1983”

Page 2, line 16, after “sold” insert “in bulk”

Page 2, line 17, delete everything after the period

Page 2, delete line 18 and insert “This reduction is in lieu of the reduction provided in subdivision 8.”

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. 107: A bill for an act relating to agriculture; providing for regulation of apiaries; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

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

Delete everything after the enacting clause and insert:

“Section 1. [19.50] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 to 16 the terms defined in this section have the meanings given them.

Subd. 2. [APIARY.] “Apiary” means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.

Subd. 3. [ABANDONED APIARY.] “Abandoned apiary” means any apiary not regularly attended in accordance with good beekeeping practices and which constitutes a disease or parasite hazard to the beekeeping industry.

Subd. 4. [BEE DISEASES.] “Bee diseases” means infectious, conta-

gious, or harmful diseases including but not limited to: American or European foulbrood, sacbrood, chalkbrood, Nosema, bee paralysis, or abnormal condition of egg, larval, pupal, or adult stages of bees.

Subd. 5. [BEE EQUIPMENT.] "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

Subd. 6. [BEEKEEPER.] "Beekeeper" means a person who keeps bees.

Subd. 7. [BEEKEEPING.] "Beekeeping" means the moving, raising, and producing of bees, beeswax, honey, related products, and pollination.

*Subd. 8. [BEES.] "Bees" means any stage of the common honey bee, *Apis mellifera* (L).*

Subd. 9. [COLONY.] "Colony" means the aggregate of worker bees, drones, the queen, and developing young bees living together as a family unit in a hive or other dwelling.

Subd. 10. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or his authorized agents.

Subd. 11. [DEPARTMENT.] "Department" means the department of agriculture.

*Subd. 12. [EXOTIC PARASITE.] "Exotic parasite" means any parasite harmful to bees including but not limited to: *Varroa jacobsoni*, *Tropilaelaps clareae*, or *Acarapis woodi*.*

Subd. 13. [HIVE.] "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part of one, which is used as domicile for bees.

Subd. 14. [INSPECTION CERTIFICATE.] "Inspection certificate" means an official record, recorded on a form prescribed by the department, which shows that the apiary has been inspected by the department and which states any diseases found.

Subd. 15. [PERMIT.] "Permit" means a written statement of authorization to allow bees or equipment to enter the state or to move within the state.

Subd. 16. [PERSON.] "Person" means an individual, firm, partnership, association, corporation, or organized group of persons whether incorporated or not.

Subd. 17. [QUEEN APIARY.] "Queen apiary" means any apiary or premises in which queen bees are reared or kept for sale or gift.

Subd. 18. [AUTHORIZED AGENT.] "Authorized agent" means an individual who is not a state employee and who performs inspections under sections 1 to 16 under contract with the commissioner.

Sec. 2. [19.51] [COMMISSIONER'S DUTIES.]

Subdivision 1. [ENFORCEMENT; RULES.] The commissioner shall enforce sections 1 to 16. The commissioner may make all necessary examinations and inspections, and adopt temporary or permanent rules necessary to

enforce sections 1 to 16 promptly and effectively. The commissioner may employ classified civil service employees necessary to administer sections 1 to 16, and may contract with individuals to serve as authorized agents.

Subd. 2. [PREVENTION OF DISEASE, EXOTIC PARASITES, EXOTIC STRAINS.] The commissioner shall take measures necessary to prevent the introduction, spread, or dissemination of infectious diseases, exotic parasites, or exotic strains of honey bees and to bring actions and proceedings to enforce sections 1 to 16.

Subd. 3. [APIARY SUPERVISOR.] An apiary supervisor shall be appointed by the commissioner. He must be a graduate of a recognized university with a major or its equivalent in entomology or apiculture, or have a demonstrated interest in and knowledge of apiculture or entomology covering a minimum of five years' experience in apicultural interests and bee diseases.

Sec. 3. [19.52] [INSPECTIONS; ACCESS TO PROPERTY; IMPEDING COMMISSIONER.]

Subdivision 1. [ACCESS FOR INSPECTION AND ENFORCEMENT.] The commissioner may enter upon any public or private premises at all reasonable times to inspect any apiary or other structure which contains bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious or infectious bee disease; or to destroy diseased bees or bee equipment which are a public nuisance. The commissioner may open any hive, colony, package, or receptacle which contains, or which he has reason to believe contains, any bees, comb, bee products, used bee equipment, or anything else which is capable of transmitting infectious bee diseases or exotic parasites. The commissioner may stop pedestrians and motor vehicles when they are carrying any bees, comb, used bee equipment, or anything else which is capable of transmitting infectious diseases or parasites of bees. The commissioner may inspect at any time or place any bees, bee products, or used bee equipment shipped in or into the state.

Subd. 2. [IMPEDING COMMISSIONER UNLAWFUL.] It is unlawful to deny to the commissioner access to any premises which the commissioner is authorized to enter for purposes of inspection or to resist, thwart, or hinder the commissioner in carrying out any authorized inspection, by misrepresentation, concealment or facts or conditions, or otherwise.

Sec. 4. [19.53] [SANITARY INSPECTION OF APIARY OR STORAGE PLACE.]

The commissioner may inspect the sanitary conditions of any apiary or honey house or building or portion of building or container in which honey is stored, graded, or processed. If the commissioner finds any unsanitary conditions, he shall notify the owner or operator in writing to put the honey house, building, or portion of building or container in a sanitary condition within a reasonable length of time. Any operator or owner of a honey house, building, or container who fails to obey the notice is guilty of a misdemeanor.

Sec. 5. [19.54] [POSTING OF IDENTIFYING INFORMATION.]

An apiary which is not located at the owner's or operator's place of residence must have posted on it in a conspicuous place the name and address of

the owner or the person responsible for the apiary.

Sec. 6. [19.55] [INSPECTION; NOTIFICATION OF DISEASES.]

If, upon inspection of a bee colony, the commissioner finds any bee disease or exotic parasite, the commissioner shall notify the owner or operator of the bees in writing, stating the nature of the disease or parasite. The disease or parasite must be eliminated by the owner or operator within the time period ordered by the commissioner. The written notice may be served by handing a copy to the owner or operator of the apiary, by leaving a copy with an adult person residing upon the premises, or by either registered or certified mail addressed to the owner or operator of the apiary at his last known address.

Sec. 7. [19.56] [PUBLIC NUISANCES; DESTRUCTION OF BEES.]

Apiaries in which an existing disease or parasite cannot be successfully treated; apiaries which are affected by a disease amenable to treatment, but which have not been treated within a period of seven days after the owner received notice of the necessary treatment, as provided in section 6; apiaries having bees in hives without movable frames; and colonies of bees, queen nuclei, or shipments of used bee equipment which entered this state in violation of section 9 or which were found to be infected or infested with a bee disease, exotic parasite, or exotic strain of bee are a public nuisance. The commissioner, after written notice to the owner or operator of the bees and equipment, may destroy, by burning or otherwise, without any remuneration to the owner, any box hives or infected or infested bees, hives, or used bee equipment which are a public nuisance under this section. The notice may be served by handing a copy to the owner or operator, by leaving a copy with an adult person residing upon the premises, or by registered or certified mail addressed to the owner or operator of the apiary at his last known address.

Sec. 8. [19.57] [QUARANTINE.]

It is unlawful for a person to knowingly keep in his possession, without proper treatment, a colony of bees infected or infested with any bee disease, exotic parasite, or exotic strain of honey bees, or to expose any diseased or infested colony or bee equipment so that flying bees have access to them. A person who knows that bees owned or controlled by him are affected with any infectious disease, exotic parasite, or exotic strain of honey bees, shall at once report that fact to the department, stating all facts known to him about the infection or infestation. Where it has been determined that disease, an exotic parasite, or an exotic strain of honey bees has been found in an apiary, the commissioner may quarantine the apiary to restrict or prevent movement of bee colonies. The commissioner shall post any quarantined apiary with a notice of quarantine and shall send a written notice to the owner or operator of the apiary. If any state is willing to accept bees or used bee equipment from a quarantined yard of bees in Minnesota, the commissioner may, after all known disease has been eliminated, issue a permit allowing the bees and used bee equipment to be moved out of the state.

Sec. 9. [19.58] [INTERSTATE MOVEMENT OF BEES AND USED BEE EQUIPMENT.]

Subdivision 1. [ENTRY PERMIT.] No person may bring into this state any bees on comb or used bee equipment without an entry permit issued by the commissioner. A person who wishes to bring any bees on comb or used bee

equipment into the state shall apply for an entry permit at least 60 days before the date of entry. The 60-day requirement may be waived for a hobbyist beekeeper who intends to become a resident of Minnesota and who brings ten colonies or less into the state.

Ten days before entry, any person required to obtain an entry permit shall furnish to the commissioner a copy of a valid certificate of inspection signed by a responsible official of the state where the bees or equipment originated. The certificate must be based on an inspection within 60 days before entry, and must show that a percentage of the shipment acceptable to the commissioner was actually inspected.

This subdivision does not apply to a common carrier transporting bees or used bee equipment from a point of origin outside of the state to a destination outside of the state.

Subd. 2. [CERTIFICATE OF INSPECTION FROM STATE OF ORIGIN.] No person may bring any combless bees, including queen bees or nuclei, into this state without a statement showing the names and addresses of the consignors or shippers, the consignees or persons to whom shipped, and the locality of origin, and a certificate of inspection signed by a responsible official of the state from which it was brought. The statement must appear clearly and legibly in a conspicuous place on the package containing the material, or on a tag or other device attached to the package or the vehicle carrying the package. The certificate of inspection must show that the official found that the materials were free from any infectious bee diseases, exotic parasites, or exotic strains of honey bees.

Subd. 3. [APPLICATION FOR ENTRY PERMIT.] A person applying for an entry permit shall supply:

(a) a statement of facts relating to the disease history of the apiary from which the colonies of bees will originate as required by the commissioner;

(b) a list of locations where the colonies of bees can be inspected after they are brought into the state by county, range, township, section, and quarter section; and

(c) a statement of any convictions of the applicant for violation of any apiary law of any state or of the United States.

Subd. 4. [EFFECT OF INSPECTION CERTIFICATES.] A certificate of inspection from another state is prima facie evidence of the facts stated in the certificate. The commissioner may inspect any bees or used bee equipment brought into the state with a certificate of inspection from the state of origin and may subject the materials to treatment or return them to the consignor at the consignor's expense if the commissioner finds an infectious bee disease, exotic parasite, or exotic strain of bee. If the commissioner repeatedly finds foulbrood in colonies of bees shipped from another state under official certificates of inspection, the commissioner may refuse to recognize the certificate of that state until the commissioner receives satisfactory information that the inspection service in that state has corrected the situation.

Subd. 5. [DENIAL OF PERMIT.] The commissioner may deny a permit for just cause after five days' notice and an opportunity for the person to be heard.

Subd. 6. [PLACEMENT OF COLONIES.] Bee colonies for which an entry permit has been issued must be placed at the locations listed in the permit. Notice of the placement must be forwarded by the beekeeper to the commissioner within three days after the placement. Each placement of a colony of bees in an unlisted location is a separate violation of law.

Subd. 7. [DUTY TO REPORT.] Any person who transports or receives bees or used bee equipment knowing that the material is without a certificate of inspection or entry permit as required by this section shall report that fact promptly to the commissioner. A transporter shall report the names of the consignor and consignee and the nature of the shipment. A person receiving bees or used bee equipment shall keep them until they are released by the commissioner.

Subd. 8. [PENALTIES.] Any person who brings any bees or used bee equipment into the state without a certificate of inspection or entry permit as required by this section is guilty of a misdemeanor. Each shipment of bees or used bee equipment brought into this state in violation of this section is a separate offense. Each day during which a shipment of bees or used bee equipment remains in this state in violation of this section is a separate offense.

Subd. 9. [NUISANCE; REMOVAL.] Bees and used bee equipment brought into the state in violation of this section may be declared a nuisance by the commissioner, and must be removed from the state within seven days after notification by the commissioner. If the bees and used bee equipment are not removed from the state, the commissioner may proceed as provided in section 7.

Sec. 10. [19.59] [ABANDONED APIARIES.]

An abandoned apiary is subject to quarantine. If an abandoned apiary remains abandoned for 20 days after the owner or operator has been notified by the commissioner to cease the abandonment and neglect of the apiary, the commissioner shall take possession of the apiary and proceed to sell it at public auction. A notice specifying the time and place of the auction must be served upon the owner in the manner provided for the service of process. No abandoned apiary may be sold at a public sale to the owner or operator who abandoned and neglected it. A purchaser at the public sale shall receive a certificate of purchase signed by the commissioner reciting the description of the apiary purchased and the amount paid.

After deducting the expense of the public sale and applying the unpaid balance upon all encumbrances or liens existing against the abandoned apiary sold, the balance of the proceeds shall be paid to the owner of the apiary which was sold.

Sec. 11. [19.60] [RECIPROCAL AGREEMENTS.]

A person bringing a colony of bees from another state shall pay all fees required by sections 1 to 16 unless that state has been a party to a reciprocal agreement with Minnesota as provided in this section for at least 90 days prior to the date of application for an entry permit to bring the bees into Minnesota.

The commissioner may enter into written reciprocal agreements with the

responsible officials of other states having laws governing apiculture. The agreements shall provide that persons transporting bee colonies from this state have exemptions, benefits, and privileges similar to those extended to persons from the other state transporting bee colonies into Minnesota. The commissioner may withdraw from a reciprocal agreement on 30 days' notice when it is in the best interests of Minnesota.

Reciprocal agreements under this section are effective when filed in the office of the commissioner. Withdrawals must be in writing and are effective at the end of the 30-day period.

Reciprocal agreements under this section may contain provisions denying exemptions, benefits, or privileges to persons who violate specified conditions.

Sec. 12. [19.61] [REARING QUEEN BEES.]

Subdivision 1. [CANDY FOR MAILING CAGES.] It is unlawful for any person who sells queen bees in this state in mailing cages to place any candy containing honey in any mailing cage.

Subd. 2. [INSPECTION OF APIARIES.] All queen rearing and queen mating apiaries shall be inspected at least once during each summer season by the commissioner. If upon an inspection, bee diseases are found to exist in an apiary, no queen bees may be shipped from the apiary until the commissioner declares the apiary free from bee diseases.

Sec. 13. [19.62] [BEE MOVEMENT AND SALES.] It is unlawful for any person to knowingly sell or offer for sale or to remove or ship from any apiary or other premises bees, hives, or bee equipment infested with American or European foulbrood. Exceptions may be granted by the commissioner by special inspection and authorization.

Sec. 14. [19.63] [REVOCAION OF INSPECTION CERTIFICATE.]

An inspection certificate issued by the commissioner may be revoked for just cause.

Sec. 15. [19.64] [REGISTRATION; FEES.]

Subdivision 1. [REGISTRATION.] Every person who owns, leases, or possesses colonies of bees shall register the bees with the commissioner on or before July 1 of each year. The registration application shall include the name and address of the applicant, a description of the exact location and number of each of the applicant's bee colonies by county, township, range and quarter section, and other information required by the commissioner. The fee for registration under this subdivision is \$7.50.

Subd. 2. [INSPECTION FEE.] In addition to the annual registration fee, a person owning, leasing, or possessing 11 or more bee colonies shall pay an annual inspection fee of 17 cents for each colony of bees owned, leased, or possessed. A person owning, leasing, or possessing one to ten colonies is not required to pay an inspection fee. The inspection fee is based upon the colony count taken as of June 15 of each year, and is payable on or before June 30 each year. A penalty of 50 percent of both the inspection fee and the registration fee imposed by subdivision 1 is imposed if a registrant does not apply for a registration renewal certificate before August 1 of any year.

Subd. 3. [INITIAL ENTRY INSPECTION FEE.] Upon initial entry into this state, beekeepers from other states desiring to locate apiaries in Minnesota shall pay in advance the required registration fee and an initial inspection fee of \$1.50 per colony of bees to be located in this state.

Subd. 4. [INSPECTION FEE FOR INTERSTATE SHIPMENT OF BEE COLONIES.] An interstate inspection fee of 40 cents for each colony inspected shall be paid by the owner, lessor, or possessor requesting inspection service.

Subd. 5. [DEPOSIT IN GENERAL FUND.] The commissioner shall deposit all fees collected under this section in the general fund.

Sec. 16. [19.65] [VIOLATION; PENALTY.]

A person who violates any provision of sections 1 to 16 is guilty of a misdemeanor. A person whose agents or representatives violate any provision of sections 1 to 16 is also guilty of a misdemeanor.

Sec. 17. [REPEALER.]

Minnesota Statutes 1982, sections 19.18; 19.19; 19.20; 19.21; 19.22; 19.23; 19.24; 19.25; 19.26; 19.27; 19.28; 19.29; 19.30; 19.31; 19.32; 19.33; 19.34; 19.35; 19.36; 19.37; 19.38; 19.40; and 19.41 are repealed."

Amend the title as follows:

Page 1, line 3, delete "a penalty" and insert "penalties"

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

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

S.F. No. 1: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

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

Page 1, line 13, delete "Nothing in this"

Page 1, delete line 14

Page 1, line 15, delete everything before "The"

Page 1, line 22, delete " , but not to"

Page 1, line 23, delete everything before the question mark

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

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

S.F. No. 327: A bill for an act relating to Independent School District No. 748, Sartell, and Independent School District No. 742, St. Cloud; authorizing certain school district land to be detached and annexed; authorizing transportation and transportation aid for certain pupils.

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

Page 2, line 6, delete the comma

Page 2, delete lines 7 to 17

Page 2, line 18, delete "Subd. 2."

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

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

S.F. No. 207: A bill for an act relating to Independent School District No. 466; permitting the sale of certain land subject to agreed conditions.

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

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

S.F. No. 220: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; providing for a study of insurance availability; appropriating money; amending Minnesota Statutes 1982, section 115A.24, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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

Page 30, line 29, delete the first "or" and insert a comma and after "(c)" insert "or (d)"

Page 32, line 27, delete the second "or" and insert a comma

Page 32, line 28, before the period, insert "*, to hazardous waste which is generated as a result of any response action, or to hazardous waste which meets applicable pretreatment standards or compliance schedules and is discharged to a public sewage treatment works*"

Page 33, line 10, delete "a" and insert "an on-site"

Page 33, after line 16, insert:

"Subd. 7. [REVIEW OF TAX BY LCWM.] *Within 60 days after the waste management board submits the plan required under section 115A.11 to the legislative commission on waste management, the commission shall review the taxes and tax rates imposed under this section in light of the objectives and recommendations of the plan, and shall recommend to the standing tax*

committees of both houses of the legislature any changes in the taxes or tax rates which are needed to assist or encourage implementation of the strategies adopted by the state for management of hazardous waste."

Page 33, delete lines 26 to 36

Page 34, delete lines 1 to 7 and insert:

"Subdivision 1. [ANNUAL RETURNS.] Every generator of hazardous waste subject to taxation pursuant to section 22 shall file a return relating to the tax due for the preceding calendar year with the commissioner of revenue by April 15 each year, in the form prescribed by the commissioner. Payment of the tax, to the extent not paid in full pursuant to subdivisions 2 and 3, shall be submitted with the return.

Subd. 2. [DECLARATIONS OF ESTIMATED TAX.] For 1983, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the last six months of calendar 1983 if the tax can reasonably be estimated to exceed \$500. The declaration of the estimated tax shall be filed by October 15, 1983. The amount of estimated tax with respect to which a declaration is required shall be paid in two equal installments by October 15, 1983 and January 15, 1984. For 1984 and subsequent years, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the calendar year if the tax can reasonably be expected to be in excess of \$1,000. The declaration of estimated tax shall be filed by March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December.

An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each interval. If an amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before that date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but the extension shall not be for more than six months.

Subd. 3. [FAILURE TO PAY ESTIMATED TAX.] (a) In case of any underpayment of estimated tax required by this section, except as provided in clause (b), there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75, subdivision 4, upon the amount of the underpayment for the period of the underpayment.

For purposes of this subdivision, the amount of the underpayment shall be the excess of

(1) *the amount of the installment, over*

(2) *the amount, if any, of the installment paid on or before the last date prescribed for payment.*

The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:

(1) *April 15 or*

(2) *With respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under this subdivision for the installment date.*

(b) *Notwithstanding the provisions of clause (a), the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were the lesser of*

(1) *For 1985 and thereafter, the tax shown on the return of the taxpayer for the preceding year or, for 1984, twice the amount of the tax shown for 1983; or*

(2) *Eighty percent of the actual liability for the year.*

Subd. 4. [REFUNDS OF OVERPAYMENTS OF ESTIMATED TAX.] Refunds of overpayments of estimated tax shall be made as provided in section 290.936."

Page 34, line 8, delete "3" and insert "5"

Page 34, line 9, delete "sections" and insert "section" and delete "or 290.61 or any other law to the"

Page 34, line 10, delete "contrary, the commissioner of revenue and" and insert a comma

Page 34, line 11, delete "each other" and insert "the commissioner of revenue"

Page 34, line 13, delete "or" and insert "is public."

Page 34, line 18, delete "15.1673" and insert "13.37" and after the period insert "Information obtained in the course of an audit of the taxpayer by the department of revenue shall be private or nonpublic data to the extent that it is not directly divulged in a return of the tax."

Page 34, line 19, delete "4" and insert "6"

Page 34, line 30, delete "5" and insert "7"

Page 35, line 9, delete "6" and insert "8"

Page 35, line 13, delete "7" and insert "9"

Page 35, line 16, delete "8" and insert "10"

Page 39, line 22, delete "January 1, 1984" and insert "July 1, 1983"

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. 442: A bill for an act relating to transportation; authorizing reimbursement to local fire departments for expenses to put out fires in the rights-of-way of highways; appropriating money; amending Minnesota Statutes 1982, section 161.465.

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

Page 1, lines 12 to 24, delete the new language and strike the old language

Page 1, line 25, strike "the trunk highway fund." and insert:

"The commissioner of public safety shall reimburse a municipal or volunteer fire department from the trunk highway fund for ordinary expenses incurred by the fire department in performing the following services:

(a) extinguishing a grass fire within the right-of-way of a trunk highway or a fire outside the right-of-way of a trunk highway that started as a grass fire within the right-of-way; or

(b) extinguishing a fire, easing or eliminating the danger of fire or explosion, extricating a person from a motor vehicle, or performing first aid, when the services are performed within the right-of-way of a trunk highway that is located outside of the jurisdiction of the fire department.

In order to receive reimbursement, an official of the fire department must certify the expenses to the commissioner of public safety within 60 days of completion of the services, and a police officer or employee of the department of public safety must confirm that the services were performed."

Page 2, delete lines 13 and 14 and insert:

"Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, delete "in the" and insert "and perform other services on"

Page 1, line 4, before "highways" insert "trunk"

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

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

S.F. No. 318: A bill for an act relating to alcohol and other drug abuse; requiring certain persons to report suspected chemical abuse by minors; establishing certain duties of local welfare agencies; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 260.

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

Delete everything after the enacting clause and insert:

“Section 1. [260.58] [REPORTING OF CHEMICAL ABUSE BY MINORS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given.

(a) “Chemical abuse” or “abuse of chemicals” means use of any psychoactive or mood altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor’s normal functioning in academic, school, or social activities is impaired.

(b) “Informed consent” means consent after the effect and possible consequences of giving consent have been explained in a manner understandable to the person giving consent.

(c) “Minor” means an individual under the age of 18.

(d) “Chemical dependency counselor” means a person with professional training to diagnose or evaluate and counsel minors who are abusing chemicals and who meets the requirements specified by rule for counselors in licensed outpatient programs. For the purposes of this section, except as provided in subdivision 11, a chemical dependency counselor must meet the foregoing definition and also be employed by or under contract with a school, school district, community mental health center, or local unit of government.

Subd. 2. [PERSONS REQUIRED TO REPORT.] A professional who engages in the practice of the healing arts, social services, psychological or psychiatric treatment, child care, or education, who has knowledge or reasonable cause to believe that a minor is abusing chemicals, shall immediately report the information to a chemical dependency counselor. Any professional or delegate of a professional governed by this section who has knowledge that a minor is abusing chemicals shall immediately report the information to a chemical dependency counselor. Each school, school district, institution, facility, or agency that employs a professional or professionals required to report under this section shall designate a chemical dependency counselor to which the professional shall report. Nothing in this subdivision shall be construed to require any report based on a minor’s presence in an institution described in the Code of Federal Regulations, title 42, section 2.12 (a), or more than one report from any school, institution, facility, or agency.

Any person not required to report under this subdivision may voluntarily report to a chemical dependency counselor if the person has knowledge that a minor is abusing chemicals.

Subd. 3. [IMMUNITY FROM LIABILITY.] Any person, including persons voluntarily reporting and persons required to report under subdivision 2, who in good faith and exercising due care makes a report pursuant to this section, is immune from liability, civil or criminal, that otherwise might result by reason of the person’s action, and any individual who so reports shall not be held responsible financially for evaluation or treatment of the minor.

unless the individual is the minor's parent or legal guardian.

Subd. 4. [FALSE REPORTS.] Any person who willfully or recklessly makes a false report under this section is liable in a civil action for any actual damages suffered by the minor or minors so reported and for any punitive damages set by the court or jury.

Subd. 5. [REPORT.] A person required to report or voluntarily reporting under subdivision 2 to a chemical dependency counselor shall report orally by telephone or otherwise. As soon as possible after reporting orally, a person required to report shall submit a written report to the chemical dependency counselor. Any report shall be of sufficient content to identify the minor, the indicators of the minor's chemical abuse and the chemical or chemicals abused, if known, and the name of the reporter, and the address and telephone number at the reporter's place of employment. The oral and written reports shall be confidential, except as provided in subdivisions 8 and 9.

Subd. 6. [EVIDENCE NOT PRIVILEGED; DISCLOSURE.] Evidence regarding the minor's chemical abuse shall not be excluded in any proceeding arising out of alleged neglect, abuse, or dependency on the grounds of physician-patient or husband-wife privilege. Disclosure of evidence shall comply with the data practices act, chapter 13 and applicable federal law and regulations, including Code of Federal Regulations, title 42, section 2.1, et seq.

Subd. 7. [DUTIES OF CHEMICAL DEPENDENCY COUNSELOR UPON RECEIPT OF REPORT.] The chemical dependency counselor shall investigate the report as soon as possible and, if indicated and consented to by the minor, diagnose or evaluate the minor. If the counselor recommends treatment, the chemical dependency counselor shall ensure that the minor receives information regarding available treatment alternatives that include educational instruction appropriate to the minor's educational level, unless the minor has completed secondary school. The chemical dependency counselor shall involve the minor's parents or other responsible family members as soon as practical in the course of evaluation or treatment. The responsibility of a school district for providing educational instruction and transportation, if needed, for the minor shall be determined in accordance with section 120.181.

Subd. 8. [MAINTENANCE, PRIVACY, AND DESTRUCTION OF RECORDS.] Each chemical dependency counselor who receives, maintains, or destroys records collected in accordance with this section shall comply with the Code of Federal Regulations, title 42, sections 2.1, et seq. and with chapter 13. An individual subject of a record shall have access to the record in accordance with that chapter and federal regulations, except that the name of the reporter shall be confidential while the report is under investigation. After the investigation is completed, the name of the reporter shall be confidential but shall be accessible to the minor upon court order. If upon investigation a report is found to be unsubstantiated, the chemical dependency counselor shall notify the minor of the counselor's intent to destroy the records. At the minor's request, the records shall be maintained for two years as private data. If the minor does not so request within 30 days of the notice of intent to destroy, the chemical dependency counselor shall destroy

the records.

Subd. 9. [DISCLOSURE OF RECORDS.] Records related to a minor's alleged abuse of chemicals shall be disclosed only:

(a) with the minor's prior written informed consent, except that disclosure is limited to information necessary in light of the need or purpose for the disclosure and, where applicable, shall comply with Code of Federal Regulations, title 42, sections 2.1, et seq.; or

(b) as needed to medical personnel in a medical emergency; to qualified personnel for research, audits, or program evaluation, but those personnel shall not disclose the minor's identity; or as authorized by court order upon a showing of good cause.

Subd. 10. [CONSEQUENCES OF FAILURE TO COMPLY.] A minor who refuses to undergo a diagnosis or evaluation by either a chemical dependency counselor as defined in subdivision 1, paragraph (d) or another chemical dependency counselor, whether or not employed or under contract as specified in section 1, subdivision 1, paragraph (d), whom the minor or the minor's parent selects, might be subject to action under chapter 127 for suspension or dismissal, chapter 253 for civil commitment, or chapter 260 for neglect or dependency, if action is taken in accordance with and under the conditions of those chapters.

If a parent refuses to allow his minor child to undergo a diagnosis or evaluation by any chemical dependency counselor, whether or not employed or under contract as specified in section 1, subdivision 1, paragraph (d), or to participate in any appropriate treatment program, after the petitioner under section 260.131 or the county attorney consults with at least two chemical dependency counselors who both recommend diagnosis, evaluation, or treatment, the minor may be alleged to be neglected or dependent in accordance with sections 260.011 to 260.301.

Sec. 2. [260.585] [RULES.]

The commissioner of public welfare may promulgate rules to implement the provisions of section 1 governing receipt, investigation, and maintenance of reports and records.

Sec. 3. [260.587] [NOTICE.]

The commissioners of health, education, and public welfare shall notify persons required to report under section 1, subdivision 2, of their duty to report and the provisions of section 1.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective June 1, 1983."

Amend the title as follows:

Page 1, lines 4 and 5, delete "local welfare agencies" and insert "certain chemical dependency counselors"

Page 1, line 5, delete "providing a penalty;"

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

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

S.F. No. 545: A bill for an act relating to welfare; changing laws relating to child support enforcement; amending Minnesota Statutes 1982, sections 256.87, subdivision 1a, and by adding subdivisions; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.65; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.551, subdivisions 1, 5, and 6; 518.611, subdivisions 1 and 4, and by adding subdivisions; 518.64, subdivision 2; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257 and 518; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

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

Page 1, after line 18, insert:

“Section 1. Minnesota Statutes 1982, section 256.74, is amended by adding a subdivision to read:

Subd. 5. [ASSIGNMENT OF SUPPORT RIGHTS.] An applicant for assistance under sections 256.72 to 256.87 is considered to have assigned to the county agency at the time of application all rights to child support from any other person the applicant may have in his own behalf or in the behalf of any other family member for whom application is made. The assignment:

(1) Is effective as to both current and accrued child support obligations.

(2) Takes effect upon a determination that the applicant is eligible for assistance under sections 256.72 to 256.87.

(3) Terminates when an applicant ceases to receive assistance under sections 256.72 to 256.87, except with respect to the amount of any unpaid support obligation accrued under the assignment.”

Page 1, line 25, before “The” insert “Except as provided in section 3.”

Page 1, line 25, delete “, with”

Page 1, line 26, delete “the exception contained in section 2.”

Page 1, line 29, delete “, and shall order” and insert “the order shall require”

Page 2, line 5, strike everything after “maintenance”

Page 2, line 6, strike everything before the period

Page 2, lines 15 and 16, delete “provided the following conditions are met” and insert “if”

Page 2, line 17, delete “The” and insert “the”

Page 2, line 22, delete the semicolon

Page 2, line 31, delete “, if appropriate,”

Page 2, after line 32, insert:

“Sec. 5. Minnesota Statutes 1982, section 256.87, is amended by adding a subdivision to read:

Subd. 4. [CHILD NOT RECEIVING ASSISTANCE.] A parent having custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent parent. Upon a motion, or an order to show cause and a motion, the court shall order child support payments from the absent parent under chapter 518.’’

Page 3, line 14, after the period, insert “[PRESUMPTION.]”

Page 4, line 28, after “for” insert “(a)”

Page 4, line 29, after “and” insert “(b)”

Page 5, line 8, delete “placed” and insert “provided”

Page 5, line 16, after the period, insert “[COURT JURISDICTION.]”

Page 6, line 12, after the period, insert “[BLOOD TESTS REQUIRED.]”

Page 6, line 15, after “conception” insert a comma

Page 6, line 16, delete “if” and insert “. If”

Page 6, line 17, delete the second “the” and insert “a”

Page 6, line 23, after “5.” insert “[NOTICE.]”

Page 6, line 36, after “6.” insert “[NEGATIVE TEST RESULTS.]”

Page 7, line 8, after “7.” insert “[POSITIVE TEST RESULTS.]”

Page 7, line 13, delete “abide” and insert “await”

Page 7, line 26, strike “or without”

Page 8, delete section 14

Page 8, line 34, after “3.” insert “[JUDGMENT; ORDER.]”

Page 9, line 5, delete “4” and insert “6”

Page 9, line 18, after “4.” insert “[STATUTE OF LIMITATIONS.]”

Page 9, line 28, after “2.” insert “[GUARDIAN; LEGAL FEES.]”

Page 9, line 29, strike “witnesses,” and insert “witness”

Page 10, line 4, delete “the”

Page 10, line 31, before “a” insert a comma

Page 12, line 11, delete “according to” and insert “by multiplying the obligor's net income by the percentage indicated by”

Page 13, line 12, after “\$25” insert “a”

Page 14, line 3, delete “18” insert “20”

Page 14, line 6, strike “not”

Page 14, line 7, delete “in compliance with” and insert “lower than the child support required by” and insert “20” in the blank

Page 14, after line 10, insert:

“Sec. 23. Minnesota Statutes 1982, section 518.551, is amended by adding a subdivision to read:

Subd. 8. [HEALTH INSURANCE OR PLAN.] The court shall also include in the requirements for each child support order a provision naming the child as a beneficiary on whatever medical, hospitalization or dental insurance or plan is available to the obligor on a group basis through his or her employer or union.”

Page 15, line 33, after “*employer*” insert “*or payor of funds.*”

Page 15, line 36, after “2.” insert “[MODIFICATION.]”

Page 16, after line 25, insert:

“Sec. 31. Minnesota Statutes 1982, section 518.64, subdivision 5, is amended to read:

*Subd. 5. [FORM.] The department of public welfare shall prepare and make available to courts ~~and~~, obligors *and persons to whom child support is owed* a form to be submitted by the obligor or the person to whom child support is owed in support of a motion for a modification of an order pursuant to this section or section 256.87. The rule-making provisions of chapter 14 shall not apply to the preparation of the form.”*

Page 16, line 31, delete “*and the date on*”

Page 16, line 32, delete “*which*” and insert a period and delete “*, which date shall*”

Page 16, line 33, delete the first “*be*” and insert “*on*” and after “*May*” insert “*each year*” and delete everything after the period

Page 16, line 34, delete everything before “*A*”

Page 17, line 3, delete “*so*” and after “*provides*” insert “*for it*”

Page 18, line 17, strike “*at least monthly*”

Page 21, line 1, delete everything after “*order*”

Page 21, line 2, delete “*according to*” and insert “*support payments under*”

Page 22, after line 8, insert:

“Sec. 38. [543.20] [PERSONAL JURISDICTION IN SUPPORT ENFORCEMENT CASES AND PATERNITY SUITS.]

Subdivision 1. [SERVICE.] In addition to the methods of service of process provided in the rules of civil procedure, service of a summons, an order to show cause, or an order or judgment within this state may also be made upon an individual by delivering a copy to him or her personally at his or her place of employment or by leaving a copy at the individual's place of employment with an officer or managing agent of the employer or any other agent of the employer authorized, expressly or impliedly, to receive services.

Subd. 2. [APPLICABILITY.] Service at a place of employment applies only to: (a) summons under the parentage act and under section 256.87; (b) orders to show cause under both section 256.87 and the revised uniform reciprocal enforcement of support act as well as for contempt of court for

failure to pay child support; (c) petitions under the domestic abuse act; and (d) motions, orders and judgments for the payment of child support when the court orders personal service."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "sections" insert "256.74, by adding a subdivision;"

Page 1, line 7, delete "257.65;"

Page 1, line 9, after "6" insert ", and by adding a subdivision"

Page 1, line 11, delete "subdivision 2" and insert "subdivisions 2 and 5"

Page 1, line 13, delete "and" and insert a comma

Page 1, line 14, before the semicolon insert ", and 543"

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 379: A bill for an act relating to metropolitan government; giving the metropolitan transit commission power to regulate the operation of taxicabs within the seven county metropolitan area; amending Minnesota Statutes 1982, section 473.405, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 473.

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

Delete everything after the enacting clause and insert:

"Section 1. [221.85] [TAXICAB OPERATOR.]

Subdivision 1. [DEFINITION.] For the purposes of this section, the following terms have the meanings given them.

(a) "Taxicab operator" means a person licensed by the board to engage in transporting persons, property, or freight for hire and whose principal place of business is within the metropolitan area. "Taxicab operator" does not mean:

(1) a permit carrier as defined in section 221.011;

(2) a cartage service performed or to be performed by, for, or on behalf of a common carrier by rail or truck or any motor carrier subsidiary or affiliate of the common carrier by rail or truck.

(b) "Taxicab" means a passenger automobile carrying persons, property, or freight for hire upon the public highways in the metropolitan area.

(c) "Metropolitan area" means the counties of Hennepin, Ramsey, Anoka, Washington, Dakota, Carver, and Scott.

Subd. 2. [RULES FOR SAFETY AND SERVICE.] The commissioner

shall prescribe rules for the operation of all taxicab operators, including their facilities, accounts, service, safety of operation and equipment, vehicle marking and identification, qualifications of drivers, maximum hours of service of drivers, and vehicle safety standards including installation of safety devices, interior and exterior condition of vehicle, and vehicle inspections. The commissioner shall inspect or contract for the inspection of each vehicle proposed to be operated under the taxicab permit prior to the issuance of the permit and annually thereafter. The commissioner shall require the filing of annual financial and other reports and shall regulate the taxicab operators in all matters affecting the relationship between the taxicab operators and the traveling or shipping public, and prescribe other rules as necessary to carry out this section. Rules shall be prescribed in accordance with chapter 14 and shall have the force and effect of law. The commissioner shall investigate the operation of all taxicab operators, their compliance with rules of the board and the commissioner and the provisions of this section, and may institute and prosecute actions and proceedings in the district court for enforcement. The commissioner shall establish a procedure for receiving and resolving complaints. The board shall make rules relating to rates and tariffs, and the granting of permits.

Subd. 3. [RATE MAKING POWERS.] The board shall fix and establish just, reasonable, and nondiscriminatory rates, fares, charges, and the rules and classifications incident to tariffs for all taxicab operators. In prescribing the rates, fares, charges, classifications, and rules for carrying freight, persons, or property, the board shall take into consideration the effect of the proposed rates or fares upon the users of the service and upon competitive carriers by motor vehicle and rail. In making its determination, the board shall consider, among other things, the cost of the service rendered by the taxicab operator, including an adequate sum for maintenance and depreciation, and an adequate operating ratio under economical and efficient management. The board shall establish a maximum rate for all taxicab operators, but may not prescribe a minimum rate. No rate or fare shall be put into effect or changed except after public hearing by the board, or except as otherwise provided in this section. The board may authorize changes ex parte which, in its opinion, are not of sufficient import to require a hearing. In an emergency, the board may order a change in existing rates or fares without a hearing. In instances of ex parte or emergency orders, the board shall, within five days, serve a copy of its order granting the change in rates upon all parties whom the board has reason to believe are interested in the matter. Any party shall have 30 days from the date of the issuance of the order to object to the order. If objection is made, the matter shall be set for hearing with notice to all taxicab operators within the metropolitan area and other interested persons.

Subd. 4. [PERMITS REQUIRED.] Despite section 221.011, subdivision 22, clause (g), no person shall operate a taxicab within the metropolitan area without a permit with respect to the operation. A permit may not be transferred from one operator to another. The board may revoke or suspend the permit of any taxicab operator after notice and hearing for violating a provision of this section or a rule of the commissioner or board governing taxicab operators.

Subd. 5. [PETITION FOR PERMITS.] A person desiring to operate as a

taxicab operator shall file an application with the board specifying the service offered, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and other information the board may require. The applicant shall pay a nonrefundable application fee of \$150 for each vehicle which is proposed to be operated under the permit. The board shall issue the permit upon compliance with all laws and rules relating to the permit unless the applicant's vehicles do not meet the vehicle and equipment rules adopted by the commissioner. The board shall issue a permit to any qualified applicant without regard to the number of existing permits. A permit once granted shall continue in effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and rules of the commissioner and board governing taxicab operators.

Subd. 6. [PERMIT FEES.] Upon receiving a permit and upon annual renewal, the petitioner shall pay a registration fee of \$150 for each vehicle to be operated under the permit. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which shall be painted or prominently displayed on both sides of all vehicles used by the taxicab operator under authority of the permit. Permits shall be renewed annually. The commissioner shall furnish annually a distinguishing identification card for each vehicle to be operated under the permit and for which the fee has been paid. The identification card must be carried at all times in the vehicle to which it has been assigned. Identification cards issued under this section are valid only for the period for which the permit is effective. Identification cards must be displayed to any police officer upon request.

Subd. 7. [INSURANCE OF TAXICAB OPERATORS.] Before a permit is issued to a taxicab operator, the operator shall secure and file with the commissioner a certificate of insurance in a form required by the commissioner, evidencing public liability and indemnity insurance in the amount and form the commissioner prescribes, covering injuries and damage to persons, property, or freight arising from the operation of the taxicab. Any insurance issued to satisfy the requirements of this subdivision shall be subject to cancellation for nonpayment of premiums or withdrawals from service of a vehicle covered thereby upon not less than 30 days' written notice to the insured and to the commissioner. Such insurance may from time to time be reduced or increased by order of the commissioner. The failure to maintain and cause to be filed a certificate for any required insurance or security shall, two days after dispatch by the commissioner by certified mail of notice of such suspension, addressed to the last known address of the permit holder, suspend the permit without further administrative proceedings until such time as the requirements of this subdivision have been satisfied.

Sec. 2. [LOCAL REGULATION.]

Subdivision 1. Section 1 supersedes section 412.221, subdivision 20, and any other inconsistent provisions of law, charter, ordinance, rule, and regulation within the metropolitan area relating to regulation of taxicab operators. After June 30, 1984, no local cartage carrier permit shall be issued for the transportation, by taxicab, of property or freight for hire in the metropolitan area. Taxicab operators who hold a courier service permit issued under section 221.121 or a local cartage carrier permit issued under section 221.296 must obtain a permit under section 1 in order to transport property

or freight, for hire by taxicab, in the metropolitan area after June 30, 1984. Section 1 does not give the board or commissioner authority to regulate traffic matters or streets or highways, including taxicab stands.

Subd. 2. A political subdivision which licenses taxicabs must prorate any license fee collected after June 30, 1983, so that the taxicab operator pays only 1/12 of the current annual license fee for each month after June 30, 1983, for which it is subject to local regulation.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1984, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan government; giving the commissioner of transportation and the transportation regulation board the power to regulate the operation of taxicabs within the seven county metropolitan area; proposing new law coded in Minnesota Statutes, chapter 221."

And when so amended the bill do pass and be re-referred to the Committee on Public Utilities and State Regulated Industries. Amendments adopted. Report adopted.

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

H.F. No. 56 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.
				56	39

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 56 be amended as follows:

Page 2, line 4, after "may" insert "review and comment, but may"

Page 2, line 9, delete "shall immediately" and insert "may review and comment, but shall, within 30 days."

And when so amended H.F. No. 56 will be identical to S.F. No. 39, and further recommends that H.F. No. 56 be given its second reading and substituted for S.F. No. 39, 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. 182 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.
182	459				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 182 be amended as follows:

Page 2, after line 1, insert:

“Sec. 2. Minnesota Statutes 1982, section 473.408, subdivision 5, is amended to read:

Subd. 5. [OTHER REDUCED FARES PROHIBITED; EXCEPTION.] Except for the advance sale of service through special passes or for other special promotional efforts, and except as provided in subdivisions 3 and 4 and section 1, the commission and other operators shall may not grant any reduced fares for regular route bus service.

Sec. 3. [JOBSEEKER FARE NOT A SOCIAL FARE.]

The reduced fare for jobseekers under section 1 is not a social fare for which the commission may receive reimbursement under section 174.24, subdivision 4.”

Page 2, line 2, delete “2” and insert “4”

Amend the title as follows:

Page 1, line 2, after “commission;” insert “providing for”

Page 1, line 4, after “473.408,” insert “subdivision 5, and”

And when so amended H.F. No. 182 will be identical to S.F. No. 459, and further recommends that H.F. No. 182 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 was referred

H.F. No. 223 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.
223	361				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 223 be amended as follows:

Page 3, line 26, after “order” delete the period

Page 3, delete lines 27 to 29

Page 3, line 30, delete everything before the semicolon

Page 5, line 13, after "court" insert "without payment of the tax, penalty, or interest"

Page 7, line 3, after "or" insert "if the tax judgment has been filed,"

Page 7, line 23, after "court" insert "without payment of the tax, penalty, or interest"

Page 9, line 5, delete everything after the period

Page 9, delete lines 6 to 9

Page 14, line 25, after "determines" insert ", not to exceed twice the estimated average liability for future monthly withholding tax periods"

Page 15, line 19, after "contractor" delete the comma

Page 15, line 21, delete the underlining from the comma after "Minnesota"

Page 15, line 25, after "If" insert a comma

Page 15, line 26, after "settlement" insert a comma

Page 17, line 8, delete everything after the period

Page 17, delete lines 9 to 11

Page 18, line 4, after the period, insert "This act shall not apply to any tax, the collection of which is barred by statute of limitations on July 1, 1983."

Amend the title as follows:

Page 1, delete line 5

Page 1, line 16, delete "that the" and insert "for payment of"

Page 1, line 17, delete "tax clearance required for state" and insert "taxes by contractors and certain"

Page 1, delete line 18

Page 1, line 19, after "subcontractors" insert "prior to final contract settlement"

Page 1, line 25, delete "297A.42" and insert "290A.42"

And when so amended H.F. No. 223 will be identical to S.F. No. 361, and further recommends that H.F. No. 223 be given its second reading and substituted for S.F. No. 361, 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. 268 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.
268	236				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 268 be amended as follows:

Page 1, line 15, strike "shall have" and insert "*has*"

Page 1, line 19, strike "such"

Page 2, line 13, strike "providing that" and insert "*. However,*"

Page 2, line 14, strike "shall be" and insert "*are*"

Page 2, line 16, strike "shall" and insert "*do*"

Page 2, line 33, strike "shall be" and insert "*is*" and strike "such" and insert "*the*"

Page 2, line 35, strike "Such" and insert "*The*" and strike "shall" and insert "*is*" and strike "be"

Page 3, line 6, strike "such" and insert "*those*"

Page 3, line 10, strike "provided that any" and insert "*but a*"

Page 3, line 29, strike "provided that" and insert "*if*"

Page 3, line 30, strike "shall obtain" and insert "*obtains*"

Page 4, line 15, strike "as"

Page 4, line 16, strike "may be"

Page 4, line 18, strike "provided" and insert "*if*"

Page 5, line 35, strike "It shall be the duty of"

Page 5, line 36, strike "to have general management of" and insert "*shall manage*"

Page 6, line 1, strike ", particularly" and insert "*and shall*"

Page 6, lines 2, 8, 15, 17, 19, 22, 32, and 35, strike the first "to"

Page 6, line 4, strike "The" and insert "*An*"

Page 6, line 5, strike "shall" and insert "*must*"

Page 6, line 13, insert a comma after "directors" and strike "may" and insert "*need*"

Page 6, line 15, strike "which shall be"

Page 6, line 17, strike both commas and after "and" strike "to"

Page 6, line 28, strike "shall" and insert "is"

Page 6, line 29, strike "be" and strike "central"

Page 6, line 30, before the first "union" insert "credit"

Page 6, line 36, strike "shall" and insert "must"

Page 7, lines 2, 4, and 14, strike the first "to"

Page 7, line 3, strike "shall" and insert "will"

Page 7, line 6, strike "to" and insert a comma

Page 7, line 8, strike "to be"

Page 7, line 9, strike the first "to"

Page 7, line 17, strike the second "to"

Page 7, after line 18 insert:

"Sec. 3. Minnesota Statutes 1982, section 52.15, subdivision 1, is amended to read:

Subdivision 1. A credit union may borrow from any source, or sources, sums ~~which shall not exceed~~ *exceeding* in the aggregate 40 percent of its unimpaired assets. For the purposes of this subdivision, "unimpaired assets" mean total assets less borrowings, including all forms of indebtedness, accounts payable, and any amount by which reserves and undivided earnings will not be adequate to meet the reserve requirements caused by classified assets."

Page 8, line 3, delete "shall" and insert "must"

Page 8, line 11, strike "shall" and insert "must"

Page 8, line 30, delete everything after "effective" and insert "June 1, 1983."

Page 8, delete line 31

Amend the title as follows:

Page 1, line 9, delete the second "subdivision" and insert "subdivisions 1 and"

And when so amended H.F. No. 268 will be identical to S.F. No. 236, and further recommends that H.F. No. 268 be given its second reading and substituted for S.F. No. 236, 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. 107, 327 and 207 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 56, 182, 223 and 268 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. DeCramer moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 475. The motion prevailed.

Mr. Kamrath moved that the name of Mr. Jude be added as a co-author to S.F. No. 539. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. DeCramer be added as a co-author to S.F. No. 596. The motion prevailed.

Mr. Novak moved that the name of Mr. Diessner be added as a co-author to S.F. No. 610. The motion prevailed.

Mr. Freeman moved that the names of Ms. Peterson, D.C. and Mr. Frank be added as co-authors to S.F. No. 640. The motion prevailed.

Mr. Davis moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 652. The motion prevailed.

Mr. Frederick moved that the name of Mrs. McQuaid be added as a co-author to S.F. No. 687. The motion prevailed.

Mr. Willet moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Purfeerst be added as chief author to S.F. No. 553. The motion prevailed.

Mr. Novak moved that S.F. No. 458, No. 15 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Wegscheid introduced—

Senate Resolution. No. 26: A Senate resolution congratulating the Eagles wrestling team from Apple Valley High School for winning the 1983 Class AA State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

Ms. Berglin moved that S.F. No. 644 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Employment. The motion prevailed.

CALENDAR

H.F. No. 68: A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 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 57 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski, Dieterich, Knutson and Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 351: A bill for an act relating to state government; regulating eligibility for qualified handicapped civil service examinations; amending Minnesota Statutes 1982, section 43A.10, subdivision 8.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 221: A bill for an act relating to state property; providing for the conveyance of certain property to the city of Tracy.

Was read the third time 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:

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

So the bill passed and its title was agreed to.

H.F. No. 364: A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 233: A bill for an act relating to probate; requiring annual reports on the personal well-being of wards or conservatees; amending Minnesota Statutes 1982, section 525.58, 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:

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

So the bill passed and its title was agreed to.

H.F. No. 46: A resolution memorializing the President and Congress to repeal the Secretary of Agriculture's authority to deduct 50 cents per hundredweight from milk producer payments.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

S.F. No. 73: A bill for an act relating to Dakota County; fixing the conditions for certain land transfers.

Was read the third time 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:

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

So the bill passed and its title was agreed to.

S.F. No. 270: A bill for an act relating to financing of jail facilities of Hennepin County; authorizing the issuance of general obligation bonds.

Was read the third time 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 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Frederick	Isackson	Kronebusch	Ulland
Berg				

So the bill passed and its title was agreed to.

S.F. No. 271: A bill for an act relating to Hennepin County; providing for the conduct of a public safety communications service; repealing Laws 1947, chapter 371, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 421: A bill for an act relating to traffic regulations; regulating parking privileges for handicapped persons; prohibiting obstructing access to a parking space for handicapped persons; providing for signposts of limited movability designating handicapped parking space; providing for enforcement; providing penalties; amending Minnesota Statutes 1982, section 169.346.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 31: A bill for an act relating to motor vehicles; providing for special license plates for amateur radio station licensees; providing for personalized license plates for motorcycles; amending Minnesota Statutes 1982, section 168.12, subdivisions 2 and 2a.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 215: A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 237: A bill for an act relating to St. Louis County; allowing the county board to abate property taxes in certain instances.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 322: A bill for an act relating to soil and water conservation districts; authorizing annual audits by certified public accountants; amending Minnesota Statutes 1982, section 40.06, 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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 269: A bill for an act relating to trusts; clarifying the time limits and applicable interest rates for certain employee trusts; amending Minnesota Statutes 1982, sections 334.01; and 501.11.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 325: A bill for an act relating to state lands; authorizing sale of a fractional interest in certain land in Bear Island state forest; correcting an erroneous description in a certain St. Louis County land sale authority; amending Laws 1982, chapter 434, 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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Dieterich and Peterson, C.C. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 253: A bill for an act relating to public welfare; retroactively exempting certain health maintenance organizations from the four percent medical assistance payment reduction.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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. No. 161, which the committee recommends to pass.

S.F. No. 224, which the committee recommends to pass with the following amendment offered by Mr. Lessard:

Page 1, lines 9 and 14, delete "join" and insert "request the annexation of"

Page 1, after line 22, insert:

"The annexation shall not be requested unless approved by a majority of the electors of the city of Big Falls and of the unorganized townships voting together at a regular or special election."

The motion prevailed. So the amendment was adopted.

S.F. No. 119, which the committee reports progress, subject to the following motion:

Mr. Kamrath moved to amend S.F. No. 119 as follows:

Page 1, line 26, delete "because of the owner's or other"

Page 2, lines 1 and 2, delete the new language

Page 2, line 23, delete everything after "ON" and insert "INTENT TO CAUSE FEAR.]"

Page 2, line 24, delete everything before "Whoever"

Page 2, line 27, delete "because of the threatened person's or"

Page 2, delete lines 28 and 29

Amend the title as follows:

Page 1, delete lines 4 and 5

Page 1, line 6, delete "national origin"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.E.	Lessard	Samuelson
Anderson	Dahl	Johnson, D.J.	McQuaid	Schmitz
Belanger	Davis	Jude	Mehrkens	Sieloff
Benson	DeCramer	Kamrath	Olson	Storm
Berg	Frank	Kroening	Pehler	Taylor
Berglin	Frederick	Kronebusch	Peterson, C.C.	Vega
Bernhagen	Frederickson	Laidig	Ramstad	Waldorf
Bertram	Isackson	Langseth	Renneke	Willet

Those who voted in the negative were:

Dieterich	Lantry	Moe, R.D.	Petty	Spear
Freeman	Luther	Novak	Pogemiller	Stumpf
Hughes	Merriam	Peterson, D.C.	Purfeerst	Wegscheid
Knaak	Moe, D.M.	Peterson, R.W.	Reichgott	

The motion prevailed. So the amendment was adopted.

S.F. No. 119 was then progressed.

S.F. No. 68, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 68.

The roll was called, and there were yeas 42 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Lessard	Peterson, C.C.	Spear
Belanger	Freeman	Luther	Peterson, R.W.	Storm
Berglin	Hughes	McQuaid	Petty	Stumpf
Bertram	Johnson, D.J.	Merriam	Pogemiller	Vega
Dahl	Jude	Moe, D.M.	Ramstad	Wegscheid
Davis	Kroening	Moe, R.D.	Reichgott	Willet
DeCramer	Kronebusch	Novak	Samuelson	
Dieterich	Langseth	Olson	Schmitz	
Frank	Lantry	Pehler	Solon	

Those who voted in the negative were:

Benson	Frederick	Kamrath	Mehrkens	Ulland
Berg	Isackson	Knaak	Renneke	Waldorf
Bernhagen	Johnson, D.E.	Laidig	Sieloff	

The motion prevailed. So S.F. No. 68 was recommended to pass.

S.F. No. 267, which the committee recommends to pass with the following amendments offered by Messrs. Pogemiller and Sieloff:

Mr. Pogemiller moved to amend S.F. No. 267 as follows:

Amend the title as follows:

Page 1, delete line 15

Page 1, line 16, delete "homestead property;"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S. F. No. 267 as follows:

Page 21, line 34, delete "of eight percent per annum" and insert "equal to one half of the rate specified in section 270.75"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S.F. No. 267 as follows:

Page 4, line 23, delete everything after "assessment" and insert a period
Page 4, delete lines 24 to 26

The motion prevailed. So the amendment was adopted.

Mr. Moe, R.D. moved that the report of the Committee of the Whole, as kept by the Secretary, be now adopted.

Mr. Moe, R.D. requested that the report on S.F. No. 119 be divided out.

The question was taken on the adoption of the report on S.F. No. 119.

The roll was called, and there were yeas 27 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Bertram	Jude	Mehrkens	Taylor
Anderson	Frank	Kamrath	Olson	Ulland
Belanger	Frederick	Kroening	Ranstad	Waldorf
Benson	Frederickson	Kronbusch	Renneke	
Berg	Isackson	Laidig	Sieloff	
Bernhagen	Johnson, D.E.	McQuaid	Storm	

Those who voted in the negative were:

Berglin	Freeman	Moe, D.M.	Petty	Spear
Dahl	Johnson, D.J.	Moe, R.D.	Pogemiller	Stumpf
Davis	Knaak	Novak	Purfeerst	Vega
DeCramer	Langseth	Pehler	Reichgott	Wegscheid
Dicklich	Lantry	Peterson, C.C.	Samuelson	Willet
Diessner	Luther	Peterson, D.C.	Schmitz	
Dieterich	Merriam	Peterson, R.W.	Solon	

The motion did not prevail.

Mr. Moe, R.D. moved the adoption of the remainder of the report of the Committee of the Whole. 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. Storm, DeCramer, Ramstad, Knutson and Knaak introduced—

S.F. No. 698: A bill for an act relating to occupations and professions; requiring certification of final documents prepared by licensed architects, licensed engineers, licensed land surveyors, or licensed landscape architects; amending Minnesota Statutes 1982, section 326.12, subdivision 3.

Referred to the Committee on Economic Development and Commerce.

Mrs. Lantry, Messrs. DeCramer and Purfeerst introduced—

S.F. No. 699: A bill for an act relating to highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section

169.71, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Pehler; Dicklich; Luther; Johnson, D.J. and Taylor introduced—

S.F. No. 700: A bill for an act relating to taxation; income; providing a credit for employers who create new jobs; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty, Pogemiller, Freeman, Ms. Peterson, D.C. and Mr. Peterson, R.W. introduced—

S.F. No. 701: A bill for an act relating to insurance; providing for certain unfair or deceptive acts or practices; prescribing penalties; amending Minnesota Statutes 1982, section 72A.20, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 72A; repealing Minnesota Statutes 1982, section 72A.20, subdivision 12.

Referred to the Committee on Economic Development and Commerce.

Mr. Benson, Mmes. Lantry, Kronebusch, Ms. Olson and Mrs. Brataas introduced—

S.F. No. 702: A bill for an act relating to human rights; requiring employers to grant personal leave to adopting parents on the same basis as they allow personal leave for biological parents; proposing new law coded in Minnesota Statutes, chapter 363.

Referred to the Committee on Judiciary.

Mr. Benson, Mmes. Brataas, Kronebusch, Ms. Berglin and Mr. Solon introduced—

S.F. No. 703: A bill for an act relating to public welfare; establishing an experimental block grant program for treatment services for mentally ill and chemically dependent persons in certain counties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Mr. Laidig, Mrs. Adkins, Messrs. Knaak and Benson introduced—

S.F. No. 704: A bill for an act relating to transportation; extending definition of municipal state-aid streets to allow certain towns with 5,000 or more population to receive municipal state-aid street funds; amending Minnesota Statutes 1982, sections 160.02, subdivision 5; 162.02, subdivision 1; 162.07, subdivision 2; 162.09, subdivisions 1 and 4; 162.12, subdivisions 1 and 3; 162.13; 162.14, subdivision 1; 162.17, subdivision 1; and 162.18, subdivision 1.

Referred to the Committee on Transportation.

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

S.F. No. 705: A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating facility.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, C.C. introduced—

S.F. No. 706: A bill for an act relating to 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 1982, section 253.015; proposing new law coded in Minnesota Statutes, chapter 198.

Referred to the Committee on Veterans and General Legislation.

Mr. Chmielewski introduced—

S.F. No. 707: A bill for an act relating to public employees; fixing a salary maximum; proposing new law coded in Minnesota Statutes, chapter 471.

Referred to the Committee on Governmental Operations.

Mr. Peterson, R.W. introduced—

S.F. No. 708: A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 88.78; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 351.03; 357.12; 357.16; 357.22; 357.27; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 492.02, subdivision 3; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.64; 574.18; 574.20; 574.35; 588.01, subdivision 3; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 611.18; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivisions 2 and 3; repealing Minnesota Statutes 1982, sections 357.14; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283;

488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.24; 609.46; 629.56; 629.66; and 629.71.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Dahl; Knaak; Ramstad and Jude introduced—

S.F. No. 709: A bill for an act relating to liens on personal property; adopting the Council of State Government Model Act; proposing new law coded in Minnesota Statutes, chapter 514.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 710: A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 711: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

Referred to the Committee on Employment.

Mr. Pogemiller introduced—

S.F. No. 712: A bill for an act relating to traffic regulations; prohibiting the carrying of cargo on motorcycles if it interferes with the operation of the motorcycle; amending Minnesota Statutes 1982, section 169.974, subdivision 5.

Referred to the Committee on Transportation.

Mr. Pogemiller introduced—

S.F. No. 713: A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; authorizing the use of necessary force to prevent escape; removing archaic language; amending Minnesota Statutes 1982, sections 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; and 624.714, subdivision 13.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Mr. Wegscheid and Ms. Reichgott introduced—

S.F. No. 714: A bill for an act relating to insurance; homeowner's; requiring notices of cancellation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29.

subdivision 4.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C.; Mr. Wegscheid and Ms. Reichgott introduced—

S.F. No. 715: A bill for an act relating to insurance; providing for quarterly premium tax payments from certain insurers; prescribing penalties for failure to meet return deadlines or failure to pay the remaining tax due; amending Minnesota Statutes 1982, section 60A.15, subdivisions 1, 2, and 2a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 716: A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1982, section 486.06; proposing new law coded in Minnesota Statutes, chapter 486.

Referred to the Committee on Judiciary.

Messrs. Lessard, Solon, Schmitz, Bertram and Chmielewski introduced—

S.F. No. 717: A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Messrs. Jude, Sieloff, Chmielewski, Bernhagen and Pehler introduced—

S.F. No. 718: A bill for an act relating to taxation; increasing the deduction from gross income for amounts paid for dependent tuition, textbooks, and transportation expenses; amending Minnesota Statutes 1982, section 290.09, subdivision 22.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke; Peterson, C.C.; Spear; Moe, D.M. and Frederickson introduced—

S.F. No. 719: A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes

1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

Referred to the Committee on Governmental Operations.

Messrs. Renneke; Peterson, C.C. and Frederickson introduced—

S.F. No. 720: A bill for an act relating to retirement; permitting the purchase of certain prior service credit for periods of active military service.

Referred to the Committee on Governmental Operations.

Messrs. Renneke and Schmitz introduced—

S.F. No. 721: A bill for an act relating to Carver County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

Referred to the Committee on Local and Urban Government.

Ms. Reichgott, Messrs. Solon, Freeman, Belanger and Dahl introduced—

S.F. No. 722: A bill for an act relating to commerce; securities and real estate; modifying the definitions of "investment adviser" and "franchise"; clarifying the definition of "trust account"; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; modifying real estate education requirements; providing for the suspension of a broker's or salesperson's license pending a hearing; continuing the existence of the real estate advisory council; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; repealing the corporate take-over act; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, and by adding a subdivision; 80C.01, subdivision 4; 82.17, subdivisions 4 and 6; 82.18; 82.22, subdivisions 6, 8, and 10; 82.27, subdivision 3; 82.30; 82.34, subdivision 7; 309.515, subdivision 1; repealing Minnesota Statutes 1982, sections 80B.01 to 80B.13; and 82.22, subdivisions 7 and 9.

Referred to the Committee on Economic Development and Commerce.

Ms. Berglin, Messrs. Moe, D.M. and Solon introduced—

S.F. No. 723: A bill for an act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and record-keeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Spear and Ramstad introduced—

S.F. No. 724: A bill for an act relating to public welfare; continuing to allow personal care attendants' services as services under medical assistance; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

Referred to the Committee on Health and Human Services.

Messrs. Storm, Laidig, Freeman, Ramstad and Luther introduced—

S.F. No. 725: A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam; Johnson, D.J.; Peterson, R.W. and Ms. Berglin introduced—

S.F. No. 726: A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3, 4, and 11; 297A.05; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; and 297A.391; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, section 297A.251.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Lessard and Chmielewski introduced—

S.F. No. 727: A bill for an act relating to public welfare; establishing a demonstration project, subject to local approval, for providing mental health and chemical dependency services in the counties of Aitkin, Itasca, and Koochiching; proposing new law coded in Minnesota Statutes, chapter 246.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Pehler and Solon introduced—

S.F. No. 728: A bill for an act relating to taxation; providing that the homestead credit apply to the first \$54,000 market value; amending Minnesota Statutes 1982, section 273.13, subdivisions 6, 7, and 14a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pogemiller introduced—

S.F. No. 729: A bill for an act relating to taxation; income; exempting certain capital gain income from taxation; providing small business investment credits; amending Minnesota Statutes 1982, section 290.01, subdivision 20b, as amended, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Economic Development and Commerce.

Ms. Berglin and Mr. Spear introduced—

S.F. No. 730: A bill for an act relating to government operations; creating the Minnesota loan guarantee agency; authorizing guarantees of mortgage-backed securities and of other securities backed by eligible loans; prescribing agency functions and duties; authorizing the issuance of capital certificates; authorizing the acceptance of state investment board funds to finance small business investment corporations; appropriating money; proposing new law coded as Minnesota Statutes, chapter 462D.

Referred to the Committee on Economic Development and Commerce.

Mr. Peterson, R.W. introduced—

S.F. No. 731: A bill for an act relating to liens; right of possession and liens on fabrication molds and patterns; amending Minnesota Statutes 1982, section 514.19.

Referred to the Committee on Judiciary.

Mr. Spear introduced—

S.F. No. 732: A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; removing the 60-day hearing requirement for mentally retarded persons; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26.

Referred to the Committee on Judiciary.

Mr. Peterson, C.C. introduced—

S.F. No. 733: A bill for an act relating to game and fish; licensing and record keeping by certain licensees; amending Minnesota Statutes 1982, sections 98.46, subdivision 5; and 98.51, subdivisions 2, 3, and by adding a

subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Messrs. Johnson, D.E.; Benson; Mrs. Lantry and Mr. Moe, D.M. introduced—

S.F. No. 734: A bill for an act relating to public welfare; modifying the procedure by which a vendor of care in the medical assistance program may seek review of proposed action on the part of the commissioner to make monetary recoveries or impose sanctions; providing for the establishment of a rate schedule for inpatient and outpatient hospital services reimbursement under the medical assistance program; permitting the commissioner to limit or suspend the eligibility of persons for medical assistance upon conviction of a criminal offense; allowing the commissioner access to medical records of medical assistance recipients without written authorization; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; and 256B.27, subdivisions 3 and 4.

Referred to the Committee on Health and Human Services.

Messrs. Hughes, Laidig, Diessner and Knaak introduced—

S.F. No. 735: A bill for an act relating to education; granting certain powers to Special Intermediate School District No. 916; amending Laws 1969, chapter 775, section 3, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Hughes, Laidig, Diessner and Knaak introduced—

S.F. No. 736: A bill for an act relating to education; authorizing Special Intermediate School District No. 916 to provide certain services; amending Laws 1969, chapter 775, section 3, as amended.

Referred to the Committee on Education.

Messrs. Luther, Waldorf, Benson, Knaak and Kroening introduced—

S.F. No. 737: A bill for an act relating to the administrative procedure act; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; requiring the chief hearing examiner and attorney general to send statements of reasons for disapproving rules to the revisor; increasing the six month time period for adopting a rule under certain circumstances; applying the six month adoption deadline to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.14, subdivision 1; 14.15, subdivisions 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; and 14.47, subdivisions 1 and 5.

Referred to the Committee on Governmental Operations.

Messrs. Laidig, by request, Peterson, C.C. and DeCramer introduced—

S.F. No. 738: A bill for an act relating to game and fish; affording protec-

tion to the coyote; authorizing a season thereon; amending Minnesota Statutes 1982, sections 100.26, subdivision 1; and 100.27, subdivisions 3 and 7.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Diessner, Storm and Renneke introduced—

S.F. No. 739: A bill for an act relating to public welfare; providing for establishment of temporary state hospital governing boards by the commissioner; providing for appointment of board members; describing board powers and duties; providing for establishment of community programs; requiring an evaluation and report by the commissioner; proposing new law coded in Minnesota Statutes, chapter 246.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C. introduced—

S.F. No. 740: A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, section 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; and 327B.09, subdivisions 1 and 4.

Referred to the Committee on Energy and Housing.

Messrs. Petty, Dahl, Merriam and Luther introduced—

S.F. No. 741: A bill for an act relating to the environment; providing for the control of solid waste; requiring a deposit for certain beverage containers sold to consumers and payment of refund when containers are returned; requiring beverage container distributors to pay certain amounts to the commissioner of revenue; authorizing licensing of beverage container redemption centers; authorizing benefits for employees dislocated by the deposit law; imposing penalties; appropriating money; proposing new law coded in Minnesota Statutes, chapters 116F and 268.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Kamrath; Petty, Peterson, C.C. and Pehler introduced—

S.F. No. 742: A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district court in the second and fourth judicial districts; transferring the jurisdiction, cases, records, and employees of those courts to the district court; providing that municipal and probate and county judges learned in the law are district judges; providing the manner of determining whether a judicial vacancy exists; exempting certain judges from hearing certain matters; providing transitional retirement benefits; amending Minnesota Statutes 1982, sections 2.722, subdivision 1, and by adding a subdivision; 484.01; 484.545, subdivision 1; 484.69, subdivision 3; proposing

new law coded in Minnesota Statutes, chapters 487, 488A, and 490; repealing Minnesota Statutes 1982, section 487.191.

Referred to the Committee on Judiciary.

Mr. Kroening, Ms. Berglin and Mr. Petty introduced—

S.F. No. 743: A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C.; Mr. Pogemiller and Mrs. Adkins introduced—

S.F. No. 744: A bill for an act relating to public utilities; specifying public utilities commission jurisdiction; amending Minnesota Statutes 1982, section 325E.015, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries. Mr. Vega questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Hughes and Laidig, by request, introduced—

S.F. No. 745: A bill for an act relating to outdoor recreation; authorizing the issuance of state bonds and appropriating the proceeds for the acquisition and betterment of state trails; authorizing the sale of unneeded trail land; amending Minnesota Statutes 1982, section 85.015, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Renneke and Bernhagen introduced—

S.F. No. 746: A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

Referred to the Committee on Local and Urban Government.

Mr. Peterson, C.C. introduced—

S.F. No. 747: A bill for an act relating to retirement; establishing a uniform defined contribution public employee retirement plan; proposing new law coded as Minnesota Statutes, chapter 356A.

Referred to the Committee on Governmental Operations.

Mr. Moe, D.M. introduced—

S.F. No. 748: A bill for an act relating to local government; providing for the development of University Avenue in the cities of Minneapolis and St.

Paul; creating a commission to develop and implement transit, housing, and economic development projects; appropriating money.

Referred to the Committee on Local and Urban Government.

Messrs. Ulland and Solon introduced—

S.F. No. 749: A bill for an act relating to aeronautics; reimbursing the city of Hermantown for certain services; appropriating money.

Referred to the Committee on Transportation.

Messrs. Novak, Solon, Luther and Moe, R.D. introduced—

S.F. No. 750: A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Commerce.

Messrs. Knaak; Hughes; Spear; Moe, R.D. and Ulland introduced—

S.F. No. 751: A resolution memorializing the Commission on Wartime Relocation and Internment of Civilians to recommend to the United States Congress to provide adequate compensation to internees.

Referred to the Committee on Veterans and General Legislation.

Messrs. Dahl; Moe, R.D.; Johnson, D.J.; Merriam and Laidig introduced—

S.F. No. 752: A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Schmitz, Merriam, Mrs. Adkins and Mr. Renneke introduced—

S.F. No. 753: A bill for an act relating to local government aids; changing the formula for distribution to cities; amending Minnesota Statutes 1982, sections 477A.011, subdivision 5; and 477A.013.

Referred to the Committee on Local and Urban Government. Mr. Johnson, D.J. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Dieterich, Vega, Chmielewski and Moe, D.M. introduced—

S.F. No. 754: A bill for an act relating to workers' compensation; authorizing the charging of attorney fees in rehabilitation disputes; amending Minnesota Statutes 1982, section 176.081, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Bertram introduced—

S.F. No. 755: A bill for an act relating to agriculture; making changes in the artificial dairy products act; amending Minnesota Statutes 1982, sections 32.53; 32.531; 32.5311; 32.532; 32.533; and proposing new law coded in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam; Peterson, R.W.; Pogemiller; Johnson, D.E. and Spear introduced—

S.F. No. 756: A bill for an act relating to negligence; removing bars to actions in certain cases; amending Minnesota Statutes 1982, section 604.06.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 757: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing the counties of Koochiching and Itasca to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam, Spear and Peterson, R.W. introduced—

S.F. No. 758: A bill for an act relating to data privacy; providing procedures for protection of certain mental health center data; amending Minnesota Statutes 1982, section 13.46, subdivision 2, and by adding subdivisions.

Referred to the Committee on Judiciary.

Messrs. Diessner, Laidig and Lessard introduced—

S.F. No. 759: A bill for an act relating to veterans; providing funds for an emergency shelter for veterans and their families; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Messrs. Peterson, C.C.; DeCramer; Stumpf and Benson introduced—

S.F. No. 760: A bill for an act relating to retirement; volunteer ambulance services; authorizing the establishment of local volunteer ambulance attendants relief associations; authorizing the relief association to pay lump sum service pensions and other retirement benefits; establishing service pension maximums based on the ability to finance the service pension amount; establishing minimum financing guidelines; imposing an obligation to provide financing on the affiliated volunteer ambulance service; authorizing studded tires on ambulances; amending Minnesota Statutes 1982, sections 69.80; and 169.72, by adding a subdivision; proposing new law coded as Minnesota Statutes, chapter 424B.

Referred to the Committee on Governmental Operations.

Messrs. Stumpf, Bernhagen, Isackson and Davis introduced—

S.F. No. 761: A bill for an act relating to natural resources; requiring due consideration of town officer recommendations when local approval of acquisition of wildlife lands is required by law; amending Minnesota Statutes 1982, section 97.481, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

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

S.F. No. 762: A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal facility.

Referred to the Committee on Local and Urban Government.

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

S.F. No. 763: A bill for an act relating to establishing at the Fergus Falls State Hospital a nursing care home for veterans; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 198.

Referred to the Committee on Veterans and General Legislation.

Messrs. Kamrath, Knaak and Ramstad introduced—

S.F. No. 764: A bill for an act relating to crimes; requiring the sentencing guidelines commission to amend the dispositional line on the sentencing guidelines grid; proposing new law coded in Minnesota Statutes, chapter 244.

Referred to the Committee on Judiciary.

Messrs. Kamrath and Renneke introduced—

S.F. No. 765: A bill for an act proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; and article XI, sections 7 and 8; abolishing the constitutional office of state treasurer.

Referred to the Committee on Governmental Operations.

Messrs. Kroening, Pehler and Chmielewski introduced—

S.F. No. 766: A bill for an act relating to workers' compensation; providing for increased liability for the workers' compensation reinsurance association; amending Minnesota Statutes 1982, section 79.34, subdivision 2.

Referred to the Committee on Employment.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 21, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-FIFTH DAY

St. Paul, Minnesota, Monday, March 21, 1983

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

Prayer was offered by the Chaplain, Rev. John R. Malm.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 152.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 190, 236, 413, 274 and 371.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1983

FIRST READING OF HOUSE BILLS

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

indicated.

H.F. No. 190: A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Brown, Dodge, Fillmore and Olmsted counties; proposing new law coded in Minnesota Statutes, chapter 517.

Referred to the Committee on Judiciary.

H.F. No. 236: A bill for an act relating to occupations and professions; regulating physicians attending certain graduate programs; amending Minnesota Statutes 1982, section 147.20.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 468.

H.F. No. 413: A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

Referred to the Committee on Local and Urban Government.

H.F. No. 274: A bill for an act relating to the legislature; providing for the majority leader of the senate rather than the president of the senate to serve as chairman of the legislative coordinating commission; changing the term of the chairman of the commission from one year to two years; amending Minnesota Statutes 1982, section 3.303, subdivision 3.

Referred to the Committee on Rules and Administration.

H.F. No. 371: A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 342, 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 the report on S.F. No. 92 and reports pertaining to appointments. The motion prevailed.

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

S.F. No. 554: A bill for an act relating to housing and redevelopment; providing for the appointment of commissioners of multi-county author-

ities; amending Minnesota Statutes 1982, section 462.428, subdivision 2.

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

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

S.F. No. 282: A bill for an act relating to Northwest Minnesota Multi-County Housing and Redevelopment Authority; providing for per diem compensation for attendance of commissioners at meetings.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 462.441, is amended to read:

462.441 [POWERS; QUORUM; OFFICERS; MEETING; COMPENSATION; EXPENSES.]

The powers of each authority shall be vested in the commissioners thereof in office at any time; a majority of whom shall constitute a quorum for all purposes. Each authority shall select a chairman and a secretary from among its commissioners and shall adopt such bylaws and other rules for the conduct of its affairs as it deems appropriate. The regular meetings of an authority shall be held in a fixed place and shall be open to the public. Each commissioner shall be entitled to receive necessary expenses, including traveling expenses, incurred in the performance of his duties. Each commissioner may be paid for attending meetings of the authority, regular and special \$25 \$35 per meeting, the aggregate of all payments to each such commissioner for any one year not to exceed, however, ~~\$1,500~~ \$2,500.”

Delete the title and insert:

“A bill for an act relating to housing and redevelopment authorities; increasing the per diem compensation for attendance of commissioners at meetings; amending Minnesota Statutes 1982, section 462.441.”

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 re-referred

S.F. No. 190: A bill for an act relating to taxes; providing an additional income tax deduction for certain waste transportation costs; amending Minnesota Statutes 1982, section 290.09, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 290.06, is amended by adding a subdivision to read:

Subd. 16. [TRANSPORTATION OF TAILINGS FOR COMMERCIAL USE.] A credit of six percent of the cost of transporting non-asbestos taconite tailings from the site at which a purchaser acquired the tailings to the place where the tailings were used or prepared for use for commercial purposes by the purchaser may be deducted from the tax due under this chapter in the taxable year during which the transportation costs were paid or accrued. The taxpayer may also take a deduction for the cost of transportation of the material pursuant to section 290.09, subdivision 2.

If the amount of the credit provided by this subdivision exceeds the taxpayer's liability for taxes pursuant to chapter 290 in the taxable year in which the transportation costs are paid or accrued, the excess amount may be carried forward to the four taxable years following the year the costs are paid or accrued. The entire amount of the credit not used in the year the costs are paid or accrued shall be carried to the earliest of the four taxable years to which the credit may be carried and then to each of the three successive taxable years.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for taxable years beginning after December 31, 1982."

Amend the title as follows:

Page 1, line 2, delete "additional"

Page 1, line 3, delete "deduction" and insert "credit" and delete "waste" and insert "taconite tailings"

Page 1, line 4, delete "290.09" and insert "290.06"

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. 148: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to extend timber permits; amending Laws 1981, chapter 305, section 11, as amended.

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

Page 1, line 16, after "90" insert "or pursuant to this 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. 511: A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded

in Minnesota Statutes, chapter 116C.

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

Page 18, line 16, delete "*serve as Minnesota's*" and insert "*represent Minnesota as its*"

Page 18, line 17, after the period, insert "*The director shall tender the state's membership fee to the interstate commission by August 1, 1983, or, if the commission has not come into existence by August 1, 1983, when the first meeting of the commission is convened as provided in the compact.*"

Page 19, line 12, delete "*commissioner of*"

Page 19, line 13, delete "*revenue*" and insert "*agency*"

Page 21, line 28, delete "*committee*" and insert "*subcommittee*"

Page 21, line 30, delete "*of department*"

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

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

S.F. No. 584: A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

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

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

S.F. No. 575: A bill for an act relating to workers' compensation; providing for a fee-for-service reimbursement system for services provided to injured workers; proposing new law coded in Minnesota Statutes, chapter 176.

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

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

S.F. No. 568: A bill for an act relating to state government; providing for a permanent job sharing program; amending Minnesota Statutes 1982, sections 43A.42; 43A.43, subdivision 2; amending Laws 1981, chapter 210, section 55, as amended.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 43A.41, subdivision 4, is

amended to read:

Subd. 4. [SHARED POSITION.] "Shared position" means a position which has been converted from a full-time position into part-time positions of ~~equivalent class which are in the same classification series and bargaining unit or plan~~ for purposes of sections 43A.40 to 43A.46.

Sec. 2. Minnesota Statutes 1982, section 43A.41, subdivision 5, is amended to read:

Subd. 5. [PROGRAM.] "Program" means the Minnesota ~~demonstration~~ job sharing program.

Sec. 3. Minnesota Statutes 1982, section 43A.42, is amended to read:

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.~~ 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. 4. Minnesota Statutes 1982, section 43A.43, subdivision 2, is amended to read:

Subd. 2. [DUTIES AND POWERS.] The ~~coordinator~~ commissioner 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) ~~(b)~~ 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) ~~(c)~~ Assist the affected agencies ~~and the commissioner~~ in recruitment, selection and hiring for the affected positions;

(e) ~~(d)~~ 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 43A.40 to 43A.46; and

(f) *(e)* Monitor the positions selected pursuant to section 43A.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. 5. Minnesota Statutes 1982, section 43A.44, subdivision 1, is amended to read:

Subdivision 1. [SALARIES; CLASS.] A position selected by the ~~coordinator~~ commissioner pursuant to section 43A.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.~~

Sec. 6. Minnesota Statutes 1982, section 43A.44, subdivision 2, is amended to read:

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 state patrol retirement fund, whichever is appropriate, except that, notwithstanding any provision of section 352.01, subdivisions 11 and 16; 352B.01, subdivision 3; 354.05, subdivisions 13 and 25; or 354.091, employees shall have allowable service for 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.

(b) Vacation and sick leave ~~accrual at the rate of the appropriate shared time percent of the entitlement of comparable full-time employees~~ accruals shall be prorated in accordance with the pertinent collective bargaining agreement or plan covering the position;

(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 prorated holiday provisions of the applicable collective bargaining agreement or plan covering the position;~~

(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. 7. Minnesota Statutes 1982, section 43A.45, is amended to read:

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 43A.40 to 43A.46.

Sec. 8. Laws 1981, chapter 210, section 55, as amended by Laws 1982, chapter 560, section 61, is amended to read:

Sec. 55. [REPEALER.]

Minnesota Statutes 1980, chapter 43, is repealed. ~~Sections 40 to 46 are repealed effective December 31, 1983.~~

Sec. 9. [REPEALER.]

Minnesota Statutes 1982, sections 43A.41, subdivision 3; and 43A.43, subdivision 1, are repealed."

Amend the title as follows:

Page 1, line 4, after "sections" insert "43A.41, subdivisions 4 and 5:"

Page 1, line 4, after "2;" insert "43A.44, subdivisions 1 and 2; 43A.45;"

Page 1, line 5, delete "amending"

Page 1, line 6, before the period, insert "; repealing Minnesota Statutes 1982, sections 43A.41, subdivision 3; and 43A.43, subdivision 1"

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

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

S.F. No. 101: A bill for an act relating to the city of St. Paul; providing for the reinstatement of St. Paul policeman's pension fund benefits in 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. Laws 1955, chapter 151, section 13, as amended by Laws 1963, chapter 271, section 7; Laws 1971, chapter 549, section 2; and Laws 1980, chapter 600, section 14, is amended to read:

Sec. 13. The association shall pay a pension to the surviving spouse or any child under 18 years of age of any pensioned and retired member, or to the surviving spouse or any child under 18 years of age of any member who dies while in the service of the city police department, or to the surviving spouse or any child under 18 years of age of any member who, after being a member of the city police department for not less than 20 years, severs his or her connection with the department, and dies before attaining the age of 50 years. The association shall pay to any such surviving spouse a pension of 20 units per month. The association shall pay to any such child under 18 years of age a pension of five units per month until the child attains the age of 18 years, provided, however, that if such child is married at the time of the death of the member or marries or becomes legally adopted after the death of the member, the child shall not be entitled to such benefits. If the surviving spouse and children reside together, the pension payable to the children shall be paid to the surviving spouse and shall be used for the support of the children. If a surviving spouse remarries, the pension immediately ceases and the association shall not make any further pension payments; *provided further that if the remarriage terminates for any reason, the surviving spouse, whose benefit terminated solely because of remarriage, shall be entitled upon reapplication to a surviving spouse's benefit; provided, however, that such person shall not be entitled to retroactive payments for any period of time, prior to the effective date of this act or application, whichever is later.* For the purposes of this section, all provisions governing a child under 18 shall be extended to include a full time student under the age of 23.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after compliance with Minnesota Statutes,

section 645.021, subdivision 3, by the governing body of the city of St. Paul.”

Amend the title as follows:

Page 1, line 4, after “circumstances” insert “; amending Laws 1955, chapter 151, section 13, as amended”

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

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

S.F. No. 323: A bill for an act relating to retirement; extending the reporting date required in connection with state aid distribution; amending Minnesota Statutes 1982, sections 69.011, subdivision 2; and 69.051, subdivisions 1 and 3.

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

Page 5, line 1, delete everything after “effective” and insert “retroactive to January 1, 1983.”

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

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

S.F. No. 480: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; removing references to legislative days.

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

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

S.F. No. 81: A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

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

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

S.F. No. 160: A bill for an act relating to retirement; volunteer firefighters’ relief associations; adding definitions; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 424A.01; 424A.02; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A.

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

as follows:

Page 1, after line 9, insert:

“Section 1. Minnesota Statutes 1982, section 69.772, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] This section shall apply to any firefighter's relief association specified in section 69.771, subdivision 1, which pays a lump sum service pension, but which does not pay a monthly service pension, to a retiring firefighter when at least the minimum requirements for entitlement to a service pension specified in section 424A.02, or any applicable special legislation and the articles of incorporation or bylaws of the relief association have been met. Each firefighter's relief association to which this section applies shall determine the accrued liability of the special fund of the relief association in accordance with the ~~applicable~~ accrued liability table set forth in subdivision 2 and the financial requirements of the relief association and the minimum obligation of the municipality in accordance with the procedure set forth in subdivision 3.

Sec. 2. Minnesota Statutes 1982, section 69.772, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF ACCRUED LIABILITY.] ~~Each firefighters' relief association which pays a service pension when a retiring firefighter meets the minimum requirements for entitlement to a service pension specified in section 424A.02 and which in its articles of incorporation or bylaws requires service credit for a period of service less than 20 years of active service for a totally nonforfeitable service pension as provided in section 424A.09 shall determine the accrued liability of the special fund of the firefighters' relief association relative to each active or deferred member of the relief association, calculated individually using the following table:~~

<u>Cumulative Year</u>	<u>Accrued Liability</u>
1	\$ 35
2	71
3	110
4	150
5	192
6	236
7	283
8	332
9	383
10	437
11	494
12	553
13	616
14	681
15	750
16 and thereafter	50 additional per year

Each firefighters' relief association which pays a service pension when a

retiring firefighter meets the minimum requirements for entitlement to a service pension specified in section 424A.02 and which in its articles of incorporation or bylaws requires service credit for a period of service of at least 20 years of active service for a totally nonforfeitable service pension shall determine the accrued liability of the special fund of the firefighters' relief association relative to each active or deferred member of the relief association, calculated individually using the following table:

Cumulative Year	Accrued Liability	
1	\$ 30	60
2	62	124
3	95	190
4	130	260
5	167	334
6	205	410
7	246	492
8	288	576
9	333	666
10	380	760
11	429	858
12	481	962
13	535	1070
14	592	1184
15	652	1304
16	714	1428
17	780	1560
18	849	1698
19	922	1844
20	1000	2000
21 and thereafter	50	100 additional per year

The accrued liability of the special fund for each active or deferred member of the relief association shall be determined as the multiple or portion of the accrued liability amounts corresponding to the cumulative years of active service with the fire department to which the relief association is affiliated to the credit of the member as set forth in the applicable table that the lump sum service pension amount currently provided for in the articles of incorporation or the bylaws of the relief association bears to a lump sum service pension of \$50 per year of service. As set forth in the table the accrued liability for each member or deferred member of the relief association corresponds to the cumulative years of active service to the credit of the member. The accrued liability of the special fund for each active or deferred member is determined by multiplying the accrued liability from the chart by the ratio of the lump sum service pension amount currently provided for in the bylaws of the relief association to a service pension of \$100 per year of service. If a member has fractional service as of December 31, the figure for service credit to be used for the determination of accrued liability pursuant to this section shall be rounded up to the nearest full year of service credit. The total accrued liability of the special fund of the relief association as of December 31 shall be the sum of the accrued liability attributable to each active or deferred member of the relief association.

Sec. 3. Minnesota Statutes 1982, section 69.772, subdivision 3, is

amended to read:

Subd. 3. [FINANCIAL REQUIREMENTS OF THE RELIEF ASSOCIATION; MINIMUM OBLIGATION OF THE MUNICIPALITY.] During the month of July, the officers of the relief association shall determine the overall funding balance of the special fund ~~of the relief association~~ for the current calendar year, the financial requirements of the special fund ~~of the relief association~~ for the following calendar year and the minimum obligation of the municipality with respect to the special fund ~~of the relief association~~ for the following calendar year in accordance with the requirements of this subdivision.

(1) The overall funding balance of the special fund ~~of the relief association~~ for the current calendar year shall be determined in the following manner:

(a) The total accrued liability of the special fund ~~of the relief association~~ for all active and deferred members of the relief association as of December 31 of the current year shall be calculated pursuant to subdivisions 2 and 2a, if applicable.

(b) The total present assets of the special fund ~~of the relief association~~ projected to December 31 of the current year, including receipts by and disbursements from the special fund anticipated to occur on or before December 31 shall be calculated.

(c) The amount of the total present assets of the special fund ~~of the relief association~~ calculated pursuant to clause (b) shall be subtracted from the amount of the total accrued liability of the special fund ~~of the relief association~~ calculated pursuant to clause (a). If the amount of total present assets exceeds the amount of the total accrued liability, then the special fund shall be considered to have a surplus over full funding. If the amount of the total present assets is less than the amount of the total accrued liability, then the special fund shall be considered to have a deficit from full funding. If the amount of total present assets is equal to the amount of the total accrued liability, then the special fund shall be considered to be fully funded.

(2) The financial requirements of the special fund ~~of the relief association~~ for the following calendar year shall be determined in the following manner:

(a) The total accrued liability of the special fund ~~of the relief association~~ for all active and deferred members of the relief association as of December 31 of the calendar year next following the current calendar year shall be calculated pursuant to subdivisions 2 and 2a, if applicable.

(b) The increase ~~or decrease~~ in the total accrued liability of the special fund ~~of the relief association~~ for the following calendar year over the total accrued liability of the special fund ~~of the relief association~~ for the current year shall be calculated.

(c) If the special fund ~~of the relief association~~ is fully funded, the financial requirement of the special fund for the following calendar year shall be ~~either the positive or the negative~~ figure which represents the increase ~~or the decrease~~ in the total accrued liability of the special fund ~~respectively~~ as calculated pursuant to subclause (b).

(d) If the special fund ~~of the relief association~~ has a deficit from full funding, the financial requirements of the special fund for the following calendar

year shall be the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) plus an amount equal to one-tenth of the amount of the deficit from full funding of the special fund as determined pursuant to this section for the calendar year 1971 until that deficit is fully retired, and plus an amount equal to one-tenth of the increase in the deficit from full funding of the special fund resulting from an increase in the amount of the service pension accruing subsequent to December 31, 1971 until each increase in the deficit is fully retired.

(e) If the special fund of the relief association has a surplus over full funding, the financial requirements of the special fund for the following calendar year shall be the financial requirements of the special fund calculated as though the special fund were fully funded pursuant to subclause (c) reduced by an amount equal to one-tenth of the amount of the surplus over full funding of the special fund.

(3) The minimum obligation of the municipality with respect to the special fund of the relief association shall be the financial requirements of the special fund of the relief association reduced by the amount of any fire state aid payable pursuant to sections 69.011 to 69.051 anticipated to be received by the municipality for transmittal to the special fund of the relief association during the following calendar year, an amount of interest on the assets of the special fund projected to the end of the current beginning of the following calendar year calculated at the rate of five percent per annum, and the amount of any anticipated contributions to the special fund by the members of the relief association during the following calendar year."

Page 3, line 4, strike ", retirement" and insert "or ancillary"

Page 3, line 5, strike "or pension or retirement benefit coverage"

Page 3, line 25, strike "other retirement" and insert "ancillary"

Page 3, line 32, strike "for the relief association"

Page 3, line 33, strike "the commencement of a retirement" and insert "*imposing liability for an ancillary*"

Page 5, lines 1 and 2, strike "volunteer firefighters"

Page 5, lines 2 and 3, strike "or volunteer firefighters' account"

Page 5, line 6, after "the" insert "*municipality or*"

Page 5, line 31, strike "retirement" and insert "ancillary"

Page 5, line 32, strike "volunteer firefighters"

Page 5, line 34, strike "retirement" and insert "ancillary"

Page 6, line 12, strike "Any"

Page 6, line 18, delete the comma

Page 6, lines 13 to 24, strike the old language and insert: "*If the articles of incorporation or bylaws of a relief association so provide, a relief association may pay a reduced service pension to a retiring member who has completed fewer than 20 years of service. The reduced service pension may be paid when the retiring member meets the minimum age and service requirements of subdivision 1.*"

The amount of the reduced service pension shall not exceed the amount calculated by multiplying the service pension appropriate for the completed years of service as specified in the bylaws times the applicable nonforfeitable percentage of pension. The applicable nonforfeitable percentage of pension amounts are as follows:

<i>Completed Years of Service</i>	<i>Nonforfeitable Percentage of Pension Amount</i>
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Page 7, line 7, strike “, other than a relief association” and strike “which in its”

Page 7, strike line 8

Page 7, line 9, strike everything before “shall”

Page 7, line 19, strike “or account”

Page 10, lines 34 and 35, strike “of a firefighters’ relief association”

Page 11, line 19, after “years” insert a semicolon

Page 12, line 14, before “and” insert a comma

Page 12, line 17, strike “or account”

Page 12, line 17, strike “retirement” and insert “*ancillary*”

Page 12, line 20, strike “other” and insert “*ancillary*”

Page 12, line 22, strike “other retirement” and insert “*ancillary*”

Page 12, line 25, strike “retirement” and insert “*ancillary*”

Page 13, line 7, strike “or account”

Page 13, lines 11 and 12, strike “or account”

Page 14, line 19, strike “RETIREMENT” and insert “*ANCILLARY*”

Page 14, lines 19 and 20, strike “OTHER THAN SERVICE PENSION”

Page 14, line 20, strike “to which”

Page 14, strike line 21

Page 14, line 22, strike everything except “may pay”

Page 14, line 23, strike everything before “benefits” and insert “*ancillary*”

Page 14, line 28, strike “retirement” and insert “*ancillary*”

Page 15, line 3, strike “retirement” and insert “*ancillary*”

Page 15, line 5, after “total” insert “*earned*” and after “pension” insert “*of the member or former member. The total earned service pension is*”

Page 15, line 7, strike “governing” and after “bylaws” insert “*of the relief association*”

Page 15, line 8, after the first “member” insert “, *The years of service are determined*” and after “of” insert “(1)”

Page 15, line 9, strike “retirement” and insert “*ancillary*”

Page 15, line 9, after "benefit" insert a semicolon and after "or" insert "(2)"

Page 15, line 10, after "survivor" insert "or the estate of the member or former member" and strike "a retirement" and insert "an ancillary"

Page 15, line 11, strike "on behalf of the member or former member," and insert ". The survivor benefit may be"

Page 15, line 12, before "attained" insert "had"

Page 15, line 13, after "service" insert "and membership"

Page 15, line 16, before "benefit" insert "survivor"

Page 15, lines 16 and 17, strike "equivalent of" and insert "in an amount"

Page 15, line 23, after "association" insert "paying a monthly service pension"

Page 15, line 23, strike everything after "may"

Page 15, strike lines 24 and 25

Page 15, line 26, strike everything before "provide"

Page 15, line 27, strike "other retirement" and insert " ancillary"

Page 15, line 28, before the period insert "if (1) the relief association adopts an appropriate bylaw amendment; and (2) the bylaw amendment is approved by the municipality pursuant to subdivision 10 and section 69.773, subdivision 6"

Page 15, line 28, strike "may only be"

Page 15, strike line 29

Page 15, line 30, strike "association and"

Page 15, line 31, strike "other retirement" and insert " ancillary"

Page 15, line 32, strike "retirement" and insert "ancillary"

Page 15, line 34, strike "other retirement" and insert " ancillary"

Page 16, line 4, strike everything after "file"

Page 16, strike line 5

Page 16, line 6, strike everything before "a"

Page 16, line 7, after "upon the" insert "adoption of any amendment to its governing bylaws by the relief association or upon the"

Page 16, line 9, strike the first "the" and insert "each"

Page 16, lines 9 and 10, delete the new language

Page 16, line 10, strike "in which" and insert "served by"

Page 16, line 19, begin a new paragraph with "If the special"

Page 16, lines 30 and 31, strike "other retirement" and insert "ancillary"

Page 17, line 11, strike "retirement coverage" and strike "or the"

Page 17, line 12, strike "retirement" and insert "ancillary"

Page 18, line 2, strike "of the relief association"

Page 18, line 7, strike "retirement" and insert "ancillary"

Page 18, after line 9, insert:

"Subd. 11. [DISTRIBUTION OF ASSETS UPON DISSOLUTION IN CERTAIN CASES.] If the fire department which is associated with a relief association is dissolved or eliminated by action of the governing body of the municipality in which the fire department is located, the relief association shall distribute its assets and be dissolved in the following manner:

(1) Within six months after the dissolution of the fire department, the board of trustees of the relief association shall convert all of the assets of the relief association to cash or negotiable instruments.

(2) The board shall then determine and pay all of the legal obligations of the association, including the costs related to dissolution of the corporate existence of the association, but excluding pension obligations to members.

(3) After payment of the legal obligations of the association, the board shall determine the pro rata share of each member of the association. The pro rata share shall be that portion of the remaining assets of the association based on the proportion which the months of active service performed in the associated fire department bears to the total number of months of active service which have been performed in the associated fire department by all of the persons who are then members of the relief association. At the time of dissolution of the corporation, each member shall be paid the member's pro rata share.

Sec. 7. Minnesota Statutes 1982, section 424A.03, subdivision 1, is amended to read:

Subdivision 1. [LIMITATION ON NONUNIFORMITY OF PENSIONS.] ~~No~~ Every partially salaried and partially volunteer firefighters' relief association shall provide service pensions to volunteer firefighter members which differ in nature or amount if the difference is based on compensation paid for firefighting services rendered by any firefighter member nor base the service pensions and retirement benefits it provides upon any rate or amount of compensation which is paid for firefighting services based on the years of service of the members not on the compensation paid to the members for firefighting services. Each relief association shall provide service pensions to salaried members as set forth in chapter 424 and applicable special laws."

Page 18, line 14, after "association" insert "directly associated with a municipal fire department"

Page 18, lines 17 and 18, strike "municipality which has a" and insert "municipalities served by the"

Page 18, lines 26 and 27, strike "fire department" and insert "relief association"

Page 18, line 27, reinstate the stricken language

Page 18, line 27, strike "If the relief"

Page 18, strike line 28

Page 18, line 29, strike "municipality," and delete "*the three ex officio trustees*"

Page 18, line 32, strike "If the" and insert:

"Every"

Page 18, line 32, after "association" insert "that"

Page 18, line 33, strike "relief"

Page 18, line 33, strike the comma and insert "*shall be managed by a board of trustees consisting of ten members. Six trustees shall be elected from the membership of the relief association, three trustees shall be drawn from the officials of the municipalities served by the fire department to which the relief association is directly associated, and one trustee shall be the fire chief. The bylaws of a relief association may provide that one of the six trustees elected from the relief association may be a retired member receiving a monthly pension who is elected by the membership of the relief association.*"

Page 18, line 34, after "trustees" insert "who are the elected officials"

Page 19, line 1, after "municipality" insert "who are"

Page 19, line 15, after "population" insert "who are"

Page 20, line 19, strike "of the relief association"

Page 21, line 2, strike "retirement"

Page 21, line 5, strike "retirement"

Page 22, after line 19, insert:

"Sec. 11. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "providing for distribution of assets upon dissolution;"

Page 1, line 5, before "424A.01;" insert "69.772, subdivisions 1, 2, and 3;" and after "424A.02" insert ", by adding a subdivision; 424A.03, subdivision 1"

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

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

H.F. No. 25: A bill for an act relating to the city of Lake Park; authorizing

the issuance of general obligation bonds to finance construction of municipal facilities.

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

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

S.F. No. 358: A bill for an act relating to counties; permitting a change to appointed coroners in certain conditions; amending Minnesota Statutes 1982, section 390.005, subdivision 2.

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

Page 1, delete section 1 and insert:

“Section 1. Minnesota Statutes 1982, section 390.005, is amended by adding a subdivision to read:

Subd. 2a. [VACANCY; CORONER'S OFFICE.] Notwithstanding subdivision 2, when there is a vacancy in the office of coroner in any county in which the office has not been abolished, the board of county commissioners may by resolution declare its intention to fill the office by appointment. Upon adoption of the resolution, the board shall fill the office by appointment immediately. The coroner shall serve for a term as determined by the board but not to exceed four years.

Sec. 2. Minnesota Statutes 1982, section 390.35, is amended to read:

390.35 [ELECTION TO FOLLOW SIMPLIFIED INVESTIGATION.]

Sections 390.31 to 390.35 apply only to those counties in which the county board elects to be bound by its provisions in lieu of any other law relating to coroners. *In any county in which sections 390.31 to 390.35 apply, the county board may by resolution resume death investigations under sections 390.005 to 390.26. The board shall then fill the office of coroner as provided by section 390.005.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “a change” and insert “changes”

Page 1, line 3, after “coroners” insert “, medical examiners, and death investigations”

Page 1, line 4, delete “section” and insert “sections”

Page 1, line 4, delete “subdivision 2” and insert “by adding a subdivision; and 390.35”

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

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

S.F. No. 92: A bill for an act relating to towns; requiring other government units to give notice to towns of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 365.

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

Page 1, line 8, delete "[365.62]" and insert "[471.99]"

Page 1, line 9, delete "any" and insert "or any of its political subdivisions."

Page 1, delete line 10

Page 1, lines 11 and 12, after "town" insert ", statutory or home rule charter city, or county"

Page 1, line 11, delete "60" and insert "30"

Page 1, line 12, delete "taxation" and insert "taxable status"

Page 1, line 13, delete "including but not limited" and insert "relating"

Page 1, line 14, delete "land developments and improvements" and insert "construction of new buildings, roads, and related facilities where the cost exceeds \$15,000"

Page 1, line 15, after the period, insert "*Master plans prepared pursuant to section 86A.09 shall be considered adequate notice as required by this section. Failure to give any notice required by this section shall not be grounds for a civil or criminal action of any nature against any party, for the imposition of a civil or criminal penalty against any party or for the challenge or invalidation of any action taken by the state, a political subdivision or any other party.*"

Amend the title as follows:

Page 1, lines 2 and 3, after "towns" insert ", cities, and counties"

Page 1, line 5, delete "365" and insert "471"

And when so amended 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. Spear from the Committee on Judiciary, to which was referred

S.F. No. 420: A bill for an act relating to judgments; requiring interest to be paid from the date of an initial judgment; amending Minnesota Statutes 1982, section 549.09.

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

Page 1, line 16, delete "over the"

Page 1, line 17, delete "objection of a party to the litigation"

Page 2, line 16, delete "all" and insert "actions commenced"

Page 2, line 17, delete "causes of action filed"

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

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

S.F. No. 328: A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, section 549.04.

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

Page 1, line 16, delete "*of the county where the defendant is*"

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

Page 1, line 17, strike "In actions for the recovery of"

Page 1, strike lines 18 and 20

Page 1, line 19, strike the old language and delete "*recovers*"

Page 1, after line 20, insert:

"Sec. 2. Minnesota Statutes 1982, section 580.17, is amended to read:

580.17 [AFFIDAVIT OF COSTS.]

Within ten days after the filing for record of the certificate of sale, the party foreclosing, or his attorney, shall make and file for record with the county recorder an affidavit containing a detailed bill of the costs and disbursements of the foreclosure, including attorney's fees, and setting forth that the same have been absolutely and unconditionally paid or incurred. *Costs and disbursements shall be allowed as provided in section 549.04.*"

Re-number the remaining section

Page 1, line 22, delete "*Section 1*" and insert "*This act*"

Page 1, line 23, delete "*actions which are tried*" and insert "*disbursements paid or incurred*"

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

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

S.F. No. 627: A bill for an act relating to the Minnesota humane society; providing for appointment of the executive director by the governor; amending Minnesota Statutes 1982, section 343.01, subdivision 3.

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

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

S.F. No. 506: A bill for an act relating to probate; changing the time for closing certain estates; amending Minnesota Statutes 1982, section 524.3-1003.

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

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

S.F. No. 326: A bill for an act relating to education; establishing a position for industrial arts education in the department of education; appropriating money; proposing new law coded in Minnesota Statutes, chapter 121.

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

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

S.F. No. 513: A bill for an act relating to education; authorizing the state board for vocational education, the state board for community colleges, and the state university board to close institutions in their respective systems; amending Minnesota Statutes 1982, sections 121.21, subdivision 4; 136.03; and 136.62, by adding a subdivision.

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

Page 1, line 21, delete "*a petition by*" and insert "*an established area vocational-technical school in*"

Page 1, line 22, delete "*to establish an area*"

Page 1, line 23, delete "*vocational-technical school*"

Page 1, line 24, delete "*cease*" and insert "*discontinue*"

Page 2, line 11, after "*136.017,*" insert "*the legislature intends that*"

Page 2, line 11, after "*board,*" insert "*consistent with its responsibility for the educational management of the state universities may,*"

Page 2, line 12, delete "*may*"

Page 2, line 17, delete "*the board*"

Page 2, line 17, after the comma, insert "*the legislature intends that the state board for community colleges, consistent with its responsibility for the educational management of community colleges may,*"

Page 2, line 18, delete "*may*"

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

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

S.F. No. 504: A bill for an act relating to education; increasing the size of the higher education coordinating board by adding two student members; amending Minnesota Statutes 1982, section 136A.02, subdivision 1.

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

Page 1, line 20, delete "*degree*" and insert "*post-secondary*"

Page 1, line 25, after the period, insert *“Except for student members, no member of the board shall be an employee of or receiving compensation from a public or private post-secondary institution while serving on the board.”*

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

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

S.F. No. 683: A bill for an act relating to education; requiring the board of teaching to adopt temporary rules relating to placing provisionally licensed teachers on unrequested leaves of absence.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 125.12, is amended by adding a subdivision to read:

Subd. 1a. [NONPROVISIONAL LICENSE DEFINED.] For purposes of this section, “nonprovisional license” shall mean an entrance, continuing, or life license.

Sec. 2. Minnesota Statutes 1982, section 125.12, subdivision 6a, is amended to read:

*Subd. 6a. [NEGOTIATED UNREQUESTED LEAVE OF ABSENCE.] The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 6b shall apply. *The negotiated plan shall not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 6b, clause (e).* The provisions of section 179.72 shall not apply for the purposes of this subdivision.*

Sec. 3. Minnesota Statutes 1982, section 125.12, subdivision 6b, is amended to read:

Subd. 6b. [UNREQUESTED LEAVE OF ABSENCE.] The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence

while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed shall be negotiable;

(c) Notwithstanding the provisions of clause (b), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses;

~~(e)~~ (d) Notwithstanding clauses (a) and, (b) and (c), if either the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, or the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of clause (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher or, the teacher with less seniority, or the provisionally licensed teacher;

~~(d)~~ (e) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement shall be in the inverse order of placement on leave of absence. *No teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave.* The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;

~~(e)~~ (f) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to him, that he may return to employment and that he will assume the duties of the position to which appointed on a future date determined by the board;

~~(f)~~ (g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

~~(g)~~ (h) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

~~(h)~~ (i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to rein-

statement shall terminate. The unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate; provided the teacher's right to reinstatement shall also terminate if he fails to file with the board by April 1 of any year a written statement requesting reinstatement;

(j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

(k) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

Sec. 4. Minnesota Statutes 1982, section 125.17, subdivision 1, is amended to read:

Subdivision 1. [WORDS, TERMS, AND PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) [TEACHERS.] The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if licensed as teachers or as school librarians.

(b) [SCHOOL BOARD.] The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) [DEMOTE.] The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

(d) [NONPROVISIONAL LICENSE.] *For purposes of this section, "nonprovisional license" shall mean an entrance, continuing, or life license.*

Sec. 5. Minnesota Statutes 1982, section 125.17, subdivision 11, is amended to read:

Subd. 11. [SERVICES TERMINATED BY DISCONTINUANCE OR LACK OF PUPILS; PREFERENCE GIVEN.] (a) Any teacher whose services are terminated on account of discontinuance of position or lack of pupils shall receive first consideration for other positions in the district for which she is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers shall be discontinued in any department in the inverse order in which they were employed.

(b) *Notwithstanding the provisions of clause (a), no teacher shall be entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise*

of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause shall not apply to vocational education licenses.

(c) Notwithstanding the provisions of clause (a), no teacher shall be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.

Sec. 6. Laws 1974, chapter 237, section 1, is amended to read:

Section 1. [INDEPENDENT SCHOOL DISTRICT NO. 709; TERMINATION OF TEACHING POSITIONS.] Independent School District No. 709, St. Louis county, and the exclusive representative of teachers as defined by Minnesota Statutes, 1973 Supplement, Section 179.63, Subdivision 13, may enter into a written agreement with respect to the termination of such teachers due to discontinuance of position or lack of pupils within the school district, which may include a method, system or scheme other than that provided by Minnesota Statutes, Section 125.17, Subdivision 11, or any act amendatory thereof. *The written agreement entered into pursuant to this section shall not include provisions allowing a teacher to exercise any seniority when that exercise results in the teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, other than vocational education license, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. In addition, the written agreement entered into pursuant to this section shall not include provisions allowing a teacher to be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.*

Sec. 7. [EXEMPTION FROM APPLICATION.]

The provisions of sections 1 to 6 shall not apply to any final decisions relating to placing teachers, as defined in Minnesota Statutes 1982, section 125.12, subdivision 1, on unrequested leaves of absence or, in the case of cities of the first class, termination of services of teachers, as defined in Minnesota Statutes 1982, section 125.17, subdivision 1, on account of discontinuance of position or lack of pupils made by school boards prior to the effective date of this act. The provisions of this act shall not apply to any school district that, on the effective date of this act, is governed by a contractual agreement which includes specific terms explicitly allowing the exercise of seniority rights by teachers holding provisional licenses, the results of which would be contrary to the provisions of this act, until the expiration of that contractual agreement. All contractual agreements entered into after the effective date of this act shall be consistent with this act.

Sec. 8. [EFFECTIVE DATE.]

This act shall be effective the day after final enactment."

Delete the title and insert:

“A bill for an act relating to education; modifying the exercise of seniority by licensed teachers in certain circumstances; amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a and 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11; and Laws 1974, chapter 237, section 1.”

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

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

S.F. No. 339: A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1982, sections 273.13, subdivision 7; and 290A.03, subdivision 6.

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

Page 3, line 32, delete “, *provided the property is within one mile from the*”

Page 3, line 33, delete “*homestead dwelling*”

Page 4, line 1, after the period, insert “*In order to receive homestead treatment for the noncontiguous property, the owner shall apply for it to the assessor by July 1 of 1983 or the year when the treatment is initially sought. After initial qualification for the homestead treatment, additional applications for subsequent years are not required.*”

Page 4, line 9, delete “*subivision*” and insert “*subdivision*”

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

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

S.F. No. 85: A bill for an act relating to taxation; providing a property tax credit to certain veterans awarded the congressional medal of honor; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

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

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

S.F. No. 448: A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 5, 7, as

amended, 10, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding subdivisions; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

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

Page 4, delete lines 12 to 14

Page 4, lines 29 to 33, reinstate the stricken language

Page 5, lines 1 to 36, reinstate the stricken language and delete the new language

Page 6, lines 1 to 36, reinstate the stricken language and delete the new language

Page 7, lines 1 to 36, reinstate the stricken language and delete the new language

Page 7, line 36, after "account," insert "*including a qualified voluntary employee contribution,*"

Page 8, lines 6 to 9, reinstate the stricken language

Page 8, line 10, reinstate the stricken language and delete the new language

Pages 8 to 13, delete section 4

Page 15, delete lines 10 to 18

Page 16, line 2, after "*corporation*" insert "*under section 290.9725*"

Pages 18 to 22, delete section 11

Page 26, delete section 13

Page 27, line 33, after "*corporation*" insert "*, under section 290.9725,*"

Page 33, line 28, delete "*a return, statement, or*"

Page 33, line 29, delete "*other document is required under this chapter to be made*" and insert "*an information return required to be made under section 290.41 or a withholding statement required under section 290.92, subdivision 7,*"

Page 33, line 32, delete "*make a return, statement, or*"

Page 33, line 33, delete "*other document*" and insert "*furnish an information return under section 290.41, or a withholding statement under section 290.92, subdivision 7,*"

Page 34, line 11, delete "*any return, statement, or other document made*" and insert "*information returns required under section 290.41 or a with-*

holding statement required under section 290.92, subdivision 7."

Page 34, line 15, delete "*unless it is shown that*" and insert "*if*" and delete "*reasonable cause*"

Page 34, line 16, delete "*and not to*" and delete "\$50" and insert "\$10"

Page 34, line 18, delete "\$25,000" and insert "\$1,000"

Page 35, line 4, reinstate the stricken language and delete the new language

Page 35, line 7, reinstate the stricken "\$1,000" and delete "\$25,000"

Pages 35 and 36, delete section 26

Page 37, lines 29 and 35, delete "31" and insert "27"

Page 38, lines 4 and 8, delete "31" and insert "27"

Page 38, line 23, after the comma, insert "*where the return has been demanded by the commissioner under the provisions of section 290.47.*"

Page 38, line 25, delete "*tax on*" and insert "*the amount of tax which is due with*"

Page 41, line 35, after the period, insert "*For purposes of this subdivision*"

Page 47, line 30, after the period, insert "*For purposes of this subdivision*"

Pages 50 and 51, delete section 39

Page 54, line 14, reinstate the stricken "under section"

Page 54, line 15, reinstate the stricken "290.9725"

Page 55, lines 1 and 2, delete the new language and reinstate the stricken language

Page 56, line 22, delete "section" and insert "sections" and after "20" insert ", and 290.09, subdivisions 5 and 10"

Page 56, line 24, delete "section" and insert "sections" and delete "is" and insert "*and 290.93, subdivision 11, are*"

Page 56, line 27, delete "6" and insert "5"

Page 56, delete line 29 and insert "4, 7, 8, 11, 17, 23, 26, 35, 37, 39, 41, and 42 are"

Page 56, line 30, after the period, insert "*Section 3 is effective for taxable years beginning after December 31, 1982, except that the provision concerning qualified voluntary employee contribution is effective for taxable years beginning after December 31, 1981.*"

Page 56, line 31, delete "7 and 21" and insert "6 and 18"

Page 56, line 32, delete "10, 16, 23, 28, 29, 31," and insert "9, 13, 20, 24, 25, 27,"

Page 56, line 33, delete "33, 39, and 43" and insert "29, and 38"

Page 56, delete lines 34 to 36

Page 57, delete lines 1 to 5

Page 57, line 6, delete "*for federal income tax purposes.*"

Page 57, line 12, delete "15" and insert "12"

Page 57, line 16, delete "17, 18, and 19" and insert "14, 15, and 16"

Page 57, line 19, delete "22, 24, and 35" and insert "19, 21, and 31"

Page 57, line 20, delete "25" and insert "22"

Page 57, line 22, delete everything after the period

Page 57, line 23, delete "*December 31, 1983.*" and delete "32, 34, and 37" and insert "28, 30, and 33"

Page 57, line 24, delete "36" and insert "32"

Page 57, line 25, delete "38" and insert "34"

Page 57, line 28, delete "41" and insert "36"

Page 57, line 32, delete "45" and insert "40"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "20b, as amended,"

Page 1, line 11, delete "5," and delete "10,"

Page 1, line 15, delete the second "subdivisions" and insert "a subdivision"

Page 1, line 19, after "9," insert "and" and delete ", and" and insert a semicolon

Page 1, line 20, delete "11;"

Page 1, line 23, delete "section" and insert "sections"

Page 1, line 24, after "28" insert ", and 290.93, subdivision 11"

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

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

S.F. No. 332: A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; repealing Minnesota Statutes 1982, section 48.152, subdivision 9.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1982, section 48.152, subdivision 8, is amended to read:

Subd. 8. The total amount of unpaid rental obligations of a customer to a

bank on personal property, shall constitute a liability of the customer within the meaning of section 48.24, ~~subdivision~~ *subdivisions 1 and 4.*"

Page 1, after line 10, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1982, section 48.152, subdivision 8;"

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

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

H.F. No. 176: A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, subdivision 1.

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

Page 1, line 23, delete "*in which*" and insert "*guaranteed by*"

Page 1, delete line 24

Page 1, line 25, delete "*deferred basis*"

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

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

S.F. No. 594: A bill for an act relating to employment; creating a Minnesota emergency employment development program; providing meaningful employment opportunities in the public and private sector; adjusting individual income tax rates; prohibiting deduction of federal income taxes; imposing a surtax to fund the program; appropriating money; amending Minnesota Statutes 1982, sections 290.06, subdivisions 2c, 2d, 3g, and by adding a subdivision; 290.09, subdivision 4; 290.10; and 290.18, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, sections 290.06, subdivision 2e; and 290.18, subdivision 4.

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

Page 2, line 30, delete "*is a member of a household in*"

Page 2, line 31, delete "*which every person*" and after "(1)" insert "*has been a resident of this state for at least 30 days, (2)*"

Page 2, line 31, delete "(2)" and insert "(3)"

Page 2, line 32, after the comma, insert "(4) is determined by the employment administrator to be likely to remain employed by an eligible employer for the duration of the job,"

Page 2, line 32, delete "(3)" and insert "(5)"

Page 3, line 2, after "5" insert "who meets the requirements of paragraph (a), clauses (1) and (4)"

Page 3, line 10, delete "a"

Page 3, line 11, delete "prime sponsor" and insert "an administrative entity"

Page 3, line 11, delete "comprehensive employment and"

Page 3, line 12, delete "training act (CETA)," and insert "job training partnership act or its predecessor administrative entity authorized under"

Page 3, line 34, delete "30" and insert "..."

Page 4, line 18, after the semicolon, insert "and"

Page 4, delete lines 19 to 21

Page 4, line 22, delete "(3)" and insert "(2)"

Page 4, line 23, after "under" insert "Minnesota Statutes 1980,"

Page 4, line 29, after "agencies" insert "during the biennium"

Page 4, line 35, after the period, insert "For eligible job applicants participating in a job training program, the state contribution for wages may be used for a maximum period of 52 weeks per job applicant."

Page 7, line 24, after "data" insert "to the extent feasible under its existing budget and staff complement"

Page 8, line 3, before the period, insert ", to be available to all persons employed under sections 1 to 14"

Page 8, line 13, delete "and"

Page 8, line 13, after "projects" insert ", and community social service programs such as child care and home health care"

Page 8, line 34, after "people" insert ", but not to fill positions which would be filled even in the absence of funds from this program"

Page 10, line 28, after "ASSISTANCE" insert "AND AFDC"

Page 10, line 29, before "No" insert "Subdivision 1. [GENERAL ASSISTANCE.]"

Page 10, line 33, delete the period and insert ", except:

(a) A person who is suffering from a permanent or temporary illness, injury, or incapacity which is medically certified and which prevents the person from obtaining or retaining employment;

(b) A person whose presence in the home on a substantially continuous basis is required because of the certified illness, injury, or incapacity or the

age of another member of the household;

(c) A person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, if the placement is based on illness or incapacity, and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

(d) A person who resides in a shelter facility described in section 256D.05, subdivision 3;

(e) A person not described in clauses (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally retarded or mentally ill, which condition prevents the person from obtaining or retaining employment;

(f) A person who has an application pending for the social security disability program or the program of supplemental security income for the aged, blind, and disabled, or who has been terminated from either program and has an appeal from that termination pending;

(g) A person who is unable to obtain or retain employment because his advanced age significantly affects his ability to seek or engage in substantial work;

(h) A person who has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other employment related educational program, provided that the period of time the person is exempted pursuant to this clause, while awaiting acceptance into the program, shall not exceed two months; or

(i) An adult member of a household with children in which another adult is employed full time or has registered for employment services with the department of economic security or been accepted in a work training program.

Subd. 2. [AFDC.] In order to maximize the opportunity for recipients of aid to families with dependent children (AFDC) to take full advantage of the jobs created by businesses under sections 1 to 14, the commissioner of public welfare may establish a work incentive (WIN) demonstration project as part of the Minnesota emergency employment development program. All AFDC recipients may participate. Persons who participate in the WIN demonstration project will be required to participate in the WIN demonstration orientation. Those WIN demonstration participants not covered by employer medical plans will continue to be eligible for medical assistance, and all participants will continue to be eligible for other benefits provided under the AFDC program. The commissioner of public welfare may adopt rules necessary for implementation of this subdivision. These rules are not subject to the provisions of the administrative procedure act, sections 14.05 to 14.70."

Page 19, line 1, after "2e" insert ", as amended by Laws 1982, Third Special Session chapter 1, article 5, section 3;"

Amend the title as follows:

Page 1, line 13, after "2e" insert ", as amended"

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

Mr. Solon from the Committee on Economic Development and Com-

merce, to which was referred

S.F. No. 598: A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, section 59A.09, subdivisions 3 and 6.

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

Page 1, after line 25, insert:

“Sec. 2. Minnesota Statutes 1982, section 59A.09, Subdivision 4, is amended to read:

Subd. 4. The finance charge shall be computed *in advance* on the principal balance of a premium finance agreement *according to the actuarial method on terms* payable in substantially equal successive monthly installments ~~over a period of one year. On a premium finance agreement providing for installments extending for a period of less than or greater than one year, the finance charge shall be computed proportionately.~~”

Page 2, line 8, strike the old language

Page 2, line 9, delete “do” and strike the old language

Page 2, strike lines 10 and 11 and insert “*Subdivision 3 applies only to a premium finance agreement in which the related insurance contract is for personal, family, or household use. The rate charged under an agreement made to finance an insurance policy for business, agricultural, or corporate purposes shall be as agreed to by the parties to the agreement.*”

Page 2, after line 11, insert:

“Sec. 4. Minnesota Statutes 1982, section 59A.12, subdivision 1, is amended to read:

Subdivision 1. Whenever a financed insurance contract is cancelled, *within 30 days of the effective date of cancellation* the insurer shall return whatever gross unearned premiums, *computed pro rata*, are due under the insurance contract to the premium finance company for the account of the insured or insureds. This action by the insurer ~~shall be deemed to satisfy~~ *satisfies* the insurer’s obligations under the insurance contract which relate to the return of the unearned premiums.

Sec. 5. Minnesota Statutes 1982, section 59A.12, subdivision 4, is amended to read:

Subd. 4. ~~In the event that~~ *If* the crediting of returned premiums to the account of the insured results in a surplus over the amount due from the insured, the premium finance company ~~shall~~ *must* refund ~~such the~~ excess to the insured *within 30 days after receipt of the returned premium; provided, that* but no refund ~~shall be~~ *is* required if it amounts to less than \$1.”

Page 2, line 13, delete “Sections 1 and 2 are” and insert “This act is”

Page 2, line 13, delete “April” and insert “June”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections" and after "3" insert "4"

Page 1, line 5, before the period, insert "; and 59A.12, subdivisions 1 and 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. 466: A bill for an act relating to game and fish; prohibiting firing upon, over, or across a public highway for the purpose of taking migratory waterfowl; amending Minnesota Statutes 1982, section 100.31.

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

Page 1, line 13, delete "*or migratory waterfowl*"

Page 1, line 15, delete "may" and delete "*grant an exemption to*"

Page 1, line 16, delete "*the foregoing*" and insert "*may extend the application of this*" and delete "*as it relates*"

Amend the title as follows:

Page 1, line 2, delete "prohibiting" and insert "allowing the commissioner of natural resources to prohibit"

Page 1, line 4, after "waterfowl" insert "in designated locations"

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. 636: A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; and Laws 1980, chapter 610, section 1, as amended.

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

Page 2, after line 12, insert:

"Sec. 2. Minnesota Statutes 1982, section 222.64, is amended to read:

222.64 [EMPLOYMENT PREFERENCE.]

Individuals who have been previously employed by railroads, whose users obtain guaranteed loans or other assistance pursuant to sections

222.46 to 222.64, shall have priority, based upon their length of service with that railroad, in employment with a purchasing carrier or other operator of a railroad benefiting from those loans or other assistance. *A railroad or other operator accepting state funds from the rail service improvement account shall use its own employees to perform all maintenance, rehabilitation and improvement work in accordance with existing agreements in effect at the time between the railroad participating in the program and its employees. Work cannot be assigned to contractors except in compliance with the aforesaid agreements.*

Sec. 3. Minnesota Statutes 1982, section 360.063, subdivision 3, is amended to read:

Subd. 3. [JOINT AIRPORT ZONING BOARD.] (1) Where an airport is owned or controlled by a municipality and ~~any~~ an airport hazard area appertaining to ~~such~~ the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request ~~any~~ a county or municipality in which an airport hazard area is located:

(a) To adopt and enforce airport zoning regulations for the area in question that conform to ~~minimum~~ standards prescribed by the commissioner pursuant to subdivision 4; or

(b) To join in creating a joint airport zoning board pursuant to clause (2). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in clause (5) for the metropolitan airports commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(2) Where an airport is owned or controlled by a municipality and ~~any~~ an airport hazard area appertaining to ~~such~~ the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which ~~such~~ the area is located. ~~Each such~~ A joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chairman elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chairman of the board shall be elected from the membership of the board.

(3) If ~~any~~ a county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to clause (1), fails to adopt, or thereafter fails to enforce, ~~such~~ the zoning regulations or fails to join in creating a joint airport zoning board, the owning or controlling mu-

municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between ~~such the~~ regulations and ~~any~~ airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, ~~the regulations of the municipality owning or controlling the airport or the joint zoning board shall govern and prevail~~ section 360.064, subdivision 2, applies.

(4) "Owning or controlling municipality," as used in this subdivision, includes:

(a) A joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(b) A joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board, provided that ~~such a~~ the board shall not itself adopt zoning regulations nor shall ~~any~~ a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(c) The metropolitan airports commission established and operated pursuant to chapter 473.

(5) The metropolitan airports commission shall request creation of one joint airport zoning board for each airport operated under its authority.

Sec. 4. Minnesota Statutes 1982, section 360.063, subdivision 4, is amended to read:

Subd. 4. [AIRPORT APPROACH.] The commissioner may recommend an airport approach plan for each publicly owned airport in the state and for each privately owned airport of the publicly owned class and from time to time recommend revisions of ~~any such the~~ plan. ~~Each such~~ A plan shall indicate the circumstances in which structures or trees are or would be airport hazards, the airport hazard area, and what measures should be taken to eliminate airport hazards. ~~He~~ The commissioner shall prescribe ~~minimum~~ airport approach and turning standards for airports of various classes, and ~~all~~ airport zoning regulations adopted by ~~any a~~ municipality, county, or joint airport zoning board shall conform to ~~such minimum~~ the standards, *except as provided in sections 360.065 and 360.066.*

Sec. 5. Minnesota Statutes 1982, section 360.063, subdivision 6, is amended to read:

Subd. 6. [PROCEDURE WHEN ZONING BOARD FAILS TO ACT.] If ~~any a~~ municipality, county, or joint airport zoning board fails to adopt within a reasonable time airport zoning regulations in accordance with the provisions of sections 360.011 to 360.076, or adopts regulations or amendments which do not conform to the ~~minimum~~ standard prescribed by the commissioner, ~~he~~ the commissioner may, for the protection of the public safety, adopt or supplement and from time to time as may be necessary amend, supplement, or repeal ~~such the~~ regulations for ~~such the~~ municipality or county until airport zoning regulations provided for in sections 360.011

to 360.076, are adopted by ~~such~~ the municipality, county, or joint airport zoning board. ~~He~~ *The commissioner* shall have the same powers with reference to ~~such~~ the airport zoning regulations as are granted in sections 360.011 to 360.076, to municipalities, administrative boards, and boards of adjustment. ~~Any~~ *An* action of the commissioner taken under this subdivision ~~shall be~~ *is* subject to review by the courts as provided in section 360.072.

Sec. 6. Minnesota Statutes 1982, section 360.065, subdivision 2, is amended to read:

Subd. 2. [REGULATIONS SUBMITTED TO COMMISSIONER.] Prior to adopting ~~any~~ zoning regulations for ~~any~~ *an* airport hazard area under sections 360.011 to 360.076, the municipality, county, or joint airport zoning board which is to adopt the regulations shall submit its proposed regulations to the commissioner in order that ~~he~~ *the commissioner* may determine whether it conforms to the ~~minimum~~ standards prescribed by him. ~~He~~ *The commissioner* shall immediately examine ~~such~~ the proposed regulations and report to the municipality, county, or joint airport zoning board his approval, or ~~his~~ objections, if any. If ~~any~~ objections are made by him on the ground that ~~such~~ the regulations do not conform to the ~~minimum~~ standards prescribed by him for the class of airport involved, the municipality, county, or joint zoning board shall make ~~such~~ amendments as are necessary to meet ~~such~~ the objections *unless it demonstrates that the social and economic costs of restricting land uses in accordance with the standards outweigh the benefits of a strict application of the standards.* The governing body of the municipality or county or the joint airport zoning board shall not adopt the regulations or take other action until the proposed regulations are approved by the commissioner ~~as conforming to such minimum standards.~~ *The commissioner may approve local zoning ordinances that are more stringent than the standards.* A copy of ~~such~~ the regulations as adopted shall be filed with the county recorder in each county in which ~~such~~ the zoned area is located.

Substantive rights existing prior to the passage of this subdivision and ~~heretofore~~ *previously* exercised ~~shall~~ *are* not ~~be~~ affected by the filing of ~~such~~ the regulations.

Sec. 7. Minnesota Statutes 1982, section 360.066, subdivision 1, is amended to read:

Subdivision 1. [REASONABLENESS.] ~~All~~ ~~minimum~~ Standards of the commissioner defining airport hazard areas and the categories of uses permitted ~~therein~~ and ~~all~~ airport zoning regulations adopted under sections 360.011 to 360.076, shall be reasonable, and none shall impose ~~any~~ *a* requirement or restriction which is not reasonably necessary to effectuate the purposes of sections 360.011 to 360.076. In determining what minimum ~~standards~~ ~~and~~ ~~airport~~ zoning regulations may be adopted, the commissioner and ~~any~~ *a* local airport zoning authority shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the location of the airport, the nature of the terrain within the airport hazard area, the existing land uses and character of the neighborhood around the airport, ~~and~~ the uses to which the property to be zoned ~~is~~ ~~put~~ *are planned* and adaptable, *and the social and economic costs of restricting land uses versus the benefits derived from a strict application of the standards of*

the commissioner.

Sec. 8. Minnesota Statutes 1982, section 360.067, subdivision 1, is amended to read:

Subdivision 1. [PERMITS.] (1) ~~Any~~ Airport zoning regulations adopted under sections 360.011 to 360.076, may require that a permit be obtained before ~~any~~ a new structure or use may be constructed or established and before ~~any~~ an existing use or structure may be substantially changed or substantially altered or repaired. In any event, all ~~such~~ regulations shall provide that before ~~any~~ a nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing ~~such~~ *the* replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

(2) Whenever the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than 80 percent torn down, ~~destroyed~~, deteriorated, or decayed: (a) no permit shall be granted that would allow ~~said~~ *the* structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and (b), whether application is made for a permit under this subdivision or not, the ~~said~~ agency may by appropriate action compel the owner of the nonconforming structure or tree, at ~~his own~~ *the owner's* expense, to lower, remove, reconstruct, or equip ~~such~~ *the* object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree ~~shall neglect~~ *neglects* or ~~refuse~~ *refuses* to comply with ~~such~~ *the* order for ten days after notice ~~thereof~~ *of the order*, the ~~said~~ agency may proceed to have the object ~~so~~ lowered, removed, reconstructed, or equipped and assess the cost and expense ~~thereof~~ upon the object of the land ~~whereon~~ *where* it is or was located. Unless ~~such~~ an assessment is paid within 90 days from the service of notice ~~thereof~~ on the agent or owner of ~~such~~ *the* object or land, the sum ~~shall~~ *will* bear interest at the rate of eight percent per annum until paid, and shall be collected in the same manner as are general taxes.

(3) Except as provided ~~herein~~ *in this subdivision*, all applications for permits shall be granted."

Page 2, line 17, strike "such" and insert "the"

Page 2, line 29, strike "such"

Page 2, line 34, strike "such" and insert "the"

Page 3, line 18, reinstate the stricken "counties" and delete "municipalities" and strike ", providing and stating;" and insert ". The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within 90 days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an

authority must state:"

Page 4, line 7, delete "*or municipalities*" and strike "and" and insert ".
The notice of a hearing by the governing body of a county must be"

Page 4, line 9, delete "*named in the resolution*" and insert ". *except cities and towns participating in the organization*"

Page 4, lines 13 and 14, delete "*or municipalities*"

Page 7, line 2, delete "*or city or town assessor*" and reinstate the stricken "county" and delete "*municipality*" and insert "*in which territory under the jurisdiction of the authority is located*"

Page 7, line 4, delete "*or city or town assessor*"

Page 7, line 5, after "rolls" insert "*of each municipality named in the organization resolution*"

Page 7, line 10, reinstate the stricken "each county" and delete "the"

Page 7, line 11, delete "*of each municipality*"

Page 7, after line 19, insert:

"Sec. 14. Minnesota Statutes 1982, section 398A.07, subdivision 2, is amended to read:

Subd. 2. [SECURITY.] Bonds may be made payable exclusively from the revenues from one or more projects, or from one or more revenue producing contracts, or from the authority's revenues generally, *including but not limited to specified taxes which the authority may levy or which a particular municipality may agree to levy for a specified purpose*, and may be additionally secured by a pledge of any grant, subsidy, or contribution from any public agency, *including but not limited to a participating municipality*, or any income or revenues from any source. They may be secured by a mortgage or deed of trust of the whole or any part of the property of the authority. They shall be payable solely from the revenues, funds, and property pledged or mortgaged for their payment. No commissioner, officer, employee, agent, or trustee of the authority shall be liable personally on its bonds or be subject to any personal liability or accountability by reason of their issuance. Neither the state nor a county or other municipality except the authority may pledge its faith and credit or taxing power or shall be obligated in any manner for the payment of the bonds or interest on them, *except as specifically provided by agreement under section 398A.06*; but nothing herein shall affect the obligation of the state or municipality to perform any contract made by it with the authority, and when the authority's rights under a contract with the state or a municipality are pledged by the authority for the security of its bonds, the holders or a bond trustee may enforce the rights as a third party beneficiary. All bonds shall be negotiable within the meaning and for the purposes of the uniform commercial code, subject only to any registration requirement."

Page 7, line 33, delete "*Sections 1 to 7 are*" and insert "*This act is*"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "modifying requirements for

compliance with standards for zoning ordinances for municipal airports; requiring that railroads participating in the rail service improvement program follow certain labor practices;”

Page 1, line 11, after the first semicolon, insert “222.64; 360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1;”

Page 1, line 12, after the semicolon, insert “398A.07, subdivision 2;”

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. 546: A bill for an act relating to counties; providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, by adding a subdivision.

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

Page 1, line 23, after “*recorder*” insert “, and with the local governing body of any organized township or municipality”

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 10, 1983:

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. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for March 7, 1983:

STATE SOIL AND WATER CONSERVATION BOARD

Wayne C. Haglin

ENVIRONMENTAL EDUCATION BOARD

Lucinda L. Hruska-Claeys

Michael Naylor

Leland 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.

SECOND READING OF SENATE BILLS

S.F. Nos. 554, 282, 148, 568, 101, 323, 81, 160, 358, 420, 328, 627, 506, 513, 504, 683, 339, 85, 448, 332, 598, 466 and 546 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 25 and 176 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that S.F. No. 578 be withdrawn from the Committee on Local and Urban Government and returned to its author. The motion prevailed.

Mr. Davis moved that his name be stricken as chief-author, shown as a co-author, and the name of Mr. Wegscheid be added as chief-author to S.F. No. 652. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 504. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 548. The motion prevailed.

Mr. Vega moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 580. The motion prevailed.

Mr. Vega moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 589. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Freeman be added as a co-author to S.F. No. 645. The motion prevailed.

Mr. Spear moved that the name of Mr. Vega be added as a co-author to S.F. No. 692. The motion prevailed.

Mr. Renneke moved that the name of Mr. Solon be added as a co-author to S.F. No. 720. The motion prevailed.

Ms. Berglin moved that the name of Mr. Knutson be added as a co-author to S.F. No. 727. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mrs. McQuaid be added as a co-author to S.F. No. 744. The motion prevailed.

Messrs. Merriam, Davis and Bertram introduced—

Senate Resolution No. 27: A Senate resolution proclaiming March 21, 1983, to be "Agriculture Day" in Minnesota.

WHEREAS, Minnesota is among the nation's leading producers of agricultural crops, livestock, and commodities; and

WHEREAS, Minnesota's 105,000 farms over nearly 51 million acres last year provided approximately 40 percent of the state's gross economic product; and

WHEREAS, farming and farm-related industries provided nearly one-third of the total employment opportunities in Minnesota; and

WHEREAS, last year, the average farmer in Minnesota had the productive ability to feed 78 people for an entire year; and

WHEREAS, the future strength and vitality of Minnesota's overall economy depends in large part on the strength and vitality of the state's agricultural economy; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that March 21 is proclaimed to be state "Agriculture Day" to recognize the overwhelming contribution made by agriculture and agriculture-related industries to a high quality standard of living in Minnesota. The tremendous problems facing state farmers today is recognized and their commitment to preserving the family farm tradition in this state is commended.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to enroll a copy of this resolution, to be authenticated by his signature and that of the Chairman of the Senate Rules and Administration Committee, and that it be presented to the proper representatives of Minnesota's agricultural producers and related industries.

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

Mr. Johnson, D.E. introduced—

Senate Resolution No. 28: A Senate resolution relating to the city of Willmar; extending congratulations upon being selected for honorable mention as an All-America City.

Referred to the Committee on Rules and Administration.

CALENDAR

H.F. No. 56: A bill for an act relating to local government; providing for orderly annexations in accordance with the terms of the resolutions of local government units; amending Minnesota Statutes 1982, section 414.0325, 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:

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

So the bill passed and its title was agreed to.

S.F. No. 161: A bill for an act relating to the city of Minneapolis; changing the position of cable communications officer to the unclassified service; amending Laws 1969, chapter 937, section 1, subdivision 9, 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 43 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson, D.C.	Spear
Anderson	Dieterich	Lessard	Peterson, R.W.	Stumpf
Belanger	Frank	Luther	Petty	Taylor
Berglin	Freeman	Merriam	Pogemiller	Vega
Chmielewski	Hughes	Moe, D. M.	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Moe, R. D.	Reichgott	Wegscheid
Davis	Jude	Novak	Samuelson	Willet
DeCramer	Kroening	Pehler	Schmitz	
Dicklich	Langseth	Peterson, C.C.	Solon	

Those who voted in the negative were:

Benson	Frederickson	Knutson	Olson	Storm
Berg	Isackson	Kronebusch	Peterson, D.L.	Ulland
Bertram	Johnson, D.E.	Laidig	Ramstad	
Brataas	Kamrath	McQuaid	Renneke	
Frederick	Knaak	Mehrkens	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 224: A bill for an act relating to local government; permitting the city of Big Falls and part of Koochiching County to join a hospital district.

Was read the third time 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:

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

So the bill passed and its title was agreed to.

S.F. No. 68: A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1982, 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 45 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Novak	Reichgott
Belanger	Dieterich	Langseth	Olson	Samuelson
Berglin	Frank	Lantry	Pehler	Schmitz
Bertram	Frederickson	Lessard	Peterson,D.C.	Solon
Chmielewski	Freeman	Luther	Peterson,R.W.	Spear
Dahl	Hughes	McQuaid	Petty	Stumpf
Davis	Johnson, D.J.	Merriam	Pogemiller	Vega
DeCramer	Jude	Moe, D. M.	Purfeerst	Wegscheid
Dicklich	Kroening	Moe, R. D.	Ramstad	Willet

Those who voted in the negative were:

Anderson	Frederick	Knutson	Renneke	Waldorf
Benson	Isackson	Laidig	Sieloff	
Berg	Johnson, D.E.	Mehrkens	Storm	
Bernhagen	Kamrath	Peterson,C.C.	Taylor	
Brataas	Knaak	Peterson,D.L.	Ulland	

So the bill passed and its title was agreed to.

S.F. No. 267: A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date

for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for non-payment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 207: A bill for an act relating to Independent School District No.

466; permitting the sale of certain land subject to agreed conditions.

Was read the third time 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:

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

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

S.F. Nos. 337, 153, 444, 200, 455, 254, 107, 327, and H.F. Nos. 182, 268 and 121, which the committee recommends to pass.

S.F. No. 428, which the committee recommends to pass with the following amendments offered by Messrs. Lessard and Pogemiller:

Mr. Lessard moved to amend S.F. No. 428 as follows:

Page 16, after line 35, insert:

“Sec. 30. Laws 1975, chapter 235, section 2, is amended to read:

Sec. 2. This act is effective July 1, 1975 and shall expire June 30, 1983.”

Page 17, line 32, delete “84B.11;”

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 18, before “Laws” insert “Laws 1975, chapter 235, section 2;”

Page 1, line 22, delete “84B.11;”

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S.F. No. 428 as follows:

Page 8, line 35, strike “task force” and insert “council”

Page 9, line 20, delete “June 30.”

Page 9, line 21, delete “1989” and insert “on the date provided by section 15.059, subdivision 5”

Page 9, line 26, strike “pursuant to Laws”

Page 9, line 27, strike “1980, Chapter 577, Section 2” and insert “for the Minnesota poison information center”

Page 9, line 32, strike “Moneys appropriated under”

Page 9, line 33, strike everything before “shall” and insert “The grant”

Page 9, line 33, strike “to the grantee”

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Petty, Spear and Frederickson introduced—

S.F. No. 767: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of joint legislative agencies or commissions.

Referred to the Committee on Governmental Operations.

Messrs. Freeman, Petty, Wegscheid and Sieloff introduced—

S.F. No. 768: A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport.

Referred to the Committee on Transportation.

Messrs. Spear, Pogemiller and Wegscheid introduced—

S.F. No. 769: A bill for an act relating to property exempt from attachment, garnishment, or levy of execution; requiring notice to judgment debtors prior to delivery of funds owed to the judgment debtor by any third party to satisfy a creditor's claim; providing for an exemption notice within certain time limits; providing penalties for failure to send the exemption notice; clarification of certain exempt funds; providing for an increase in the amount of household goods exempt; amending Minnesota Statutes 1982, sections 550.041; 550.14; 550.141, by adding a subdivision; 550.37, subdivisions 4, 13, 14, 19, 20, and 24; 571.41, subdivision 5, and by adding subdivisions; and 571.67.

Referred to the Committee on Judiciary.

Messrs. Frederickson, Spear and Mrs. Lantry introduced—

S.F. No. 770: A bill for an act relating to retirement; modifying a limita-

tion on public employee retirement annuities; amending Minnesota Statutes 1982, section 356.61.

Referred to the Committee on Governmental Operations.

Messrs. Knaak, Freeman, Jude, Ms. Reichgott and Mr. Kamrath introduced—

S.F. No. 771: A bill for an act relating to courts; providing for removal of claims from municipal court to district court; amending Minnesota Statutes 1982, section 488A.01, subdivision 15; and 488A.18, subdivision 15.

Referred to the Committee on Judiciary.

Messrs. Davis, Berg, Benson, Bertram and Pehler introduced—

S.F. No. 772: A bill for an act relating to taxation; liquor excise; providing a reduced tax on liquor made in Minnesota from Minnesota products; amending Minnesota Statutes 1982, section 340.47, subdivisions 1, 1a, and by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Willet, Waldorf, DeCramer, Purfeerst and Merriam introduced—

S.F. No. 773: A bill for an act relating to public utilities; providing for the purchase of power from electrical utilities by firm power producers at certain costs under certain circumstances; making certain technical changes; amending Minnesota Statutes 1982, section 216B.164.

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

Mrs. Lantry, Messrs. Knaak, Sieloff and Hughes introduced—

S.F. No. 774: A bill for an act relating to Ramsey County; providing for the membership, terms, and procedures of the medical center commission; amending Minnesota Statutes 1982, section 383A.41, subdivisions 2, 3, and 4.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam; Peterson, C.C.; Kroening; Dicklich and Vega introduced—

S.F. No. 775: A bill for an act relating to workers' compensation; providing for the rebuttable presumption of cancer as an occupational disease for certain firefighters; amending Minnesota Statutes 1982, section 176.011, subdivision 15.

Referred to the Committee on Employment.

Messrs. Merriam and Willet introduced—

S.F. No. 776: A bill for an act relating to state government; reorganizing

functions related to water; abolishing the water planning board, the southern Minnesota rivers basin board, and the water resources board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, sections 40.072, subdivision 3; 112.35, subdivision 4; 473.877, subdivision 2; and 473.878, subdivisions 5, 7, and 8; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, sections 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; and chapter 114A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Petty, Sieloff and Frank introduced—

S.F. No. 777: A bill for an act relating to taxation; property; providing a declining maximum homestead credit; amending Minnesota Statutes 1982, section 273.13, subdivisions 6, 7, 14a, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Sieloff, Merriam and Solon introduced—

S.F. No. 778: A bill for an act relating to taxation; providing a method for distributing state money to municipalities; establishing a levy limit base; amending Minnesota Statutes 1982, sections 275.51, by adding a subdivision; 477A.011, by adding subdivisions; and 477A.012; proposing new law coded in Minnesota Statutes, chapters 275 and 477A; repealing Minnesota Statutes 1982, sections 275.51, subdivision 3e; 477A.011, subdivisions 4, 5, 9, and 10; and 477A.013.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson; Johnson, D.E.; Peterson, C.C.; Samuelson and Berg introduced—

S.F. No. 779: A bill for an act relating to education; permitting the continued development and implementation of a low-power television transmission system for certain school districts; appropriating money.

Referred to the Committee on Education.

Messrs. Lessard; Johnson, D.J.; Berg; Chmielewski and Stumpf introduced—

S.F. No. 780: A bill for an act relating to taxation; sales and use; providing a reduced tax rate for certain purchases of logging equipment; amending Minnesota Statutes 1982, sections 297A.01, by adding a subdivision; 297A.02, subdivision 2, as amended; and 297A.14, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegscheid, Berg, Mrs. Adkins, Ms. Reichgott and Mr. Freeman introduced—

S.F. No. 781: A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota

driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, subdivision 2.

Referred to the Committee on Transportation.

Mr. Wegscheid, Ms. Reichgott, Messrs. Knaak, Petty and DeCramer introduced—

S.F. No. 782: A bill for an act relating to highway traffic regulations; providing a penalty for the operation of a vehicle in a manner that endangers or is likely to endanger persons or property; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

Referred to the Committee on Judiciary.

Ms. Berglin, Messrs. Dicklich, Spear and Solon introduced—

S.F. No. 783: A bill for an act relating to welfare; proposing a moratorium on new construction and new certification of nursing home beds; providing a limit on inpatient chemical dependency treatment; requiring a second medical opinion prior to reimbursement for certain elective surgeries; making medicare certification a condition of medical assistance reimbursement; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.03, subdivision 2, as amended; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; 256B.27, subdivisions 3 and 4; and 256B.48, by adding a subdivision; and Laws 1981, chapter 360, article II, section 54, as amended.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Mrs. Lantry, Messrs. Moe, D.M. and Merriam introduced—

S.F. No. 784: A bill for an act relating to public welfare; setting eligibility criteria for community social services; requiring information from users to be included in the planning process; prescribing duties of the commissioner; amending Minnesota Statutes 1982, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

Referred to the Committee on Health and Human Services.

Mr. Freeman introduced—

S.F. No. 785: A bill for an act relating to occupations and professions; providing an exemption from a licensing requirement administered by the board of electricity; amending Minnesota Statutes 1982, section 326.242, subdivision 12.

Referred to the Committee on Economic Development and Commerce.

Messrs. Freeman, Purfeerst and Solon introduced—

S.F. No. 786: A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Stat-

utes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Solon, Nelson, Knutson and Benson introduced—

S.F. No. 787: A bill for an act relating to public welfare; providing for a state contract with an insuring agent to administer the medical assistance program; requiring the commissioner of public welfare to submit a request for proposals to the commissioner of administration to commence the bidding procedures on the insurance contract; providing for training or other assistance for affected public employees; transferring money; appropriating money; proposing new law coded in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Messrs. Jude, Knaak, Spear, Petty and Ms. Reichgott introduced—

S.F. No. 788: A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from the metropolitan transit commission and unlawfully interfering with a transit operator while the operator is performing his or her duties; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Messrs. Frank; Peterson, C.C.; Johnson, D.J.; Novak and Luther introduced—

S.F. No. 789: A bill for an act relating to communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal; proposing new law coded in Minnesota Statutes, chapter 238.

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

Messrs. Petty and Frank introduced—

S.F. No. 790: A bill for an act relating to education; modifying post-secondary vocational foundation aid to allow post-secondary vocational pupils who are absent from school due to illness to remain on the roll; amending Minnesota Statutes 1982, section 124.562, subdivision 2a.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 791: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey to private persons, under certain circumstances, road easements across railroad rights-of-way acquired for trail purposes; proposing new law coded in Minnesota Statutes, chapter 84.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 792: A bill for an act relating to state government; providing for the retention and destruction of records by the department of labor and industry; amending Minnesota Statutes 1982, section 175.36.

Referred to the Committee on Employment.

Messrs. Pehler and Willet introduced—

S.F. No. 793: A bill for an act relating to economic development; authorizing certain incorporators to establish two innovation center public corporations to assist in the development of the state's high technology businesses, products, and systems by providing certain services and assistance; establishing the purposes, powers, and duties of the corporation; providing for directors, articles, and by-laws; appropriating money; proposing new law coded as Minnesota Statutes, chapter 301B.

Referred to the Committee on Economic Development and Commerce.

Messrs. Pehler, Taylor, Nelson, Dahl and Wegscheid introduced—

S.F. No. 794: A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota education consulting consortium; repealing Minnesota Statutes 1982, sections 120.81 and 120.82.

Referred to the Committee on Education.

Mr. Spear introduced—

S.F. No. 795: A bill for an act relating to crimes; providing for increases in maximum authorized fines for crimes and petty misdemeanors; amending Minnesota Statutes 1982, sections 609.02, subdivisions 3, 4, and 4a; and 609.03; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.

Referred to the Committee on Judiciary.

Mr. Spear, Ms. Berglin, Messrs. Samuelson, Johnson, D.E. and Solon introduced—

S.F. No. 796: A bill for an act relating to public welfare; entitling certain low income families to child care at reduced rates; amending Minnesota Statutes 1982, sections 245.83; 245.84, subdivisions 1, 2, and 5; 245.85; 245.86; and 245.87.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, C.C.; Langseth; Stumpf; Berg and Mrs. Lantry introduced—

S.F. No. 797: A bill for an act relating to public welfare; setting a durational residency requirement for general assistance eligibility; amending Minnesota Statutes 1982, section 256D.03, subdivision 1.

Referred to the Committee on Health and Human Services.

Mr. Belanger introduced—

S.F. No. 798: A bill for an act relating to education; establishing certain curriculum for all pupils in elementary, middle, and secondary schools; requiring school districts to comply with curriculum requirements; imposing aid penalty; amending Minnesota Statutes 1982, sections 124.15, subdivision 2; and 124.19, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Messrs. Solon, Petty and Benson introduced—

S.F. No. 799: A bill for an act relating to financial institutions; electronic financial terminals; regulating the use of terminals by financial institutions located outside the state; amending Minnesota Statutes 1982, section 47.64, subdivision 6.

Referred to the Committee on Economic Development and Commerce.

Mr. Peterson, R.W.; Ms. Berglin and Mr. Johnson, D.E. introduced—

S.F. No. 800: A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

Referred to the Committee on Health and Human Services.

Ms. Berglin and Mr. Johnson, D.J. introduced—

S.F. No. 801: A bill for an act relating to taxation; providing a system of levy limitations to apply to certain units of local government; extending the date of application of the coefficient of dispersion penalty; amending Minnesota Statutes 1982, sections 273.13, subdivision 15b; 275.50, subdivisions 2 and 5; 275.51, subdivision 4, and by adding a subdivision; 477A.04, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 275; repealing Minnesota Statutes 1982, section 275.51, subdivision 3e.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Luther, Waldorf, Mrs. Lantry and Mr. Novak introduced—

S.F. No. 802: A bill for an act relating to game and fish; reaffirming the protected status of mourning doves; amending Minnesota Statutes 1982, section 100.27, subdivision 6 and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Olson introduced—

S.F. No. 803: A bill for an act relating to tax-forfeited land; authorizing the sale of a certain tract within the city of Orono.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin, Messrs. Solon, Samuelson and Dicklich introduced—

S.F. No. 804: A bill for an act relating to the general assistance program; creating a flat grant system of payment; authorizing the commissioner of public welfare to provide by rule for the payment of reasonable fees in certain cases to persons assisting recipients in applying for benefits from federal programs; requiring general assistance recipients, with exceptions, to register for work with the department of economic security; authorizing the commissioner of public welfare to adopt temporary rules in certain cases; making various other changes in the general assistance program; authorizing the commissioner of economic security to make wage subsidy payments to certain employers and to allocate funds for certain public service jobs; authorizing the commissioner of economic security to adopt permanent and temporary rules in certain cases; amending Minnesota Statutes 1982, sections 256D.01, subdivision 1; 256D.02, subdivision 4; 256D.06, subdivision 5; 256D.09, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 256D and 268; repealing Minnesota Statutes 1982, sections 256D.02, subdivision 14; and 256D.06, subdivision 1a.

Referred to the Committee on Health and Human Services.

Mr. Bertram introduced—

S.F. No. 805: A bill for an act relating to transportation; providing that the boundaries of roads and cartways coincide with actual use rather than legal descriptions or section lines under certain circumstances; amending Minnesota Statutes 1982, sections 160.05; 164.07, subdivision 11, and by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Peterson, R.W. introduced—

S.F. No. 806: A bill for an act relating to education; providing for a revised foundation aid formula; amending Minnesota Statutes 1982, sections 124.212, subdivision 1; 124.2123, by adding a subdivision; 124.2124, by adding a subdivision; 124.2125, by adding a subdivision; 124.2126, by adding a subdivision; 124.2128, by adding a subdivision; 124.2132, subdivision 1; 275.125, subdivision 9, and by adding a subdivision; repealing Minnesota Statutes 1982, sections 124.2123; 124.2124; 124.2125; 124.2126; 124.2128; and 275.125, subdivisions 6b, 6c, 6d, 7a, 7c, and 19.

Referred to the Committee on Education.

Mr. Peterson, R.W. introduced—

S.F. No. 807: A bill for an act relating to education; establishing an inter-district cooperation aid and levy authority for districts meeting certain requirements; appropriating money; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Mrs. Kronebusch, Messrs. Moe, D.M.; Moe, R.D.; Merriam and Ulland introduced—

S.F. No. 808: A bill for an act relating to the state seal; providing a description of the official state seal; proposing new law coded in Minnesota Statutes, chapter 1.

Referred to the Committee on Veterans and General Legislation.

Mr. Waldorf introduced—

S.F. No. 809: A bill for an act relating to education; authorizing the higher education coordinating board to provide supplemental and additional loans; clarifying certain provisions of student loan programs; making technical corrections; amending Minnesota Statutes 1982, sections 136A.14; 136A.141; 136A.15; 136A.16; 136A.17; proposing new law coded in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1982, section 136A.161.

Referred to the Committee on Education.

Messrs. Vega; Moe, D.M.; Freeman; Pogemiller and Ms. Peterson, D.C. introduced—

S.F. No. 810: A bill for an act relating to state government; reorganizing the energy regulation functions in state government; creating an energy department; creating an energy coordination board; creating an energy partnership; creating an intervention office; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; and 116J.10; proposing new law coded in Minnesota Statutes, chapters 116H and 216B; repealing Minnesota Statutes 1982, sections 116J.28 and 268.37.

Referred to the Committee on Energy and Housing.

Messrs. Spear, Petty and Belanger introduced—

S.F. No. 811: A bill for an act relating to commerce; art; regulating the sale of fine prints; providing sales and advertising disclosures; prescribing penalties; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

Referred to the Committee on Economic Development and Commerce.

Messrs. Vega and Frank introduced—

S.F. No. 812: A bill for an act relating to highway traffic regulations; clarifying certain bumper requirements; restricting the height of bumpers on certain vehicles; amending Minnesota Statutes 1982, section 169.73.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C. and Johnson, D.J. introduced—

S.F. No. 813: A bill for an act relating to taxation; limiting the reductions of assessments for housing for elderly or low or moderate income persons; limiting state reimbursements for reduced assessment property; amending Minnesota Statutes 1982, sections 273.13, subdivisions 17, 17a, 17b, and 17c; and 273.139, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear, Petty and Belanger introduced—

S.F. No. 814: A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

Referred to the Committee on Economic Development and Commerce.

Messrs. Peterson, C.C.; Moe, D.M. and Renneke introduced—

S.F. No. 815: A bill for an act relating to retirement; defining and providing for the payment of disability benefits to members of the teachers retirement association for occupational disability; amending Minnesota Statutes 1982, sections 354.05, by adding a subdivision; and 354.48, subdivisions 1, 2, 3, 4, 6, and 10.

Referred to the Committee on Governmental Operations.

Ms. Berglin, Messrs. Spear and Luther introduced—

S.F. No. 816: A bill for an act relating to energy; providing tenant enforcement of certain conservation standards; proposing new law coded in Minnesota Statutes, chapter 116J.

Referred to the Committee on Energy and Housing.

Mr. Peterson, R.W. introduced—

S.F. No. 817: A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; and 386.36.

Referred to the Committee on Local and Urban Government.

Messrs. Schmitz, Langseth, Purfeerst, Davis and Laidig introduced—

S.F. No. 818: A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

Referred to the Committee on Transportation.

Messrs. Bertram, Isackson, Willet and Schmitz introduced—

S.F. No. 819: A bill for an act relating to commerce; restricting the collateral which may be taken by a farm implement manufacturer as security for equipment sold to dealers; amending Minnesota Statutes 1982, section 336.9-203; proposing new law coded in Minnesota Statutes, chapter 325E.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C.; Mr. Moe, D.M.; Ms. Berglin and Mr. Pogemiller introduced—

S.F. No. 820: A bill for an act relating to state contracts; providing for an increase in small business set-aside awards; providing for subcontracting of state construction contracts in certain cases; requiring a staff complement sufficient to facilitate the set-aside program; providing for a small business procurement advisory council; requiring the commissioner of administration to promulgate rules; providing for certain reports to the governor, legislature, and small business procurement advisory council; limiting the local purchasing authority of state departments and agencies; amending Minnesota Statutes 1982, sections 16.083, subdivisions 1, 4, and by adding a subdivision; 16.084; 16.085; 16.086, subdivision 1; and 16.28.

Referred to the Committee on Governmental Operations.

Messrs. Solon; Johnson, D.J.; Freeman; Dicklich and Kroening introduced—

S.F. No. 821: A bill for an act relating to economic development; creating the Minnesota enterprise agency; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; abolishing the small business finance agency; appropriating money; amending Minnesota Statutes 1982, section 116J.90, subdivision 5; proposing new law coded as chapter 266.

Referred to the Committee on Economic Development and Commerce.

Messrs. Johnson, D.J.; Dicklich; Solon; Laidig and Petty introduced—

S.F. No. 822: A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

Referred to the Committee on Economic Development and Commerce.

Mr. Belanger introduced—

S.F. No. 823: A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

Referred to the Committee on Local and Urban Government.

Mr. Petty, Ms. Peterson, D.C. and Mr. Schmitz introduced—

S.F. No. 824: A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis.

Referred to the Committee on Local and Urban Government.

Mr. Sieloff, Mrs. Lantry and Mr. Waldorf introduced—

S.F. No. 825: A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, subdivision 1.

Referred to the Committee on Local and Urban Government.

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

S.F. No. 826: A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Jude and Mrs. McQuaid introduced—

S.F. No. 827: A bill for an act relating to retirement; public employees retirement association; optional annuity election for disabled member.

Referred to the Committee on Governmental Operations.

Messrs. Dahl, DeCramer, Vega, Purfeerst and Novak introduced—

S.F. No. 828: A bill for an act relating to energy; providing an omnibus energy policy; appropriating money; amending Minnesota Statutes 1982, sections 116J.27, subdivisions 2, 6, and by adding a subdivision; 116J.31; 116J.36; 453.54, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116J and 216B; repealing Minnesota Statutes 1982, section 116J.27, subdivisions 5 and 7.

Referred to the Committee on Energy and Housing.

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

MOTIONS AND RESOLUTIONS

Mr. Vega moved that S.F. No. 744 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Public Utilities and State Regulated Industries. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 3:00 p.m., Wednesday, March 23, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 23, 1983

The Senate met at 3:00 p.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:

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

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. Wegscheid was excused from the Session of today at 5:35 p.m. Mr. Pehler was excused from the Session of today from 5:05 to 5:30 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 23, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 24, 113, 121 and 195.

Sincerely,

Rudy Perpich, 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. 167, 451 and 468.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 167: A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

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

H.F. No. 451: A bill for an act relating to liquor; authorizing the city of Long Prairie to issue one on-sale license to a Moose Lodge.

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

H.F. No. 468: A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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.

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

S.F. No. 491: A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1982, sections 214.001, subdivision 2; 214.06, subdivision 1; 214.13, subdivisions 2 and 3; and 214.14, subdivision 1.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 214.001, subdivision 2, is amended to read:

Subd. 2. [CRITERIA FOR REGULATION.] The legislature declares that no regulation shall hereafter be imposed upon any occupation unless required for the safety and well being of the citizens of the state. In evaluating whether an occupation shall hereafter be regulated, the following factors shall be considered:

(a) Whether the unregulated practice of an occupation may harm or endanger the health, safety and welfare of citizens of the state and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of an occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability; and

(c) Whether the citizens of this state are or may be effectively protected by other means; and

(d) Whether the overall cost effectiveness and economic impact would be positive for citizens of the state.

Sec. 2. Minnesota Statutes 1982, section 214.06, subdivision 1, is amended to read:

Subdivision 1. [FEES.] ~~Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health related licensing boards and all non-health related licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, including the portion of the general support costs and statewide indirect costs of the department providing administrative support services to the board that is attributable to the board. Examination fees, if any, shall be set by rule so that the total amount of annual examination fee income approximately meets the anticipated cost of administering the examinations during the fiscal biennium. Fee adjustments authorized under this subdivision may be made without a public hearing when the total fees estimated to be received during the biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements to the board for the biennium. All fees received shall be deposited with the state treasurer and credited to the general fund. Notwithstanding any law to the contrary, the commissioner of health, for occupations registered pursuant to section 214.13, all health related licensing boards and all non-health related licensing boards shall, by rule and in accordance with this subdivision, set and adjust fees which they are authorized to assess. These fees must be set and adjusted so that the total amounts collected by the commissioner and each board will, as closely as possible, equal the relevant anticipated biennial expenditures of each, including the relevant portions of general support costs and statewide indirect costs of any department which provides administrative support services to the commissioner or board. The total amounts collected by the commissioner and each health related licensing board must also include an amount set by the commissioner that represents the commissioner's or board's percentage of the total anticipated biennial occupational registra-~~

tion and health related licensing board expenditures as applied to the total anticipated biennial expenditures associated with the commissioner's discharge of the relevant responsibilities of sections 214.13 and 214.14. The total amount collected from each health related licensing board and each occupation registered pursuant to section 214.13 for the purposes of the commissioner's responsibilities in sections 214.13 and 214.14 shall not exceed 5 percent of each board's and registered occupations's total anticipated biennial expenditures. Any examination fees must be set and adjusted so that the relevant total amount collected will, as closely as possible, equal the anticipated biennial expenditures associated with administering examinations. The setting or adjusting of any fee under this subdivision is exempt from the definition of "rule" in section 14.02, subdivision 4, when the resulting total receipts of the commissioner or board will not exceed 110 percent of the sum of all relevant biennial direct appropriations, transfers and salary supplements. These fees must be reviewed at least once every six months, and any new fees or adjustments must be approved by the commissioner of finance prior to adoption. All fees received must be deposited with the state treasurer and credited to the general fund.

Sec. 3. Minnesota Statutes 1982, section 214.13, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FOR CREDENTIAL.] The commissioner of health shall promote the recognition of human services occupations useful in the effective delivery of human services. The commissioner shall coordinate the development of a credentials policy among the health related licensing boards consistent with section 214.001. The commissioner shall, consistent with section 214.001, establish procedures for the identification of human services occupations not now credentialed by the state, recommend appropriate regulatory modes, and promulgate by rule standards and procedures relating to the credentialing of persons practicing in the affected occupations. *At the time of submission of a letter of intent to enter the credentialing process, an occupational applicant group shall pay a fee of \$1,000 to the commissioner. The fee is nonrefundable and must be deposited with the state treasurer and credited to the general fund. The commissioner may require an occupational applicant group to submit information relating to, and to recommend and justify regulatory modes and standards consistent with, the provisions of section 214.001.* If the commissioner determines that credentialing of an occupation is appropriate, the commissioner is empowered only to register the occupation. Before promulgating any rules resulting in registration for an occupation the commissioner shall consult with state boards or agencies charged with regulating similar occupations in order to define the scope and range of practice for the registered occupation and the degree of supervision required. As used in this section and section 214.14, registration ~~shall be~~ is defined as in section 214.001, subdivision 3, clause (c).

Sec. 4. Minnesota Statutes 1982, section 214.13, subdivision 2, is amended to read:

Subd. 2. [OTHER AGENCY'S APPROVAL.] Before promulgating any rules regulating a specific occupation under this section, the commissioner shall determine whether a substantial number of persons in that occupation will be employed by an employer who is regulated by or funded through

another state agency. If the commissioner so determines, then he must submit the proposed rules to the head or governing board of that agency for review and approval. The agency shall review the rules to insure compliance with laws which are administered or enforced by that agency. ~~The rules must have received the approval of that agency before promulgation~~ *Agency approval or disapproval shall be forwarded to the commissioner within 90 days of receiving the proposed rules. After receipt of agency approval or disapproval, the commissioner may proceed to promulgate the rules.*

Sec. 5. Minnesota Statutes 1982, section 214.13, subdivision 3, is amended to read:

Subd. 3. [RULES; EFFECT; REPORT.] Rules promulgated by the commissioner pursuant to subdivision 1 may include procedures and standards relating to the registration requirement, the scope of authorized practice, fees, supervision required, continuing education, career progression and disciplinary matters. These rules shall not be in conflict with provisions of chapter 214 and Laws 1976, Chapter 222, Sections 1 to 7. *Notwithstanding any law to the contrary, persons practicing under the authority of the rules promulgated by the commissioner shall not, for a period of four years after the effective date of the rules, be subject to any action by a health related licensing board for violation of the board's laws or rules provided the person's practice or conduct is authorized by the rules promulgated by the commissioner. Three years after the effective date of the commissioner's rules, the commissioner shall make a report to the legislature on the usefulness of the new occupational group, any problems encountered in administering the regulation of the group, and any necessary statutory changes recommended to continue, discontinue, or modify the regulation of the group.*

Sec. 6. Minnesota Statutes 1982, section 214.13, subdivision 4, is amended to read:

Subd. 4. [REGULATION FEE; ADVISORY COUNCIL.] The commissioner of health shall wherever possible delegate the administration of regulation activities to a health related licensing board with the concurrence of that board. If the commissioner of health delegates this function, the licensing board ~~shall~~ *may* regularly bill the commissioner of health for the cost of performing this function *or the licensing board may directly set and charge fees in accordance with the provisions of section 214.06.* The commissioner of health may establish an advisory council to advise him or the appropriate health related licensing board on matters relating to the registration and regulation of an occupation. A council shall have seven members appointed by the commissioner of which five are members of the registered occupation or related registered or licensed occupations, and two are public members. A council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 7. Minnesota Statutes 1982, section 214.13, subdivision 5, is amended to read:

Subd. 5. [RECOMMENDATION ON REGULATION; APPLICATION RENEWAL.] The commissioner of health shall exercise care to prevent the proliferation of unessential registered human services occupations. If in evaluating a currently unregistered occupation the commissioner determines that registration of the occupation is not appropriate, but that imple-

mentation of another mode as set forth in section 214.001, subdivision 3, is appropriate the commissioner shall promptly so report to the legislature. *For a period of two years after a determination by the commissioner as to the appropriate regulatory mode, if any, for an occupational applicant group, the same or substantially equivalent group may not submit a letter of intent to enter the credentialing process, unless invited to do so by the commissioner.*

Sec. 8. Minnesota Statutes 1982, section 214.14, subdivision 1, is amended to read:

Subdivision 1. [ADVISORY COUNCIL; MEMBERSHIP.] There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules pursuant to section 214.13. The commissioner shall determine the *council's* duties of the ~~council~~, and shall establish procedures for the *its* proper functioning, of the ~~council~~ including, but not limited to ~~the following~~: the method of selection of membership, the selection of a committee chairman for selecting members, and methods of communicating recommendations and advice to the commissioner for his consideration. ~~Each of the health related licensing boards, the state examining committee for physical therapists, the consumer services section of the department of commerce, the state comprehensive health planning advisory council and the higher education coordinating board shall have a representative selected by the boards or section. The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed pursuant to existing law, and five public members. The council shall consist of no more than 15 members appointed by the governor, one of whom the governor shall designate as chairman. Four members shall represent currently licensed or registered human services occupations, two members shall represent human services occupations which are not currently regulated, two members shall represent licensed health care facilities which can include a health maintenance organization as defined in section 62D.02, one member shall represent the higher education coordinating board, one member shall represent the statewide health planning agency, one member shall represent a third party payer of health care costs, and two members shall be public members as defined by section 214.02. The committee council shall expire and the terms of the appointed members and the, compensation, and removal of all members shall be as provided in section 15.059.~~

The commissioner may appoint two temporary voting members whose terms would not exceed twelve months. In order to systematically involve those who would be most directly affected by a decision to credential a particular applicant group, and who are not represented already on the advisory council, the commissioner may appoint a representative or representatives from the licensed or registered human services occupations or from the state agencies to serve as temporary voting members. Temporary voting members shall be added to the board for the purposes of study and recommendation of appropriate regulatory modes. Compensation and removal shall be as provided in section 15.059.

Sec. 9. [APPROPRIATION.]

The sum of \$..... is appropriated from the general fund to the commis-

sioner of health for the purposes of administering sections 1 to 8. This appropriation is available until expended.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; adding a factor for determining whether to regulate a human services occupation; requiring a surcharge on health related licensing board licenses; changing health related licensing board rule review authority; allowing certain practices under rule authority; changing the composition of the human services occupations advisory council; appropriating money; amending Minnesota Statutes 1982, sections 214.001, subdivision 2; 214.06, subdivision 1; 214.13, subdivisions 1, 2, 3, 4 and 5; and 214.14, subdivision 1."

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

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

S.F. No. 552: A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.49.

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

Page 1, line 15, strike "by" and strike "a person shall be sentenced" and insert "*sentences a defendant*"

Page 1, line 18, strike "furnish to" and insert "*provide*"

Page 1, line 19, strike "such person in charge" and insert "*custody of the defendant*"

Page 1, line 20, strike "containing" and insert "*, including (1)*"

Page 1, line 21, after "plea," insert "(2)"

Page 1, lines 22 and 27, strike "person's" and insert "*defendant's*"

Page 1, line 26, before "a" insert "(3)"

Page 2, line 1, strike "obtainable from him" and insert "*obtained*"

Page 2, line 3, strike everything after "of"

Page 2, line 4, strike "employed or is well known" and insert "*employers and others who know him well*"

Page 2, line 6, after "time" insert "*and the dates*" and strike ", with"

Page 2, line 7, strike "the dates thereof"

Page 2, line 8, after "of" insert "*any*" and strike everything after the first

comma

Page 2, line 9, strike "cases in which" and insert "and (4) if" and strike "pleads" and insert "pleaded"

Page 2, line 10, strike everything after "proceedings"

Page 2, strike line 11, and insert ". The record shall also include the trial judge's impressions of"

Page 2, line 12, strike "person" and insert "defendant"

Page 2, line 13, strike the semicolon

Page 2, line 14, strike "which" and insert ". The court reporter shall provide the required transcripts. The"

Page 2, line 15, strike "person. The"

Page 2, strike line 16

Page 2, line 17, strike "reporter" and insert "defendant"

Page 2, line 18, after "the" strike "person" and insert "defendant"

Page 2, lines 18 and 19, 23, and 24 and 25, strike "place of confinement" and insert "correctional facility, work house, or work farm"

Page 2, lines 19 and 20, strike "or the corrections board"

Page 2, line 20, after "or" insert "the"

Page 2, line 21, strike "thereof" and insert "of the warrant"

Page 2, line 23, strike "such" and insert "the"

Page 2, line 24, before "person" strike "such"

Page 2, line 24, before "place" strike "such" and insert "the"

Page 2, line 25, strike "retain" and insert "keep"

Page 2, line 27, strike "in the" and insert "with the sentencing" and strike "of commitment"

Page 2, line 28, after "the" insert "required" and strike "above referred to"

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

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

S.F. No. 381: A bill for an act relating to medical assistance; increasing the asset limit on prepaid funeral contracts; amending Minnesota Statutes 1982, section 256B.07.

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

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

H.F. No. 252: A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, subdivision 1.

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

Page 1, line 11, strike "shall" and insert "do"

Page 1, line 18, strike "as now approved" and "or" and "may be"

Page 1, line 19, strike the first comma

Page 2, line 18, strike "shall be" and insert "is"

Page 2, line 20, strike the first "or"

Page 2, line 21, strike "or"

Page 2, line 30, strike "some" and insert "a" and strike "thereof" and insert "of dentistry"

Page 3, lines 12 and 16, strike "Shall" and insert "Does"

Page 3, lines 21 and 23, strike "now or hereafter"

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

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

S.F. No. 468: A bill for an act relating to occupations and professions; regulating physicians attending the graduate school of the Mayo foundation; amending Minnesota Statutes 1982, section 147.20.

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

Page 1, line 12, strike "such" and insert "a" and strike "and" and insert a period

Page 1, line 13, strike "shall be" and insert "is" and strike the semicolon

Page 1, line 14, strike everything before "the" and insert a period and strike "shall" and insert "do"

Page 1, line 18, after "attending" strike "the"

Page 1, line 18, strike "school" and insert "programs"

Page 1, line 19, capitalize "foundation"

Amend the title as follows:

Page 1, line 4, capitalize "foundation"

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

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

S.F. No. 500: A bill for an act relating to commerce; altering certain interest rate provisions on modifications or renegotiations of cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

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

Page 2, line 16, reinstate the stricken "the maximum lawful interest rate"

Page 2, lines 17 to 21, reinstate the stricken language

Page 3, line 9, delete "modification or"

Page 3, line 11, after "of" insert "clause (3) and for purposes of"

Page 3, line 23, delete the new language and reinstate the stricken language

Page 3, line 36, delete "modified or"

Amend the title as follows:

Page 1, line 3, delete "modifications or"

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

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

S.F. No. 639: A bill for an act relating to energy; data reporting; definition of "earth sheltered"; biennial energy reports; certificate of need fees; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; 116J.18, subdivision 1; and 116J.28, subdivision 6.

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

Page 3, delete section 4

Page 3, line 34, delete "4" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before "data" insert "changing a cross-reference for non-public"

Page 1, line 2, before "definition" insert "amending the"

Page 1, line 3, before "biennial" insert "changing the due date of"

Page 1, line 4, delete "certificate of need fees;"

Page 1, line 6, after the first semicolon, insert "and"

Page 1, lines 6 and 7, delete "; and 116J.28, subdivision 6"

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

adopted.

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

S.F. No. 645: A resolution memorializing the President and Congress to authorize the issuance of qualified mortgage bonds beyond the current expiration date of December 31, 1983.

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

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

S.F. No. 72: A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, section 214.04, subdivision 1.

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

Page 2, after line 15, insert:

“Sec. 2. Minnesota Statutes 1982, section 626.843, subdivision 1, is amended to read:

Subdivision 1. [RULES REQUIRED.] The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses including training schools for the Minnesota state patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota state patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

These standards shall be established and published on or before July 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent

appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum specialized training which part-time peace officers shall complete in order to be eligible for continued employment as a part-time peace officer or permanent employment as a peace officer, and the time within which the specialized training must be completed;

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment;

(j) The procedures to be followed by a part-time peace officer for notifying the board of his intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g) and 626.845, subdivision 1, clause (g); and

(k) *The establishment, and use by any political subdivision or state law enforcement agency which employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984; and*

(l) Such other matters as may be necessary consistent with sections 626.84 to 626.855. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.855.

Sec. 3. Minnesota Statutes 1982, section 626.845, subdivision 1, is amended to read:

Subdivision 1. [POWERS AND DUTIES.] The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.855;

(c) To certify, as qualified, instructors at peace officer training schools,

and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities, colleges, and area vocational technical institutes for the development of specialized courses of instruction and study in the state for peace officers and part-time peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs;

(k) To obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data; ~~and~~

(l) To prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it for peace officers training, including the name and address of each recipient of money for that purpose, the amount awarded, and the purpose of the award; *and*

(m) To assist and cooperate with any political subdivision or state law enforcement agency which employs persons licensed by the board to establish written procedures for the investigation and resolution of allegations of misconduct of persons licensed by the board, and to enforce licensing sanctions for failure to implement such procedures.

Sec. 4. Minnesota Statutes 1982, section 626.849, is amended to read:

626.849 [SCHEDULE OF SUBJECT MATERIAL.]

The superintendent of the bureau of criminal apprehension shall prepare not later than August 1 each year a written schedule of subject material to be taught in each training course, the scheduled instructors for each subject and the time and place for each subject presentation. This material shall be presented to the board. The subject material, instructors and schedules may be approved or disapproved by a majority vote of the board before September 1

each year and if disapproved, the proposal shall be revised and re-presented to the board for their review in like manner.

Upon request of the board to the bureau of criminal apprehension, the subject matter of at least one training course shall include instruction in the development of procedures by a law enforcement agency to investigate and resolve allegations of misconduct by persons licensed by the board and employed by a law enforcement agency."

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections"

Page 1, line 6, after "subdivision 1" insert "; 626.843, subdivision 1; 626.845, subdivision 1; and 626.849"

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

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

S.F. No. 528: A bill for an act relating to crimes; providing that acquittal or conviction of the crime of kidnapping does not bar conviction for any other crime committed during the time of the victim's confinement; amending Minnesota Statutes 1982, section 609.035; 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 15, after "state" insert a comma

Page 1, lines 15 and 17, strike "such" and insert "the"

Page 1, line 17, strike "may" and insert ". if prosecuted, shall"

Page 1, line 23, delete "the victim is held in confinement" and insert "of the kidnapping"

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

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

S.F. No. 7: A bill for an act relating to St. Louis County; providing for the tort liability of the St. Louis County promotional bureau.

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

Page 1, line 7, delete "promotional bureau" and insert "Promotional Bureau"

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

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

S.F. No. 424: A bill for an act relating to crimes; prohibiting possession of fireworks; amending Minnesota Statutes 1982, section 624.21.

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

Page 1, after line 21, insert:

“Sec. 2. Minnesota Statutes 1982, section 624.23, is amended to read:

624.23 [CONSTRUCTION OF SECTIONS 624.20 TO 624.25.]

Nothing in sections 624.20 to 624.25 shall be construed to prohibit any resident wholesaler, dealer, or jobber, from selling at wholesale ~~such~~ fireworks ~~as which~~ are not ~~herein~~ prohibited; or the sale of any kind of fireworks for shipment directly out of the state; or the use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination; or the sale, *possession*, or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or for use as a bird or animal *training or* repelling device.”

Page 1, line 23, delete “*Section 1*” and insert “*This act*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete “section” and insert “sections”

Page 1, line 4, before the period, insert “; and 624.23”

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

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

S.F. No. 234: A bill for an act relating to the town of Windemere; permitting the town to have the powers of a metropolitan area town.

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

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

S.F. No. 495: A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

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

Page 1, line 12, after “are” insert “*prepared or distributed by or at the direction of the governing body or its employees, and which are*”

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

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

S. F. No. 406: A bill for an act relating to the operation of state government; creating the department of business and commerce; providing for appointment of a commissioner of business and commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of business and commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of business and commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of business and commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 115A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17.

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

Page 1, line 37, delete "*business and*"

Page 2, lines 2, 3, 8, 18, 25, and 34, delete "*business and*"

Page 2, line 6, delete "EXECUTIVE" and insert "DEPUTY"

Page 2, line 8, delete "*four*" and insert "*five*"

Page 2, line 9, delete "*executive*" and insert "*deputy*"

Page 2, line 9, delete "*five*" and insert "*four*"

Page 3, lines 3, 7, 12, 14, 21, and 34, delete "*business and*"

Page 3, delete lines 24 to 29 and insert:

"*Subd. 2. [DELEGATION OF INSURANCE REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to insurance as set forth in chapters 60A to 79, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.*

Subd. 3. [DELEGATION OF FINANCIAL INSTITUTIONS REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to financial institutions as set forth in chapters 46 to 59A, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rule-

making proceedings, and other hearings held under chapter 14.

Subd. 4. [APPEAL TO COMMISSIONER.] Notwithstanding any other law to the contrary, an order issued by a deputy commissioner under subdivisions 2 to 4 may be appealed to the commissioner within 15 days after receipt of the order. If no appeal is filed, the deputy commissioner's order is the final order. Review of the appeal shall be on the record and shall be subject to the procedures prescribed by rule by the commissioner. Appeal of the commissioner's order, or the order of the deputy commissioner if no appeal is made to the commissioner, shall be as provided under the provisions of the administrative procedure act of chapter 14, unless otherwise provided by law."

Page 3, line 30, delete "DIRECTOR OF THE"

Page 3, line 32, delete "AND BUSINESS"

Page 4, lines 9, 16, and 34, delete "*business and*"

Page 4, line 22, delete "*business*"

Page 4, line 23, delete "*and*"

Page 5, lines 3, 14, 15, and 24, delete "*business and*"

Page 5, line 22, strike "an" and insert "*a written*" and strike ", in writing"

Page 5, line 24, strike the comma and strike "shall"

Page 5, line 24, strike "the same" and insert "*it*"

Page 5, line 25, strike ", which" and insert "*The*"

Page 5, line 25, strike "shall" and insert "*must*"

Page 5, line 26, strike ", requesting" and insert "*and request*"

Page 5, line 29, after "a" insert "*\$1,000*" and strike "of"

Page 5, strike line 30

Page 5, line 31, delete the comma and strike the remaining language

Page 5, line 32, delete "*business and commerce*"

Page 5, line 32, strike "the sum of" and insert "*and a*"

Page 5, line 32, strike "as a" and insert "*investigation*"

Page 5, line 32, strike "for investigating"

Page 5, line 33, strike "the application"

Page 5, line 33, strike "him" and insert "*the commissioner*"

Page 5, line 34, strike "by the treasurer"

Page 6, line 2, strike "shall" and insert "*will*"

Page 6, lines 3 and 8, strike "shall" and insert "*must*"

Page 6, line 11, strike "such"

Page 6, line 12, strike "as may" and insert "*that*"

- Page 6, line 15, strike "shall appear" and insert "appears"
- Page 6, line 20, delete "an" and insert "a written"
- Page 6, line 20, strike ", in"
- Page 6, line 21, strike "writing,"
- Page 6, line 25, after "upon" insert "written" and strike "in writing"
- Page 6, line 27, strike "shall decide" and insert "decides"
- Page 6, line 28, delete "an" and insert "a written" and strike the second comma
- Page 6, line 29, strike "in writing," and strike "and"
- Page 6, line 29, strike "the same" and insert "it"
- Page 6, line 33, strike ", and" and insert a period
- Page 6, line 35, strike ", which is prescribed by law,"
- Page 7, line 3, delete "business and"
- Page 7, line 5, strike "in cases where" and insert "if"
- Page 7, line 7, strike the comma and strike "where" and insert "if"
- Page 7, line 9, strike "; provided, this act shall not increase"
- Page 7, line 10, strike everything before the period
- Page 7, line 16, strike "any such banks shall" and insert "a bank may"
- Page 7, line 19, strike "thereof. and" and insert a period
- Page 7, line 21, strike "provided for by law"
- Page 7, line 23, strike "and"
- Page 8, lines 3, 7, 26, and 36, delete "business and"
- Page 8, line 5, strike "shall" in both places and insert "must" in both places
- Page 8, line 9, strike "any such order or" and insert "the"
- Page 8, line 10, strike "of the" and delete "commissioner"
- Page 8, line 19, strike "upon the"
- Page 8, line 20, strike everything before "must" and insert "on March 19, 1982,"
- Page 9, line 4, delete "business and"
- Page 9, line 9, after the period, insert "[DEFINITIONS.]"
- Page 9, line 9, after the second "the" insert "following"
- Page 9, line 10, strike "defined in this subdivision shall apply" and insert "have the meanings given them"
- Page 9, line 16, strike "any" and insert "an"
- Page 9, line 17, strike "provided that" and insert a period

Page 9, line 30, after "2." insert "[DUTIES.]"

Page 9, line 31, strike "shall be" and insert "is"

Page 10, line 6, after "3." insert "[RIGHT OF INTERVENTION.]"

Page 10, line 13, strike "shall in no way" and insert "does not"

Page 10, line 17, after "4." insert "[NOTICE; PROCEDURES.]"

Page 10, line 22, strike "shall"

Page 10, line 25, strike "shall have" and insert "has"

Page 10, line 30, after "5." insert "[APPEALS.]"

Page 10, after line 36, insert:

"Sec. 21. Minnesota Statutes 1982, section 45.17, subdivision 6, is amended to read:

Subd. 6. [RESIDENTIAL UTILITY CONSUMER BOARD.] There is ~~hereby~~ created the board of residential utility consumers whose duties ~~shall~~ include:

(1) Establishing policy guidelines concerning the utility related activities of the ~~commerce department's consumer services section~~ *residential utility consumer unit*;

(2) Reviewing and commenting upon the ~~section's~~ *residential utility consumer unit's* staff employment decisions related to performing the responsibilities conferred in this section; and

(3) Annually reviewing and commenting upon the ~~consumer services section's~~ *attorney general's* budget of estimated expenses for utility related activities.

The board shall consist of nine voting members to be appointed by the governor. At least one member shall represent each congressional district, and at least two members shall represent farm consumers. No more than six members shall be members of the same political party. In making appointments, the governor shall give consideration to individuals having a special interest in the provision of utility services to residential consumers.

The board members shall elect from among their number a chairman and any other officers as it ~~may deem~~ *deems* necessary. The board shall meet at the call of the chairman or the ~~director~~ *attorney general*. The terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section 15.0575.

The ~~director of the consumer services section~~ *attorney general* shall submit an annual budget of estimated expenses of the *residential utility consumer unit* to the board for review and comment. The ~~director~~ *attorney general* shall ~~also~~ periodically seek the advice of the board concerning ~~its~~ *his* operations related to the responsibilities conferred by this section. The ~~director~~ *attorney general* shall ~~also~~ file an annual report of the ~~section's~~ *his* utility related activities with the board and the legislature on or before December 31 of each year."

Page 11, line 3, after "7." insert "[INTERVENTION IN FEDERAL

PROCEEDINGS.]”

Page 11, line 11, reinstate the stricken “In”

Page 11, lines 12 to 14, reinstate the stricken language

Page 11, line 17, after “8.” insert “[ADDITIONAL POWERS.]”

Page 11, line 19, delete “COMPLAINT UNIT AND”

Page 11, line 20, delete “UTILITY UNIT OF”

Page 12, line 25, delete “*the complaint unit and utility unit of*”

Page 12, line 26, after “*section*” insert “*not covered by section 34, subdivision 6,*”

Page 13, line 1, delete “*business and*”

Page 13, line 32, delete “*Business and*”

Page 16, line 20, delete “*business and*”

Page 17, line 29, strike “42”

Page 17, line 29, strike “Section” and insert “title 42, section” and after “8211” insert a comma

Page 17, line 30, delete “*is*”

Page 17, line 31, strike “authorized to” and insert “*may*”

Page 18, lines 2, 4, and 28, delete “*business and*”

Page 19, lines 14, 24, and 31, delete “*business and*”

Page 20, lines 1 and 16, delete “*business*”

Page 20, lines 2 and 17, delete “*and*”

Page 20, line 13, delete “*business and*”

Page 24, line 34, delete “*business and*”

Page 25, line 2, delete “39” and insert “40”

Page 27, line 5, delete “45.17, subdivision”

Page 27, line 6, delete “6;”

Page 27, line 8, delete “41” and insert “42”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete “creating” and insert “reorganizing”

Page 1, lines 3, 5, 10, 13, and 16, delete “business and”

Page 1, line 26, delete “115A.05” and insert “155A.05”

Page 1, line 32, delete “45.17, subdivision 6;”

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

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

S.F. No. 297: A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341, subdivision 1.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 629.341, is amended to read:

Subdivision 1. [ARREST.] Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person anywhere, including at his place of residence if the peace officer has probable cause to believe the person within the preceding four hours has assaulted, *threatened with a dangerous weapon, or placed in fear of immediate bodily harm* his spouse ~~or~~ , *former spouse*, other person with whom he resides or has formerly resided, or person with whom he has a child in common regardless of whether he has ever been married to or lived with the person, although the assault did not take place in the presence of the peace officer. ~~A~~ *The* peace officer ~~may not shall~~ arrest a person pursuant to this section ~~without first observing~~ *if he observes* recent physical injury to, or impairment of, physical condition of the alleged victim *which appears to have been caused by an assault.*

Subd. 2. [IMMUNITY.] Any peace officer acting in good faith and exercising due care ~~in the making of~~ *when deciding whether to make an arrest* pursuant to subdivision 1 shall have immunity from civil liability that otherwise might result by reason of his action.

Subd. 3. [NOTICE OF RIGHTS.] *The peace officer shall advise the victim of the availability of a shelter or other services in the community and give the victim immediate notice of the legal rights and remedies available. The notice shall include furnishing the victim a copy of the following statement:*

“IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse which could include the following: (a) an order restraining the abuser from further acts of abuse; (b) an order directing the abuser to leave your household; (c) an order preventing the abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; (e) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”

The notice shall include the resource listing, including telephone number, for the area battered women’s shelter, to be designated by the department of corrections.”

Amend the title as follows:

Page 1, line 7, delete “, subdivision 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. 589: A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

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

Page 1, after line 17, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment.”

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. 580: A bill for an act relating to labor; providing for fair labor standards; defining “employee”; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes, section 177.23, subdivision 7; amending Laws 1981, chapter 289, section 3.

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

Page 1, line 17, delete “up”

Page 1, line 18, delete “to” and after “two” insert “or fewer”

Page 1, line 22, delete “per week”

Page 1, line 23, delete “per week”

Page 1, line 25, after “wage” insert “per week”

Page 3, after line 23, insert:

“Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective July 1, 1983.”

Amend the title as follows:

Page 1, line 5, after “Statutes” insert “1982”

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

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 343: A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 9, to limit campaign expenditures by candidates for the United States senate and house of repre-

sentatives; providing implementing legislation; redefining certain terms in relation to congressional candidates; limiting the applicability of certain provisions of law to state constitutional and state legislative candidates; providing for filing of campaign reports by certain congressional candidates; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy; providing a penalty for exceeding campaign expenditure limits by congressional candidates; changing the designated amount of certain income tax payments; providing for the allocation of party accounts and the general account to certain state and congressional candidates; providing estimates of minimum amounts of public subsidy to be received by certain congressional candidates; requiring signed agreements by certain congressional candidates who choose to receive a public subsidy; specifying when congressional candidates who accept a public subsidy must return all or part thereof; providing for the return of money from the state elections campaign fund to the general fund; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1982, sections 10A.01; 10A.25; 10A.255; 10A.27; 10A.275; 10A.28; 10A.30; 10A.31; 10A.33; 10A.335; and 290.06, subdivision 11; proposing new law coded in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1982, section 10A.32.

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

Pages 1 and 2, delete sections 1 and 2

Page 11, line 18, after the second "to" insert "the"

Page 12, line 23, strike "\$600,000" and insert "\$1,270,800"

Page 12, line 25, strike "\$100,000" and insert "\$211,800"

Page 12, line 27, strike "\$50,000" and insert "\$105,900"

Page 12, line 29, strike "\$15,000" and insert "\$31,770"

Page 12, line 31, strike "\$7,500" and insert "\$15,885"

Page 13, line 2, delete "\$....." and insert "\$1,500,000"

Page 13, line 3, delete "\$....." and insert "\$250,000"

Page 13, line 29, after "amount" insert "as set forth"

Page 14, line 5, after "limit" insert "set forth"

Page 14, line 32, before the period, insert "or congressional candidate"

Page 15, line 21, strike "2" and insert "2a"

Page 15, line 21, strike "1982" and insert "1984"

Page 15, line 22, strike "percentage" and insert "*dollar amounts used for the preceding general election year for the offices of United States senator and representative in congress shall be \$1,500,000 and \$250,000 respectively.*"

Page 15, strike lines 23 to 25

Page 18, line 14, strike "of" and insert "set forth in"

Page 20, line 11, after "separate" insert "political party"

Page 20, lines 21, 24, 28, 30, and 33, delete "\$.." and insert "\$4"

Page 20, line 32, after "DESIGNATION" insert "AND SEGREGATION"

Page 20, line 33, before "account" insert "party"

Page 20, line 34, after the period, insert "If the taxpayer does so, the \$4 shall be segregated within that account for allocation and distribution as follows:

(1) \$2 for allocation to candidate offices according to the allocations set forth in subdivision 5, paragraph (a), and for distribution to candidates according to the formula, if applicable, set forth in subdivision 5a and as provided under subdivision 6; and

(2) \$2 for allocation to congressional candidate offices according to the allocations set forth in subdivision 5, paragraph (b), and for distribution to congressional candidates according to the formula, if applicable, developed under subdivision 5b and as provided under subdivision 6."

Page 21, line 4, after the stricken "\$2" delete "\$.." and insert "\$4" and after the stricken "\$4" delete "\$.." and insert "\$8"

Page 21, line 9, before the first parenthesis, delete "\$.." and insert "\$4" and after the stricken "\$4" delete "\$.." and insert "\$8"

Page 21, lines 16, 18, and 19, delete "\$.." and insert "\$4"

Page 21, line 29, after "for" insert "allocation and"

Page 21, line 31, before "In" insert "(a) Candidates."

Page 21, line 32, before "shall" insert "which have been segregated under subdivision 2 for allocation to candidate offices"

Page 21, line 33, strike "to candidates"

Page 21, lines 34 and 36, reinstate the stricken language and delete "...."

Page 22, lines 1, 4, 5, and 8, reinstate the stricken language and delete "...."

Page 24, after line 2, insert:

"(b) Congressional candidates. In each calendar year the moneys in each party account and the general account which have been segregated under subdivision 2 for allocation to congressional candidate offices shall be allocated as follows:"

Page 24, line 3, delete "(6)" and insert "(1)"

Page 24, line 3, delete "...." and insert "33-1/3"

Page 24, line 4, delete "(7)" and insert "(2)"

Page 24, line 4, delete "...." and insert "67-2/3"

Page 26, lines 5, 8, and 13, delete "from" and insert "in"

Page 26, line 6, after "distributed" insert "in any election year"

Page 26, line 7, delete "in any election year" and insert "and congressional candidates for the office of representative in congress"

Page 26, line 9, after “*distributed*” insert “*in any election year*”

Page 26, line 9, before “*or*” insert “*for other office*”

Page 26, line 9, delete “*other*”

Page 26, line 10, delete “*offices in an election year*” and insert “*the office of United States senator*”

Page 26, line 10, delete “*returned to*” and insert “*retained in*”

Page 26, line 11, delete “*for reallocation*” and insert “*but shall be reallocated in the following year*”

Page 26, line 11, after “*to*” insert “*all of*”

Page 26, line 11, delete “*candidates*” and insert “*candidate offices*”

Page 26, line 12, delete “*candidates*” and insert “*candidate offices*”

Page 26, line 12, delete “*in clauses (1) to (7) of*” and insert “*under*”

Page 26, line 12, after “5” delete “*in*”

Page 26, line 13, delete “*the following year*”

Page 26, line 13, after “*refused*” insert “*in any election year*”

Page 26, line 14, delete “*any*” and insert “*a*”

Page 26, line 14, after “*distributed*” insert “*in that year as provided under subdivision 7*”

Page 26, line 16, delete “*provided in*” and insert “*determined from the allocations and formulas set forth in*”

Page 26, after line 17, insert:

“*Subd. 5d. [UNDISTRIBUTED MONEYS; EXCEPTION.] Notwithstanding the provisions of subdivision 5c, if a congressional candidate who has signed an agreement under section 12 to be bound by campaign expenditure limits is running in a general election against an opponent who has chosen not to accept a public subsidy, the money in the opponent's party account allocated for that office and the money in the general account allocated for that office which would have been distributed to the opponent if he had signed an agreement under section 12 shall be distributed to that congressional candidate; except that if, in an election for a particular office, there are more than one congressional candidates who have signed an agreement under section 12 and there are one or more opponents of those congressional candidates who have chosen not to accept a public subsidy, the money which would have been distributed to that opponent, or those opponents, shall be distributed equally to those congressional candidates.*”

Page 26, line 25, delete “14” and insert “12”

Page 27, line 16, delete “14” and insert “12”

Page 27, line 34, strike “as provided” and insert “set forth”

Page 28, line 8, delete “14” and insert “12”

Page 28, line 12, delete “, on the basis of”

Page 28, delete line 13

Page 28, line 14, delete "*percent of the tax returns have been processed,*"

Page 28, line 18, after "*candidate*" insert "*and congressional candidate*"

Page 28, line 20, after "*fund*" insert "*. This estimate shall be*"

Page 28, line 22, before the period, insert "*, any necessary vote totals provided by the secretary of state for the purpose of applying the formulas set forth in section 10A.31, subdivisions 5 and 5b, and the amount of moneys expected to be available after 100 percent of the tax returns have been processed*"

Page 29, line 5, delete "*14*" and insert "*12*"

Page 29, line 31, delete "*whereby*" and insert "*in which*"

Page 30, line 6, before "*expenditure*" insert "*difference between the*"

Page 30, line 20, before "*The*" insert "*Candidates.*"

Page 30, line 27, before "*The*" insert "*Congressional candidates.*"

Page 30, line 31, delete "*7*" and insert "*2*"

Page 30, line 31, delete "*434*" and insert "*433*"

Page 31, line 2, after "*share*" insert "*for the office held or sought*"

Page 31, line 2, after "*total*" insert "*amount*"

Page 31, line 2, delete "*funds*" and insert "*to be*"

Page 31, line 2, delete "*, as*"

Page 31, delete line 3

Page 31, line 4, delete "*calculated under section 13, to be in*" and insert "*and*"

Page 31, line 5, delete "*and set aside for that office*" and insert "*, as estimated under section 11,*"

Page 31, line 23, before "*aggregate*" insert "*amount of public subsidy received exceeds the*"

Page 31, line 26, delete "*exceeds the amount of public subsidy received*"

Page 32, line 25, before "*aggregate*" insert "*amount of public subsidy received exceeds the*"

Page 32, line 27, delete "*exceeds the amount of public subsidy received*"

Page 33, line 31, before "*money*" insert "*party account*"

Page 33, lines 31 and 35, delete "*set aside*" and insert "*allocated*"

Page 33, line 34, after "*for*" insert "*the office of*"

Page 33, line 35, before "*money*" insert "*party account*"

Page 33, line 35, delete "*returned*" and insert "*transferred*"

Page 34, line 1, delete "*candidates or*" and insert "*all of the candidate offices and*"

Page 34, line 1, after "*congressional*" delete "*candidates*" and insert

“candidate offices”

Page 34, line 2, delete *“clauses (1) to (7),”*

Page 34, line 3, delete *“and subdivisions 5a and 5b”* and insert *“and for distribution in that election year to candidates and congressional candidates as provided under section 10A.31, subdivision 7”*

Page 34, line 7, delete *“13”* and insert *“11”*

Page 34, line 8, delete *“16”* and insert *“14”*

Page 34, line 18, strike *“continues”* and insert *“continue”*

Page 34, line 24, delete *“\$...”* and insert *“\$4”*

Page 34, line 25, delete *“\$...”* and insert *“\$8”*

Page 34, after line 36, insert:

“Subd. 1a. [SIGNED AGREEMENT BY CONGRESSIONAL CANDIDATE.] As a condition of receiving a public subsidy for his election campaign in the form of tax credits against the tax due from individuals who contribute to any of his authorized committees, a congressional candidate shall sign a written agreement with the board that his expenditures shall not exceed the expenditure limits set forth in section 10A.25, as adjusted by section 10A.255.”

Page 35, lines 1 and 5, before *“The”* insert *“(a) Candidates.”*

Page 35, after line 4, insert:

“(b) Congressional candidates. The congressional candidate may submit his signed agreement to the board at any time beginning with or following the registration of any of his authorized committees.”

Page 35, after line 10, insert:

“(b) Congressional candidates. The agreement remains effective until the termination of the authorized committees of the congressional candidate, as provided under United States Code, title 2, section 433(d), as amended through December 31, 1982, or the opening of filing for the next succeeding election to the office held or sought at the time of the agreement, whichever occurs first. An agreement signed under this subdivision may not be rescinded.”

Page 35, line 15, after *“office”* insert *“or congressional candidate for representative in congress or United States senator”*

Page 35, lines 19, 26, 32, and 34, after *“candidate”* insert *“or congressional candidate”*

Page 36, line 1, after *“candidate”* insert *“or congressional candidate”*

Page 36, line 18, strike *“or federal office”*

Page 36, line 20, delete *“19”* and insert *“17”*

Page 36, line 29, delete *“3 to 21”* and insert *“1 to 19”*

Page 36, line 29, delete *“ratification of”*

Page 36, line 29, after *“the”* insert *“day following final enactment.”*

Page 36, delete line 30

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "proposing an amendment to the" and insert "limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns"

Page 1, delete lines 3 to 5

Page 1, line 6, delete "providing implementing legislation"

Page 1, line 11, delete "limiting campaign"

Page 1, line 12, delete "expenditures by" and insert "proposing expenditure limits for"

Page 1, line 21, delete "certain"

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

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

S.F. No. 458: A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending Minnesota Statutes 1982, section 473.446, subdivision 1.

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

Page 2, line 3, after "issued" insert "*or to be issued*"

Page 2, line 18, delete "*the day after final enactment*"

Page 2, after line 20, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

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

H.F. No. 342: A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.01, by adding a subdivision; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, subdivision 2.

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

Page 1, after line 12, insert:

“Section 1. Minnesota Statutes 1982, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. [LICENSE; EXCEPTIONS.] “Business license” or “license” does not include the following:

(1) Any occupational license *or registration* 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) Collection agencies regulated pursuant to chapter 332;
- (m) Cosmetologists regulated pursuant to chapter 155;
- (n) Dentists, *registered dental assistants*, and dental hygienists regulated pursuant to chapter 150A;
- (o) Detectives regulated pursuant to chapter 326;
- (p) Electricians regulated pursuant to chapter 326;
- (q) Embalmers regulated pursuant to chapter 149;
- (r) Engineers regulated pursuant to chapter 326;
- (s) Insurance brokers and salespersons regulated pursuant to chapter 60A;
- (t) Midwives regulated pursuant to chapter 148;
- (u) Morticians regulated pursuant to chapter 149;
- (v) Nursing home administrators regulated pursuant to chapter 144A;
- (w) Optometrists regulated pursuant to chapter 148;
- (x) Osteopathic physicians regulated pursuant to chapter 147;

- (y) Pharmacists regulated pursuant to chapter 151;
- (z) Physical therapists regulated pursuant to chapter 148;
- (aa) Physicians and surgeons regulated pursuant to chapter 147;
- (bb) Plumbers regulated pursuant to chapter 326;
- (cc) Podiatrists regulated pursuant to chapter 153;
- (dd) Practical nurses regulated pursuant to chapter 148;
- (ee) Professional fundraisers regulated pursuant to chapter 309;
- (ff) Psychologists regulated pursuant to chapter 148;
- (gg) Real estate brokers, salespersons and others regulated pursuant to chapters 82 and 83;
- (hh) Registered nurses regulated pursuant to chapter 148;
- (ii) Securities brokers, dealers, agents and investment advisers regulated pursuant to chapter 80A;
- (jj) Steamfitters regulated pursuant to chapter 326;
- (kk) Teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (ll) Veterinarians regulated pursuant to chapter 156;
- (mm) Watchmakers regulated pursuant to chapter 326;
- (nn) Water conditioning contractors and installers regulated pursuant to chapter 326;
- (oo) Water well contractors regulated pursuant to chapter 156A;
- (pp) Water and waste treatment operators regulated pursuant to chapter 115;
- (qq) Motor carriers regulated pursuant to chapter 221;
- (rr) *Professional corporations regulated pursuant to chapter 319A;*
- (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."

Page 1, line 28, strike everything after "assisting"

Page 2, line 1, strike the first comma

Page 3, line 5, strike "of good"

Page 3, strike line 6 and insert "approved by the board"

Page 3, line 15, strike "shall be" and insert "is"

Page 3, line 16, strike "upon" and insert "after" and strike "on"

Page 3, line 17, strike "two occasions" and insert "twice" and strike "such time as"

Page 3, line 19, after "separate" insert ", nonrefundable"

Page 3, lines 19 and 20, strike "which in no case shall be refunded"

Page 3, line 30, strike "being a graduate of" and insert "who has graduated from"

Page 3, line 31, strike "having" and insert "has"

Page 3, line 33, strike everything after "hygienists"

Page 3, line 34, strike everything before "equivalent" and insert "or its"

Page 4, line 3, strike "prior to" and insert "before"

Page 4, lines 7 and 35, strike "shall be" and insert "is"

Page 4, line 8, strike everything after "board"

Page 4, line 9, strike everything before "he" and insert "after failing it twice until"

Page 4, line 11, after "separate" insert ", nonrefundable"

Page 4, lines 11 and 12, strike "which in no case shall be refunded"

Page 4, line 21, strike "having" and insert "who has"

Page 4, line 23, strike ", of good standing," and strike ", of"

Page 4, strike line 24 and insert "or its equivalent"

Page 4, line 31, strike "prior to" and insert "before"

Page 5, line 1, strike everything after "board" and insert "after failing it twice until he"

Page 5, line 3, after "separate" insert ", non refundable"

Page 5, line 4, strike "which in no case shall be refunded"

Page 5, line 7, strike everything after the period

Page 5, strike lines 8 to 10 and insert "The examination fee set by the board in rule is the application fee until the board amends, repeats, or otherwise changes the"

Page 5, line 12, after "When" insert "board members administer" and strike "of persons"

Page 5, line 13, strike "applying" and strike "is given by board"

Page 5, line 14, strike everything before "those" and insert ", only"

Page 5, line 15, strike "being given" and insert "may administer it"

Page 5, line 23, strike "and regulations"

Page 5, line 24, strike "shall present" and insert "presents"

- Page 5, line 27, after "standing" insert "*as determined by the board,*"
- Page 5, line 28, strike everything after "hygienists"
- Page 5, line 29, strike everything before the period
- Page 5, line 34, strike "such" and insert "the"
- Page 5, line 35, strike "Minnesota, of which fact" and insert "*Minnesota's, as determined by:*"
- Page 5, line 36, strike everything before "who" and insert a comma
- Page 6, line 2, reinstate the stricken comma and after "and" insert "who"
- Page 6, line 12, delete "screening" and insert "assessing"
- Page 6, line 14, delete "as"
- Page 6, lines 23 and 24, delete "or she"
- Page 6, line 24, delete "provided that" and insert "if"
- Page 6, line 29, after "hygiene" insert "*or in applying for or securing a registration to practice dental assisting*"
- Page 6, line 30, strike everything before "license" and insert "*annually registering a*" and after "license" insert "*or registration*"
- Page 6, line 31, strike "shall be" and insert "is"
- Page 6, line 34, strike "post and"
- Page 6, line 36, strike "wherein" and insert "*in which*" and strike "and" and insert a period
- Page 7, line 2, after "office" insert a comma
- Page 7, line 3, strike "such" and insert "the" and strike "post and"
- Page 7, line 4, strike everything before "the" and insert "*in plain sight*"
- Page 7, line 6, strike "so"
- Page 7, line 7, strike everything after "employed"
- Page 7, line 8, strike "posted or displayed" and insert "*there.*" and strike "upon" and insert "on"
- Page 7, line 9, strike "wherein" and insert "where" and strike "and"
- Page 7, line 10, strike "every" and strike everything after "practicing"
- Page 7, line 11, strike "name of the person" and insert "*there, as*" and strike "upon" and insert "on"
- Page 7, line 12, before the period, insert "*, shall be displayed in plain sight*"
- Page 7, line 15, delete "or her"
- Page 7, line 26, strike "such"
- Page 7, strike line 27
- Page 7, line 28, strike "provided" and insert "*it deems necessary*"

Page 7, lines 29 and 30, strike "issued heretofore or hereunder"

Page 7, line 32, strike "such" and insert "a"

Page 8, line 4, delete the first "or" and insert "of"

Page 8, line 27, delete "; provided, however, that" and insert ", if"

Page 8, line 28, delete "upon" and insert "on"

Page 8, line 29, delete "which" and insert "that"

Page 8, line 30, delete "that" and insert "if"

Page 9, lines 19 and 20, strike "in the discretion of"

Page 9, line 20, strike "such" and insert "deems the" and strike "and" and insert a period

Page 9, lines 23 and 24, strike ". in addition thereto,"

Page 10, line 4, delete "shall be" and insert "is"

Page 10, line 18, delete "or she"

Page 10, line 23, delete "shall be" and insert "is" and before "subject" insert "is"

Page 10, line 24, after "or" insert "may be"

Page 12, line 12, delete "their" and insert "his"

Page 12, line 29, strike "such" and strike "as may be"

Page 12, line 32, strike "cause" and insert "send"

Page 12, lines 33 and 34, strike ". to be sent"

Page 13, line 11, delete "furnish" and insert "provide" and delete "with a"

Page 13, lines 15 and 16, strike "being furnished to the board"

Page 13, line 16, strike "such" and insert "the" and strike the second "the"

Pages 13 to 16, delete section 11

Page 16, line 10, delete "This act is" and insert "Sections 1 to 12 are" and delete "is"

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. 371 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.
371	342				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 371 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [169.833] [ADDITION OF TRUNK HIGHWAYS TO DESIGNATED ROUTE SYSTEM.]

Subdivision 1. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway routes to be added to the system of routes designated under section 169.832. The commissioner shall consult with representatives of the trucking, shipping, and agricultural industries and local authorities in developing the list. A route shall be added to the designated route system after completion of road improvements that provide road strength adequate to carry the permissible weights under section 169.825 or when the commissioner otherwise determines that designation of a route is reasonable.

Subd. 2. [FUNDING OF ADDITIONS TO SYSTEM.] The commissioner shall expend 15 percent of the increase in revenue to the trunk highway system resulting from the increase in the gasoline excise tax under section 2 and 15 percent of the revenue accruing to the trunk highway system from future increases in the gasoline excise tax for the purposes of subdivision 1.

Sec. 2. Minnesota Statutes 1982, section 296.01, subdivision 24, is amended to read:

Subd. 24. [AGRICULTURAL ALCOHOL GASOLINE.] “Agricultural alcohol gasoline” means a gasoline blend at least ten percent of which is denatured agricultural ethyl alcohol of ~~at least 190~~ 200 proof.

Sec. 3. Minnesota Statutes 1982, 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 ~~13 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~~ is payable at the times, in the manner, and by persons specified in this chapter. *The tax is payable at the rate specified in subdivision 1b.*

(a) Notwithstanding any other provision of law to the contrary, the tax imposed on special fuel sold by a qualified service station ~~shall may~~ not exceed, or the tax on gasoline delivered to a qualified service station ~~shall~~ must be reduced to, a rate not more than ~~3~~ three cents per gallon above the state tax rate imposed on such products sold by a service station in a contiguous state located within the distance indicated in clause (b).

(b) A “qualifying service station” means a service station located within 7.5 miles, measured by the shortest route by public road, from a service station selling like product in the contiguous state.

(c) A qualified service station shall be allowed a credit by the supplier or distributor, or both, for the amount of reduction computed in accordance with clause (a).

A qualified service station, before receiving the credit, shall be registered with the commissioner of revenue.

Sec. 4. Minnesota Statutes 1982, section 296.02, is amended by adding a subdivision to read:

Subd. 1b. [RATES IMPOSED.] The gasoline excise tax is imposed at the following rates:

(a) For the period beginning on the effective date of this act and ending December 31, 1983, gasoline is taxed at the rate of 15 cents per gallon.

(b) For the period on and after January 1, 1984, gasoline is taxed at the rate of 18 cents per gallon.

Sec. 5. Minnesota Statutes 1982, section 296.02, subdivision 2, is amended to read:

Subd. 2. [GASOLINE TAX IMPOSED FOR AVIATION USE.] Subject to the provisions of section 296.18, subdivision 4, there is ~~hereby~~ imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all aviation gasoline received, sold, stored, or withdrawn from storage in this state. This tax ~~shall be~~ is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Sec. 6. Minnesota Statutes 1982, section 296.02, subdivision 3, is amended to read:

Subd. 3. [EXCEPTION.] The provisions of subdivision 2 do not apply to aviation gasoline purchased and placed in the fuel tanks of an aircraft outside this state, even though ~~such~~ the gasoline may be consumed within this state.

Sec. 7. Minnesota Statutes 1982, section 296.02, subdivision 6, is amended to read:

Subd. 6. [TAX IMPOSED FOR MARINE USE.] Subject to the provisions of section 296.18, subdivision 1, there is ~~hereby~~ imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all marine gasoline received, sold, stored, or withdrawn from storage in this state. This tax ~~shall be~~ is payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Sec. 8. Minnesota Statutes 1982, section 296.02, is amended by adding a subdivision to read:

Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning January 1, 1984 and continuing through December 31, 1985, and four cents per gallon beginning January 1, 1986 and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used in producing and gen-

erating power for propelling motor vehicles used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1.

Sec. 9. Minnesota Statutes 1982, section 296.02, is amended by adding a subdivision to read:

Subd. 9. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD TO LOCAL GOVERNMENTS.] The tax on gasoline imposed by subdivision 1 shall be reduced by four cents per gallon beginning January 1, 1984, through June 30, 1985, and two cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 8, and is sold to local units of government. These reductions are in addition to those specified in subdivision 8.

Sec. 10. Minnesota Statutes 1982, section 297B.09, is amended to read:

297B.09 [ALLOCATION OF REVENUE.]

Subdivision 1. [GENERAL FUND SHARE.] ~~All moneys~~ Money collected and received under this chapter ~~shall~~ must be deposited in the state treasury and credited as follows:

(a) All of the proceeds collected before June 30, ~~1983~~ 1985, ~~shall~~ must be credited to the general fund.

(b) Three-fourths of the proceeds collected after June 30, ~~1983~~ 1985, and before July 1, ~~1985~~ 1987, ~~shall~~ must be credited to the general fund.

(c) One-half of the proceeds collected after June 30, ~~1985~~ 1987, and before July 1, ~~1987~~ 1989, ~~shall~~ must be credited to the general fund.

(d) One-fourth of the proceeds collected after June 30, ~~1987~~ 1989, and before July 1, ~~1989~~ 1991, ~~shall~~ must be credited to the general fund.

(e) After June 30, ~~1989~~ 1991, none of the proceeds collected ~~shall~~ may be credited to the general fund.

Subd. 2. [HIGHWAY USER TAX DISTRIBUTION FUND AND TRANSIT ASSISTANCE FUND SHARE.] The proceeds collected under this chapter and not credited to the general fund ~~shall~~ must be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment in the following manner:

(a) None of the proceeds collected before June 30, ~~1983~~ 1985, ~~shall~~ may be credited to either fund.

(b) 18.75 percent of the proceeds collected after June 30, ~~1983~~ 1985, and before July 1, ~~1985~~ 1987, ~~shall~~ must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 6.25 percent of the proceeds ~~shall~~ must be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(c) 37.5 percent of the proceeds collected after June 30, ~~1985~~ 1987, and before July 1, ~~1987~~ 1989, ~~shall~~ must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same

purposes as other money in that fund. The remaining 12.5 percent of the proceeds ~~shall~~ *must* be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(d) 56.25 percent of the proceeds collected after June 30, ~~1987~~ 1989, and before July 1, ~~1989~~ 1991, ~~shall~~ *must* be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 18.75 percent of the proceeds ~~shall~~ *must* be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(e) 75 percent of the proceeds collected after June 30, ~~1989~~ 1991, ~~shall~~ *must* be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the proceeds ~~shall~~ *must* be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

Sec. 11. [REPEALER.]

Minnesota Statutes 1982, section 296.02, subdivision 7, is repealed.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective the first day of the calendar month that begins at least two weeks following the day of final enactment. Increases in rates under section 4 apply to gasoline in distributor bulk storage on the date of the increase."

Delete the title and insert:

"A bill for an act relating to transportation; providing for the addition of designated routes in the trunk highway system; redefining agricultural alcohol gasoline; increasing the gasoline excise tax; providing tax reductions for agricultural alcohol gasoline; delaying the phased transfer of the motor vehicle excise tax; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02, subdivisions 1, 2, 3, and 6, and by adding subdivisions; and 297B.09; proposing new law coded in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1982, section 296.02, subdivision 7."

And when so amended H.F. No. 371 will be identical to S.F. No. 342, and further recommends that H.F. No. 371 be given its second reading and substituted for S.F. No. 342, 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 Local and Urban Government, to which was referred the following appointment as reported in the Journal for February 2, 1983:

METROPOLITAN WASTE CONTROL COMMISSION

CHAIRMAN

George Frisch

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. Schmitz from the Committee on Local and Urban Government, to which was referred the following appointment as reported in the Journal for February 2, 1983:

METROPOLITAN COUNCIL

CHAIRMAN

Gerald Isaacs

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. 552, 468, 639, 645, 72, 528, 7, 424, 234, 495, 297, 589, 580 and 458 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 252, 342 and 371 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Johnson, D.J. moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Dicklich be added as chief author to S.F. No. 142. The motion prevailed.

Mr. DeCramer moved that his name be stricken as a co-author to S.F. No. 275. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Petty be added as a co-author to S.F. No. 354. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 428. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Samuelson and Solon be added as co-authors to S.F. No. 724. The motion prevailed.

Ms. Berglin moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 783. The motion prevailed.

Mr. Petty moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 824. The motion prevailed.

Mr. Laidig introduced—

Senate Resolution No. 29: A Senate resolution congratulating the Ponies from Stillwater High School for winning the 1983 State High School Girls Cross-country Skiing Championship.

Referred to the Committee on Rules and Administration.

Messrs. Laidig and Diessner introduced—

Senate Resolution No. 30: A Senate resolution congratulating the Ponies team from Stillwater High School for winning the 1983 Class AA State High School Football Championship.

Referred to the Committee on Rules and Administration.

Mr. Anderson introduced—

Senate Resolution No. 31: A Senate resolution congratulating the Cardinals team from Staples High School for winning the 1983 Class A State High School Wrestling Championship.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 32: A Senate resolution extending congratulations to the Albany Girls High School Basketball Team from Albany High School for winning the 1983 Class AA Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Messrs. Hughes and Knaak introduced—

Senate Resolution No. 33: A Senate resolution congratulating the Pioneers hockey team from Hill-Murray High School for winning the 1983 State High School Hockey Championship.

Referred to the Committee on Rules and Administration.

Mrs. Lantry, Messrs. Hughes and Waldorf introduced—

Senate Resolution No. 34: A Senate resolution congratulating the Pioneers hockey team from Hill-Murray High School for winning the 1983 State High School Hockey Championship.

Referred to the Committee on Rules and Administration.

Mrs. Lantry introduced—

Senate Resolution No. 35: A Senate resolution urging various officials and groups to assist on raising funds for an epilepsy education center.

Referred to the Committee on Rules and Administration.

CALENDAR

S.F. No. 337: A bill for an act relating to drivers' licenses; requiring li-

censes of a distinguishing color for persons under 19 years of age; amending Minnesota Statutes 1982, section 171.07, 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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 182: A bill for an act relating to the metropolitan transit commission; providing for special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, subdivision 5, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 153: A bill for an act relating to the city of Bemidji; authorizing the granting of property tax exemption to property held for future development by certain nonprofit organizations.

Was read the third time 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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Dieterich, Merriam and Peterson, R. W. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 444: A bill for an act relating to taxation; requiring notice of estimated mill rate increases likely to result from bond issue submitted to electors; amending Minnesota Statutes 1982, section 475.59.

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 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 268: A bill for an act relating to financial institutions; credit unions; removing the restrictions on the amounts that credit unions may invest in the corporate credit union; removing the borrowing restrictions of the corporate credit union; changing references to the central credit union to reflect its name change; amending Minnesota Statutes 1982, sections 52.04, subdivision 1; 52.09, subdivision 2; 52.15, subdivisions 1 and 2; and 52.17, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 200: A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1982, 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 58 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Davis	Kamrath	Knutson	Pehler	Renneke
Isackson	Knaak	Olson	Peterson,C.C.	

So the bill passed and its title was agreed to.

S.F. No. 254: A bill for an act relating to public welfare; providing for medical assistance payment for certain nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

Was read the third time 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:

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

So the bill passed and its title was agreed to.

S.F. No. 455: A bill for an act relating to nonprofit corporations; providing for approval of certain actions by boards of directors without formal board meetings; amending Minnesota Statutes 1982, section 317.20, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 121: A bill for an act relating to state historic sites; designating the old administration building at the Minnesota Veterans Home and the Longfellow House in Minneapolis as state historic sites; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision; and 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 63 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Bertram, Dicklich and Stumpf voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 107: A bill for an act relating to agriculture; providing for regulation of apiaries; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

Was read the third time 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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Benson, Kamrath and Renneke voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 327: A bill for an act relating to Independent School District No. 748, Sartell, and Independent School District No. 742, St. Cloud; authorizing certain school district land to be detached and annexed; authorizing transportation and transportation aid for certain pupils.

Was read the third time 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:

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

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Schmitz moved that the following members be excused for a Conference Committee on S.F. No. 15 at 4:00 p.m.

Messrs. Schmitz, Luther and Kroening. The motion prevailed.

GENERAL ORDERS

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

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

H.F. No. 371, which the committee recommends to pass subject to the following motions:

Mr. Johnson, D.J. moved to amend H.F. No. 371, as amended pursuant to Rule 49, adopted by the Senate March 23, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 342.)

Page 3, line 6, delete *“the effective date of this”*

Page 3, line 7, delete *“act”* and insert *“May 1, 1983”*

Page 3, line 8, delete *“15”* and insert *“16”*

Page 3, line 10, delete *“18”* and insert *“17”*

Page 6, line 17, delete *“the first day of the”*

Page 6, delete line 18

Page 6, line 19, delete *“of final enactment”* and insert *“ May 1, 1983”*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 64 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Merriam and Peterson, R. W. voted in the negative.

The motion prevailed. So the amendment was adopted.

Mr. Mehrkens moved to amend H.F. No. 371, as amended pursuant to Rule 49, adopted by the Senate March 23, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 342.)

Page 3, line 5, delete "*rates*" and insert "*rate*"

Page 3, line 6, delete "*(a)*"

Page 3, line 7, delete "*and ending December 31, 1983*"

Page 3, line 8, delete "*15*" and insert "*16*"

Page 3, delete lines 9 and 10

Page 4, line 33, strike "*June 30*" and insert "*January 1*"

Page 4, line 34, delete "*1985*" and insert "*1984*"

Page 4, line 35, strike "*June 30*" and insert "*January 1*"

Page 4, line 36, delete "*1985*" and insert "*1984*"

Page 4, line 36, reinstate "*1985*" and delete "*1987*"

Page 5, line 2, reinstate "*1985*"

Page 5, line 3, delete "*1987*"

Page 5, line 3, reinstate "*1987*" and delete "*1989*"

Page 5, line 6, reinstate "*1987*" and delete "*1989*"

Page 5, line 6, reinstate "*1989*" and delete "*1991*"

Page 5, line 8, reinstate "*1989*" and delete "*1991*"

Page 5, line 16, strike "*June 30*" and insert "*January 1*"

Page 5, line 17, delete "*1985*" and insert "*1984*"

Page 5, line 18, delete "*June 30*" and insert "*January 1*"

Page 5, line 19, delete "*1985*" and insert "*1984*"

Page 5, line 19, reinstate "*1985*" and delete "*1987*"

Page 5, line 27, reinstate "*1985*" and delete "*1987*"

Page 5, line 27, reinstate "*1987*" and delete "*1989*"

Page 5, line 35, reinstate ‘‘1987’’ and delete ‘‘1989’’

Page 5, line 35, reinstate ‘‘1989’’ and delete ‘‘1991’’

Page 6, line 7, reinstate ‘‘1989’’ and delete ‘‘1991’’

Amend the title as follows:

Page 1, line 6, delete ‘‘delaying the phased’’

Page 1, line 7, delete ‘‘transfer of the motor vehicle excise tax;’’

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Kamrath	Mehrkens	Storm
Anderson	Frederick	Knaak	Olson	Taylor
Belanger	Frederickson	Knutson	Peterson,D.L.	Ulland
Benson	Isackson	Kronebusch	Ramstad	
Berg	Johnson, D.E.	Laidig	Renneke	
Bernhagen	Jude	McQuaid	Sietloff	

Those who voted in the negative were:

Berglin	Dieterich	Moe, D. M.	Petty	Vega
Bertram	Frank	Moe, R. D.	Pogemiller	Waldorf
Chmielewski	Freeman	Nelson	Purfeerst	Wegscheid
Dahl	Hughes	Novak	Reichgott	Willet
Davis	Johnson, D.J.	Pehler	Samuelson	
DeCramer	Langseth	Peterson,C.C.	Solon	
Dicklich	Lantry	Peterson,D.C.	Spear	
Diessner	Merriam	Peterson,R.W.	Stumpf	

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

Mr. Chmielewski moved to amend H.F. No. 371, as amended pursuant to Rule 49, adopted by the Senate March 23, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 342.)

Page 1, after line 14, insert:

‘‘Section 1. Minnesota Statutes 1982, section 161.081, is amended to read:

161.081 [HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.]

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

- (1) ~~60~~ 52 percent to the trunk highway fund;
- (2) ~~34~~ 39 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;
- (3) 9 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Sec. 2. Minnesota Statutes 1982, section 161.082, subdivision 2a, is

amended to read:

Subd. 2a. An amount equal to ~~32~~ 22 percent of the county turnback account ~~shall~~ *must* be expended, within counties having two or more towns, on town road bridge structures that are 10 feet or more in length, *on town road bridge approaches and on town road culverts that replace existing town road bridges, and on maintenance of the bridges, approaches and culverts.* The expenditures on ~~such~~ bridge structures, *approaches and culverts* may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of ~~any such~~ a bridge structure ~~shall~~, *approach or culvert* may be paid from the county turnback account.

An amount equal to 30 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 3 of this act.

Sec. 3. [162.081] [TOWN ROAD ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] A town road account is created in the county state-aid highway fund, consisting of 30 percent of the county turnback account as provided in section 161.082.

Subd. 2. [FORMULA.] Funds in the town road account must be apportioned to each county so that each county receives the percentage that the total miles of town road in the county bears to the total miles of town roads in the state.

Subd. 3. [APPORTIONMENT.] When the commissioner determines the amount of money to be apportioned to each county under section 162.07, he shall also determine the amounts in the town road account to be apportioned under subdivision 2. The apportionment under subdivision 2 must be included in the statement sent to the commissioner of finance and the county auditor and county engineer of each county under section 162.08, subdivision 2. The amounts so apportioned and allocated to each county from the town road account must be paid by the state to the treasurer of each county at the same time that payments are made under section 162.08, subdivision 2.

Subd. 4. [PURPOSES.] Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors as the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to the treasurer of the towns must be made within 30 days of the receipt of the funds by the county treasurer. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule.

Money distributed to a town under this subdivision may be expended by the town only for the construction, reconstruction and maintenance of town roads within the town."

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

Page 6, line 17, delete "11" and insert "14"

Page 6, line 19, delete "4" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "providing for the apportionment of five percent of the net highway user tax distribution fund; creating a town road account in the county state-aid highway fund;"

Page 1, line 8, after "sections" insert "161.081; 161.082, subdivision 2a;"

Page 1, line 11, delete "chapter" and insert "chapters 162; and"

Mr. Peterson, C.C. moved to amend the Chmielewski amendment to H.F. No. 371 as follows:

Page 2, line 8, after the period, insert "A township that levies less than 10 mills is not eligible to receive this apportionment."

Page 2, line 22, after "each" insert "eligible"

The question was taken on the adoption of the amendment to the Chmielewski amendment.

The roll was called, and there were yeas 13 and nays 51, as follows:

Those who voted in the affirmative were:

DeCramer	Johnson, D.J.	Lessard	Pogemiller	Waldorf
Dicklich	Kroening	Novak	Schmitz	
Frank	Lantry	Peterson,C.C.	Stumpf	

Those who voted in the negative were:

Adkins	Davis	Knutson	Peterson,D.C.	Spear
Anderson	Dieterich	Kronebusch	Peterson,D.L.	Storm
Belanger	Frederick	Laidig	Peterson,R.W.	Taylor
Benson	Frederickson	Langseth	Petty	Ulland
Berg	Freeman	Luther	Purfeerst	Vega
Berglin	Hughes	McQuaid	Ramstad	Wegscheid
Bernhagen	Isackson	Mehrkens	Reichgott	Willet
Bertram	Johnson, D.E.	Merriam	Renneke	
Brataas	Jude	Moe, D. M.	Samuelson	
Chmielewski	Kamrath	Olson	Sieloff	
Dahl	Knaak	Pehler	Solon	

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

The question recurred on the Chmielewski amendment.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Knaak	Mehrkens	Taylor
Benson	Diessner	Knutson	Peterson,C.C.	Ulland
Berg	Frederick	Kronebusch	Peterson,D.L.	Wegscheid
Bernhagen	Frederickson	Laidig	Renneke	Willet
Bertram	Isackson	Langseth	Samuelson	
Chmielewski	Johnson, D.E.	Lessard	Schmitz	
Davis	Kamrath	McQuaid	Stumpf	

Those who voted in the negative were:

Adkins	Frank	Luther	Peterson, D.C.	Sieloff
Belanger	Freeman	Merriam	Peterson, R.W.	Solon
Berglin	Hughes	Moe, D. M.	Petty	Spear
Brataas	Johnson, D.J.	Nelson	Pogemiller	Storm
Dahl	Jude	Novak	Purfeerst	Vega
Dicklich	Kroening	Olson	Ramstad	Waldorf
Dieterich	Lantry	Pehler	Reichgott	

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

Mr. Frederick moved to amend H.F. No. 371, as amended pursuant to Rule 49, adopted by the Senate March 23, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 342.)

Page 1, line 17, delete everything before "The"

Page 1, delete lines 28 and 29

Page 2, delete lines 1 to 5

Page 3, delete section 4

Pages 4 to 6, delete section 10

Page 6, line 17, delete "11" and insert "9"

Page 6, line 19, delete everything after the period

Page 6, delete line 20

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete "increasing the gasoline excise tax;"

Page 1, lines 6 and 7, delete "delaying the phased transfer of the motor vehicle excise tax;"

Page 1, line 10, delete "297B.09;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Knaak	Olson	Taylor
Anderson	Frederick	Knutson	Peterson, D.L.	Ulland
Belanger	Frederickson	Kronebusch	Ramstad	
Benson	Isackson	Laidig	Renneke	
Berg	Johnson, D.E.	McQuaid	Sieloff	
Bernhagen	Kamrath	Mehrkens	Storm	

Those who voted in the negative were:

Berglin	Dieterich	Lantry	Peterson, R. W.	Stumpf
Bertram	Frank	Lessard	Petty	Vega
Chmielewski	Freeman	Luther	Pogemiller	Waldorf
Dahl	Hughes	Merriam	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Moe, R. D.	Reichgott	Willet
DeCramer	Jude	Novak	Samuelson	
Dicklich	Kroening	Peterson, C. C.	Solon	
Diessner	Langseth	Peterson, D. C.	Spear	

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

Mr. Waldorf moved to amend H.F. No. 371, as amended pursuant to Rule 49, adopted by the Senate March 23, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 342.)

Page 6, after line 12, insert:

“Sec. 11. [HIGHWAY STUDY COMMISSION.]

Subdivision 1. [MEMBERSHIP.] A highway study commission shall be established. The governor shall appoint ten members representing local governments and citizen generalists with a reasonable representation from rural and urban areas to serve on the commission. The senate committee on rules and administration shall appoint three senators to serve on the commission and the speaker of the house shall appoint three representatives to serve on the commission.

Subd. 2. [GENERAL DUTIES.] The commission shall formulate an implementation strategy to facilitate statewide return to cities and counties of non-essential trunk highway routes. The commission shall examine methods of compensating local governments that accept former trunk highway routes, standards for returning routes to local governments, and timetables for implementing the jurisdictional change. The commission shall examine changes in the constitutional highway allocation formula that may be necessary to implement the jurisdictional change.

Subd. 3. [REPORT TO LEGISLATURE.] By January 1, 1985, the commission shall submit a report to the legislature containing its findings and a plan for the return to cities and counties of non-essential trunk highway routes.

Subd. 4. [STAFF.] The commission shall use existing legislative facilities and staff. In addition, the department of transportation shall provide staff and technical assistance to the commission.”

Page 6, line 17, delete “11” and insert “12”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert “establishing a highway study commission;”

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass H.F. No. 371 .

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	Luther	Peterson.D.C.	Spear
Chmielewski	Hughes	Merriam	Peterson.R.W.	Stumpf
Dahl	Johnson, D.J.	Moe, D. M.	Petty	Vega
DeCramer	Jude	Moe, R. D.	Pogemiller	Waldorf
Dicklich	Kroening	Nelson	Purfeerst	Wegscheid
Diessner	Langseth	Novak	Reichgott	Willet
Dieterich	Lantry	Pehler	Schmitz	
Frank	Lessard	Peterson.C.C.	Solon	

Those who voted in the negative were:

Adkins	Bertram	Johnson, D.E.	McQuaid	Samuelson
Anderson	Brataas	Kamrath	Mehrkens	Sieloff
Belanger	Davis	Knaak	Olson	Storm
Benson	Frederick	Knutson	Peterson, D.L.	Taylor
Berg	Frederickson	Kronebusch	Ramstad	Ulland
Bernhagen	Isackson	Laidig	Renneke	

The motion prevailed. So H.F. No. 371 was recommended to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mrs. Kronebusch, Messrs. Mehrkens, Purfeerst and Benson introduced—

S.F. No. 829: A bill for an act relating to ethics in government; imposing a lobbyist registration fee; amending Minnesota Statutes 1982, section 10A.03.

Referred to the Committee on Elections and Ethics.

Mr. DeCramer, Ms. Berglin, Messrs. Vega, Storm and Mrs. Adkins introduced—

S.F. No. 830: A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

Referred to the Committee on Health and Human Services.

Mr. Solon introduced—

S.F. No. 831: A bill for an act relating to elections; adopting court ordered congressional redistricting plan with minor adjustments; proposing new law coded in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1982, sections 2.741 to 2.811.

Referred to the Committee on Elections and Ethics.

Messrs. Kroening, Freeman and Waldorf introduced—

S.F. No. 832: A bill for an act relating to commerce; permitting the sale of certain eye glasses by persons other than optometrists; amending Minnesota Statutes 1982, section 148.56.

Referred to the Committee on Health and Human Services.

Mr. Knaak introduced—

S.F. No. 833: A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

Referred to the Committee on Governmental Operations.

Messrs. Johnson, D.E.; Bernhagen and Bertram introduced—

S.F. No. 834: A bill for an act relating to the environment; creating safety zones to protect public water supplies and agricultural processing facilities from the potential harm associated with the processing of hazardous wastes; amending Minnesota Statutes 1982, section 115A.09, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Laidig introduced—

S.F. No. 835: A bill for an act relating to commerce; securities and real estate; ending state regulation of corporate takeovers; repealing Minnesota Statutes 1982, sections 80B.01 to 80B.13.

Referred to the Committee on Economic Development and Commerce.

Mr. Waldorf introduced—

S.F. No. 836: 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 for prior service as a legislative employee.

Referred to the Committee on Governmental Operations.

Messrs. Sieloff and Berg introduced—

S.F. No. 837: A bill for an act relating to taxation; providing a period of exemption from interest on payments of certain delinquent taxes.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sieloff introduced—

S.F. No. 838: A bill for an act relating to taxation; providing a deduction from household income for the purpose of computing the property tax refund; amending Minnesota Statutes 1982, section 290A.03, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Bertram, DeCramer, Samuelson, Storm and Isackson introduced—

S.F. No. 839: A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

Referred to the Committee on Veterans and General Legislation.

Messrs. Dieterich, Ramstad and Sieloff introduced—

S.F. No. 840: A bill for an act relating to crimes; prohibiting tampering with a witness; establishing degrees of burglary; increasing penalties; amending Minnesota Statutes 1982, section 609.498; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

Referred to the Committee on Judiciary.

Messrs. Petty, Bertram, Solon, Ulland and Anderson introduced—

S.F. No. 841: A bill for an act relating to commerce; providing for the testing of the ambient air level of formaldehyde in housing; providing approved testing methods; establishing the limits of liability for builders; amending Minnesota Statutes 1982, section 325F.18, by adding subdivisions; repealing Minnesota Statutes 1982, section 325F.18, subdivision 5.

Referred to the Committee on Energy and Housing.

Ms. Peterson, D.C.; Messrs. Hughes, Samuelson and Willet introduced—

S.F. No. 842: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

Referred to the Committee on Elections and Ethics.

Messrs. DeCramer, Diessner and Davis introduced—

S.F. No. 843: A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to accept gifts; revising the procedure for purchasing veterans grave markers; authorizing an imprest cash fund at veterans homes; providing for the disposal of abandoned property of veterans at veterans homes; amending Minnesota Statutes 1982, section 197.23; proposing new law coded in Minnesota Statutes, chapter 198; and repealing Minnesota Statutes 1982, section 198.055.

Referred to the Committee on Veterans and General Legislation.

Ms. Reichgott, Messrs. Diessner, Wegscheid, Freeman and Kamrath introduced—

S.F. No. 844: A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Knaak, Jude and Peterson, R.W. introduced—

S.F. No. 845: A bill for an act relating to tort liability; providing for parallel exceptions for unimproved property of the state and municipalities; amending Minnesota Statutes 1982, section 466.03, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 846: A bill for an act relating to patient data; changing requirements for release of records; amending Minnesota Statutes 1982, section 144.335, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 847: A bill for an act relating to domestic abuse; providing for perjury prosecutions for false statements in hearings on domestic abuse; amending Minnesota Statutes 1982, section 518B.01, subdivision 15, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Freeman; Luther; Peterson, R.W.; Purfeerst and Solon introduced—

S.F. No. 848: A bill for an act relating to insurance; accident and health; providing coverage for ambulatory mental health services provided by a licensed psychologist; amending Minnesota Statutes 1982, section 62A.152, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Merriam introduced—

S.F. No. 849: A bill for an act relating to taxation; eliminating the income tax credit for excise tax paid on gasoline bought and used for motorboats; amending Minnesota Statutes 1982, sections 290.06, subdivision 13; 296.18, subdivision 1; and 296.421, subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon, Belanger, Kroening, Mrs. Kronebusch and Mr. Wegscheid introduced—

S.F. No. 850: A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, subdivision 5.

Referred to the Committee on Economic Development and Commerce.

Mr. Peterson, C.C. introduced—

S.F. No. 851: A bill for an act relating to taxation; reducing the rate of tax on corporation income; eliminating the deduction for certain income or franchise taxes paid by corporations; eliminating the deduction for corporate capital gains; amending Minnesota Statutes 1982, sections 290.06, subdivision 1; 290.09, subdivisions 4 and 28; 290.091; 290.095, subdivision 4; and 290.16, subdivision 4; and Laws 1981, Third Special Session chapter 2, article III, section 22, as amended.

Referred to the Committee on Taxes and Tax Laws.

Mr. Jude introduced—

S.F. No. 852: A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, subdivision 6.

Referred to the Committee on Governmental Operations.

Messrs. Solon, Petty, Belanger and Dahl introduced—

S.F. No. 853: A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20.

Referred to the Committee on Economic Development and Commerce.

Mr. Solon introduced—

S.F. No. 854: A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

Referred to the Committee on Economic Development and Commerce.

Mr. Novak, Mrs. Adkins, Messrs. Anderson, Stumpf and Diessner introduced—

S.F. No. 855: A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

Referred to the Committee on Transportation.

Mr. Merriam introduced—

S.F. No. 856: A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Solon and Ulland introduced—

S.F. No. 857: A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, section 500.221, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frank introduced—

S.F. No. 858: A bill for an act relating to the legislative reference library; permitting the library to require certain identification of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, by adding a subdivision.

Referred to the Committee on Rules and Administration.

Mr. Dicklich introduced—

S.F. No. 859: A bill for an act relating to retirement; providing that certain teaching days shall be counted for purposes of calculating service credit.

Referred to the Committee on Governmental Operations.

Mrs. Adkins, Messrs. Jude, Bernhagen and Wegscheid introduced—

S.F. No. 860: A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned by certain members of the Minnesota national guard; imposing fees; appropriating money; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Dicklich introduced—

S.F. No. 861: A bill for an act relating to data privacy; prohibiting the dissemination of data regarding a person's age or birthdate for use in mailing lists; amending Minnesota Statutes 1982, section 13.05, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Chmielewski, Kroening, Nelson, Pehler and Mrs. Lantry introduced—

S.F. No. 862: A bill for an act relating to public employment; providing rights for certain part-time employees; amending the definition of supervisory employee; authorizing recognition of legal strikes by non-members of

bargaining units; specifying the relationship between collective bargaining agreements and arbitration awards and municipal charters and ordinances; amending Minnesota Statutes 1982, sections 179.63, subdivisions 7 and 9; 179.64, by adding a subdivision; 179.66, subdivision 5; 179.71, subdivision 3; and 179.72, subdivision 7.

Referred to the Committee on Employment.

Messrs. Spear; Knaak; Freeman; Moe, R.D. and Petty introduced—

S.F. No. 863: A resolution memorializing the President and Secretary of State of the United States to protest discrimination against Soviet Jews and seek an end to restrictions on their emigration.

Referred to the Committee on Rules and Administration.

Mr. Pogemiller introduced—

S.F. No. 864: 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 1982, sections 480.059, subdivision 7; 611.14; and 629.404, subdivision 2; proposing new law coded as Minnesota Statutes, chapter 629A; repealing Minnesota Statutes 1982, sections 629.01 to 629.29.

Referred to the Committee on Judiciary.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 865: A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

Referred to the Committee on Local and Urban Government.

Mr. Hughes, Ms. Peterson, D.C.; Messrs. Johnson, D.J.; Peterson, D.L. and Johnson, D.E. introduced—

S.F. No. 866: A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.21, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

Referred to the Committee on Elections and Ethics.

Ms. Peterson, D.C.; Mr. Freeman, Mrs. McQuaid and Ms. Olson introduced—

S.F. No. 867: A bill for an act relating to housing; providing conditions for

approval of city housing programs; increasing the percentage of the state mortgage revenue bond ceiling allocation for approved housing programs; amending Minnesota Statutes 1982, section 462C.09, subdivision 2.

Referred to the Committee on Energy and Housing.

Mr. Laidig introduced—

S.F. No. 868: A bill for an act relating to natural resources; designating the morel as the official state mushroom; proposing new law coded in Minnesota Statutes, chapter 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Moe, D.M.; Dieterich; Waldorf and Mrs. Lantry introduced—

S.F. No. 869: A bill for an act relating to labor; providing funds for job training; appropriating money.

Referred to the Committee on Employment.

Messrs. Pehler and Nelson introduced—

S.F. No. 870: A bill for an act relating to education; removing a requirement for certain associations to file statements with the commissioner of education as a condition to school board membership; amending Minnesota Statutes 1982, section 123.33, subdivisions 10 and 14.

Referred to the Committee on Education.

Messrs. Moe, R.D.; Willet; Purfeerst; Sieloff and Solon introduced—

S.F. No. 871: A bill for an act relating to government operations; requiring a review of certain capital improvement programs; requiring reports and capital improvement plans; expanding the scope of the capital budget.

Referred to the Committee on Governmental Operations.

Messrs. Pehler, Wegscheid and Nelson introduced—

S.F. No. 872: A bill for an act relating to education; removing the requirement for departmental approval of building plans; withdrawing state board rulemaking for school sites and building plans; repealing Minnesota Statutes 1982, section 121.15.

Referred to the Committee on Education.

Mr. Taylor introduced—

S.F. No. 873: A bill for an act relating to unemployment compensation; regulating eligibility for benefits; amending Minnesota Statutes 1982, section 268.08, by adding a subdivision.

Referred to the Committee on Employment.

Mrs. Brataas, Messrs. Frederick, Benson and Sieloff introduced—

S.F. No. 874: A bill for an act relating to taxation; aggregate removal tax;

making the tax optional for each county; amending Minnesota Statutes 1982, section 298.75, subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

Ms. Olson, Messrs. Renneke and Davis introduced—

S.F. No. 875: A bill for an act relating to education; transferring the powers necessary and incident to the management, jurisdiction, and control of the community colleges to the state university board; abolishing the state board for community colleges; providing for merger of the state university system and the state community college system; requiring transfer of vocational programs in state universities and community colleges to area vocational-technical institutes; prohibiting area vocational-technical institutes from granting associate degrees unless the degree is awarded jointly with a collegiate institution; amending Minnesota Statutes 1982, sections 121.218; 136.02; 136.03; 136.065; 136.12, subdivision 1; 136.14; 136.60; 136.621, subdivision 1; 136.63; 136.65; 136.67; 136.80, subdivision 1; 136.82, subdivision 1; 136.87, subdivision 1; and 136.88; proposing new law coded in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1982, sections 136.602; 136.603; 136.61; 136.62; and 136.70.

Referred to the Committee on Education.

Mses. Peterson, D.C. and Berglin introduced—

S.F. No. 876: A bill for an act relating to marriage licenses; increasing the marriage license fee; providing funds for new displaced homemaker programs; amending Minnesota Statutes 1982, section 517.08, subdivisions 1b and 1c.

Referred to the Committee on Health and Human Services.

Messrs. Merriam and Pehler introduced—

S.F. No. 877: A bill for an act relating to education; authorizing disaster or emergency reimbursements and metropolitan agricultural preserve reductions to be subtracted from a school district's minimum guarantee for minimum aid; amending Minnesota Statutes 1982, section 124.2126, subdivision 3.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 878: A bill for an act relating to tax-forfeited lands; requiring the commissioner of natural resources to act on county land classifications within 30 days; allowing a hearing before the land exchange board when the commissioner rejects a county classification; amending Minnesota Statutes 1982, sections 282.14; and 282.221, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m.,

Thursday, March 24, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, March 24, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Dan Robinson.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Frank and Frederick were excused from the Session of today. Mr. Knutson was excused from the Session of today until 11:30 a.m. Ms. Olson was excused from the Session of today from 10:00 to 10:30 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 3, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointments to the Education Commission of the States are hereby respectfully submitted to the Senate for confirmation as required by law:

Peter Fugina, 5 Merritt Drive, Virginia, St. Louis County, has been ap-

pointed by me, effective February 1, 1983, for a term expiring the first Monday in January, 1987.

Jon Wefald, 2 Bluebird Lane, North Oaks, Ramsey County, has been appointed by me, effective February 1, 1983, for a term expiring the first Monday in January, 1987.

Sally Martin, 2208 Irving Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective February 1, 1983, for a term expiring the first Monday in January, 1987.

Jerome Hughes, 1978 Payne Avenue, Maplewood, Ramsey County, has been appointed by me, effective February 1, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Education.)

Sincerely,

Rudy Perpich, Governor

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 S.F. Nos. 512, 262 and 263. The motion prevailed.

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

S.F. No. 584: A bill for an act relating to labor: establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

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

Page 1, line 10, delete "6" and insert "5"

Page 2, line 12, before "*Preference*" insert "*In addition to the guidelines provided in section 4,*"

Page 2, line 14, after "*business*" insert "*, state agency, or political subdivision of the state, which equals or exceeds the grant-in-aid permitted under section 4*"

Page 2, after line 14, insert:

"*Subd. 3. [REPORT TO LEGISLATURE.] Each year the board of the partnership shall report to the legislature about the effectiveness of the jobs partnership program.*"

Page 2, line 19, after "*members*" insert "*of the house*"

Page 2, line 20, after "*members*" insert "*of the senate*"

Page 2, line 20, delete "*majority leader*" and insert " *subcommittee on committees*"

Page 2, line 21, after "*members*" insert "*, representing each of the congressional districts,*"

Page 2, line 25, delete the second *“of”* and insert a colon

Page 2, line 31, delete *“majority leader”* and insert *“the subcommittee on committees”*

Page 2, line 35, after the period insert *“Compensation for members shall be governed by section 15.0575, subdivision 3.”*

Page 3, line 15, after *“institutions”* insert *“with programs”*

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 356: A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, subdivision 1.

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

S.F. No. 192: A bill for an act relating to safety; establishing a traffic safety education improvement program; imposing an additional fee for driver's license renewal for the traffic safety education improvement fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

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

Page 2, line 14, delete *“renewal of”*

Page 2, line 17, delete *“; provided”*

Page 2, delete lines 18 and 19

Page 2, line 20, delete everything before the period

Page 2, line 21, delete *“renewal”*

Page 2, line 22, delete *“for the renewal”*

Amend the title as follows:

Page 1, line 4, delete *“renewal”*

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

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

H.F. No. 171: A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cem-

etary land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

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

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

S.F. No. 512: A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Reports the same back with the recommendation that the bill do pass. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 621: A bill for an act relating to state government; allowing the acceptance of gifts to the state without the governor's approval; authorizing the commissioner of administration to rent state property without the governor's approval; authorizing the state to transfer surplus state property to local units of government; allowing the governor and lieutenant governor to use unmarked state cars; amending Minnesota Statutes 1982, sections 7.09, subdivision 1; 16.02, subdivisions 14 and 18; 16.75, subdivision 7; and 16.753, subdivision 5.

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

Page 2, line 28, before the period, insert "*and collecting fees which the commissioner deems appropriate from local units of government accepting transfers of property*"

Page 3, after line 22, insert:

"Sec. 6. [EFFECTIVE DATE.]

This act is effective on the day following its final enactment."

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

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

S.F. No. 20: A bill for an act relating to the operation of state government; clarifying certain provisions regarding the term of the legislative auditor; amending Minnesota Statutes 1982, section 3.97, subdivision 4.

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

Page 1, after line 23, insert:

“Sec. 2. Minnesota Statutes 1982, section 3.972, is amended to read:

3.972 [~~DUTIES AS TO STATE AGENCIES AND SEMI-STATE AGENCIES; AUDITS; DEFINITIONS.~~]

Subdivision 1. [PUBLIC ACCOUNTANT.] For the purposes of this section, “public accountant” means a certified public accountant, certified public accounting firm, or a licensed public accountant licensed by the board of accountancy pursuant to sections 326.17 to 326.23.

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

Subd. 3. [AUDIT CONTRACTS.] Notwithstanding any other law to the contrary, a state department, board, commission, or other state agency shall not negotiate a contract with a public accountant for an audit, except a contract negotiated by the state auditor for an audit of a local government, unless the contract has been reviewed by the legislative auditor. The legislative auditor shall not participate in the selection of the public accountant, but shall review and submit written comments on the proposed contract within seven days of its receipt. Upon completion of the audit, the legislative auditor shall be given a copy of the final report.

Sec. 3. Minnesota Statutes 1982, section 462A.22, Subdivision 10, is amended to read:

Subd. 10. All of the ~~official~~ books and records of the agency shall be subject to audit by the legislative auditor in the manner prescribed for other agencies of state government. The agency is authorized also to employ and to contract in its resolutions and indentures for the employment of ~~independent~~ public accountants for the audit of books and records pertaining to any fund or funds. The legislative auditor shall review contracts with public accountants as provided in section 2.”

Page 1, line 25, delete *"This act is"* and insert *"Sections 1 to 3 are"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after *"term"* insert *"and duties"*

Page 1, line 5, delete *"section"* and insert *"sections"* and after *"4"* insert *"; 3.972; and 462A.22, subdivision 10"*

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

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

S.F. No. 518: A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; amending Minnesota Statutes 1982, sections 3.095; 3.303, subdivision 3; 3.304, subdivision 2a; 3.305; 3.85, subdivision 5; 3.86, subdivision 5; 3.9222, subdivision 6; 3.97, subdivision 5; 16.012; 16.72, subdivision 6; 43A.18, subdivision 6; and 648.31, subdivision 5.

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

Page 1, line 16, delete *"uniform"*

Page 1, line 17, strike *"all"*

Page 1, line 22, reinstate the stricken language and delete *"majority leader"*

Page 2, line 35, delete *"uniform"*

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

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

S.F. No. 595: A bill for an act relating to insurance; holding companies; modifying the commissioner's jurisdiction with respect to the interests of shareholders; making miscellaneous style and form changes; amending Minnesota Statutes 1982, section 60D.02, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1982, section 60D.02, subdivision 5.

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

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

S.F. No. 338: A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, subdivision 2.

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

Report adopted.

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

S.F. No. 604: A bill for an act relating to corporations; foreign corporations; establishing bond requirements; authorizing the secretary of state to insure compliance with these requirements; amending Minnesota Statutes 1982, sections 303.08, subdivision 1; 303.17, subdivision 1; and 303.19, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 303.

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

Page 1, line 12, after "*corporation*" insert "*transacting business in this state*"

Page 1, line 18, delete the second comma

Page 1, line 18, after "*of*" insert a comma

Page 2, after line 7, insert:

"Sec. 3. Minnesota Statutes 1982, section 303.14, subdivision 1, is amended to read:

Subdivision 1. [FILED WITH SECRETARY OF STATE; CONTENTS.] Between January first and April first, in each year, every foreign corporation which holds a certificate of authority shall make and file with the secretary of state a report for the previous calendar year, setting forth:

(1) the name of the corporation and the state or country under the laws of which it is organized;

(2) if the name of the corporation does not end with the word "Corporation" or the word "Incorporated," or the abbreviation "Inc.," or does not contain the word "Company" or the abbreviation "Co." not immediately preceded by the word "and" or the character "&," then the name of the corporation with the word or abbreviation which it has agreed to add thereto for use in this state;

(3) the date of its incorporation and the period of its duration;

(4) the address of its principal office in the state or country under the laws of which it is organized;

(5) the address of its registered office in this state and the name of its registered agent at such address;

(6) the names and respective addresses of its directors and officers;

(7) additional information necessary or appropriate to enable the secretary of state to determine the additional license fee, if any, payable by the corporation;

(8) a statement of the corporate taxable net income as stated in its Minnesota corporate income tax return that was due in the previous year; ~~and~~

(9) *evidence that the bond filed pursuant to section 1 will remain in full force and effect for the year following the filing of the report; and*

~~(9)~~ (10) the fee required by section 303.07, subdivision 2. This fee shall be submitted with the annual report.”

Page 3, delete lines 8 to 12 and insert:

“A foreign corporation holding a certificate of authority on the effective date of this act shall receive from the secretary of state a notice of the requirements of section 1 when the receipt for the annual report filed in 1984 is returned to the foreign corporation, and the bond required by section 1 shall be filed with the annual report submitted in 1985. A foreign corporation not holding a certificate of authority on the effective date of this act shall file the bond required by section 1 prior to the issuance of a certificate of authority to the foreign corporation.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert “303.14, subdivision 1;”

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

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

S.F. No. 263: A bill for an act relating to insurance; health and accident; providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.15.

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

Page 1, line 13, strike “shall” and insert “may”

Page 1, line 14, strike “any” and insert “a”

Page 1, line 14, strike “the following”

Page 1, line 15, strike “conditions are met”

Page 1, line 23, strike “who shall be”

Page 1, line 25, after “husband” insert a comma

Page 1, line 26, after “wife” insert a comma

Page 2, line 1, after “children” insert a comma

Page 2, line 2, strike “which shall not”

Page 2, line 3, strike “exceed” and insert “of”

Page 2, line 3, after “years” insert “or less, or”

Page 2, line 7, strike the comma and “unless”

Page 2, line 9, strike the comma and insert a period

Page 2, line 9, after “the” insert “type”

Page 2, line 10, strike "of which shall" and insert "must"

Page 2, line 11, strike the parenthesis and insert a period

Page 2, line 12, strike "shall include" and insert "includes"

Page 2, line 15, after the second comma, insert "and" and strike the parenthesis

Page 2, line 17, strike "shall indicate" and insert "indicates"

Page 2, line 17, strike "refer" and insert "refers"

Page 2, line 20, strike the comma and "by"

Page 2, line 25, strike the second "are"

Page 2, line 26, strike "included"

Page 2, line 27, strike the second comma

Page 2, line 28, strike the comma and strike "provided that" and insert ". However,"

Page 2, line 30, strike "such" and insert "the"

Page 2, line 30, strike "shall" and insert "must"

Page 2, line 32, strike "such"

Page 2, line 33, strike "shall be" and insert "is"

Page 3, lines 2, 21, and 23, strike "such" and insert "the"

Page 3, line 4, strike the first "or" and insert a comma

Page 3, line 8, strike "shall include" and insert "includes"

Page 3, line 16, strike "any such" and insert "the"

Page 3, line 16, strike "wherever therein there is" and insert "if it contains"

Page 3, line 22, strike "shall be" and insert "is"

Page 3, line 23, strike "said"

Page 3, line 26, strike "duly"

Page 4, line 3, strike the comma

Page 4, lines 8 and 14, strike "shall" and insert "must"

Page 4, line 19, strike "such" and insert "those"

Page 4, line 31, delete "is" and insert "must be"

Page 4, line 32, delete "meets" and insert "must meet"

Page 4, line 35, after "practice" insert ", and appear on a list established and maintained by the board of nursing through rulemaking"

Page 4, line 35, before "Advanced" insert quotation marks and after "practice" insert quotation marks

Page 5, line 7, strike "shall" and insert "may"

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

on Health and Human Services. Mrs. Lantry 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 Economic Development and Commerce, to which was referred

S.F. No. 262: A bill for an act relating to insurance; health and accident; providing benefits for the services of a clinical nurse specialist in psychiatric or mental health nursing; amending Minnesota Statutes 1982, section 62A.152, subdivision 2.

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

Page 1, line 13, strike "shall" and insert "must"

Page 2, line 6, delete "is" and insert "must be"

Page 2, line 8, delete "meets" and insert "must meet"

Page 2, line 10, after "practice" insert ", and appear on a list established and maintained by the board of nursing through rulemaking"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Mrs. Lantry 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 Economic Development and Commerce, to which was referred

S.F. No. 357: A bill for an act relating to liquor; extending the date for requiring dram shop insurance; requiring an assigned risk plan and specifying rule making authority of the commissioner of insurance in regard thereto; amending Minnesota Statutes 1982, sections 340.11, subdivision 21; and 340.353, subdivision 8; and Laws 1982, chapter 528, section 9.

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

Page 1, line 21, strike "per" and insert "for the preceding"

Page 1, line 23, strike "per" and insert "for the preceding"

Page 2, line 25, after "establish" strike the old language and delete the new language

Page 2, lines 26 and 27, strike the old language and delete the new language

Page 2, delete lines 28 to 36 and insert "a program to assist licensees in obtaining insurance coverage. The program shall include a committee appointed by the commissioner of insurance of a representative group of insurance carriers and producers. The commissioner of insurance shall serve as an ex officio member of the committee. The committee shall review and act upon all properly executed applications requesting liquor liability market assistance. The market assistance program shall be established by the com-

missioner of insurance by August 1, 1983, and shall continue to function so long as its services are deemed by the commissioner of insurance to be necessary to relieve perceived availability problems in the liquor liability insurance market. If the committee finds that it cannot assist in securing insurance coverage it shall notify the applicant in writing with a full explanation and recommendation for enhancing its ability to secure insurance. The commissioner of insurance shall, if necessary, establish an assigned risk plan pursuant to subdivision 22."

Page 3, delete lines 1 to 8 and insert:

"Sec. 2. Minnesota Statutes 1982, section 340.11, is amended by adding a subdivision to read:

Subd. 22. [ASSIGNED RISK PLAN.] (1) The purpose of the assigned risk plan is to provide coverage required by subdivision 21 to persons rejected pursuant to this subdivision.

(2) An insurer that refuses to write the coverage required by subdivision 21 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety and with the assigned risk plan at the time of application for coverage under the plan.

(3) The commissioner of insurance may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or vendor of risk management services shall possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

(4) The commissioner of insurance may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of insurance determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multi-peril, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

(5) Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by subdivision 21 or the local governing unit.

(6) Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

(7) Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of insurance. As-

signed risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of insurance shall fix the compensation received by the agent of record.

(8) The commissioner of insurance shall adopt rules, including temporary rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of insurance regarding operation of the plan; and

(c) applicable rating plans and rating standards."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7 after "21" insert ", and by adding a subdivision"

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. 381 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.
381	448				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 381 be amended as follows:

Page 4, delete lines 12 to 14

Page 8, line 5, delete "and"

Page 8, lines 6 to 10, reinstate the stricken language

Delete page 8, line 16 to page 13, line 3, and insert:

"Sec. 4. Minnesota Statutes 1982, section 290.01, subdivision 20c, is amended to read:

Subd. 20c. [MODIFICATION FOR SHAREHOLDERS OF SMALL BUSINESS CORPORATIONS.] A modification affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, *as it existed prior to October 19, 1982*, shall be made where the election under section 1372 of the Internal Revenue Code of 1954, *as it existed prior to October 19, 1982*, antedates the election under this chapter and at the close of the taxable year immediately preceding the effective election under this chapter the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provi-

sions of the Internal Revenue Code of 1954, as it existed prior to October 19, 1982, 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 chapter."

Page 16, line 1, after "*corporation*" insert "*under section 290.9725*"

Page 24, line 14, after "*corporation*" insert "*, under section 290.9725,*"

Page 30, delete lines 6 to 35, and insert:

"Sec. 19. Minnesota Statutes 1982, section 290.37, is amended by adding a subdivision to read:

Subd. 4. [FURNISHING OF SOCIAL SECURITY NUMBER; PENALTY.] (a) Any individual with respect to whom an information return required to be made under section 290.41 or a withholding statement required under section 290.92, subdivision 7, by another person shall furnish to that other person the individual's social security account number. Any person required under this chapter to furnish an information return under section 290.41, or a withholding statement under section 290.92, subdivision 7, with respect to another person who is an individual shall request from that individual and shall include in the return, statement, or other document, the individual's social security account number. A return of an estate or trust with respect to its liability for tax, and any statement or other document in support thereof, shall be considered as a return, statement, or other document with respect to each individual beneficiary of the estate or trust, otherwise a return of any individual with respect to his liability for tax, or any statement or other document in support thereof, shall not be considered as a return, statement, or other document with respect to another person.

(b) If any person who is required under clause (a) to (1) furnish his social security account number to another person, or (2) include in information returns required under section 290.41 or a withholding statement required under section 290.92, subdivision 7, with respect to another person who is an individual the social security account number of that individual; fails to comply with the requirement at the time prescribed, that person shall, if the failure is due to willful neglect, pay a penalty of \$10 for each failure except that the total amount imposed on a person for all failures during any calendar year shall not exceed \$1,000."

Page 31, line 21, reinstate the stricken language, and delete "\$50"

Page 31, line 24, reinstate the stricken language, and delete "\$25,000"

Page 33, line 34, delete "28" and insert "27"

Page 34, lines 4, 9, and 13, delete "28" and insert "27"

Page 34, line 28, after the comma, insert "*where the return has been demanded by the commissioner under the provisions of section 290.47,*"

Page 34, line 30, after "*as*" insert "*the amount of*"

Page 34, line 30, after "*tax*" delete "*on*" and insert "*which is due with*"

Page 38, line 4, delete the new language

Page 38, line 5, delete "*processable form.*" and insert "*For purposes of*"

this subdivision a return shall not be treated as filed until it is in processible form."

Page 43, line 35, after the period insert "*For purposes of this subdivision*"

Page 47, delete lines 3 to 13

Page 50, lines 19 and 20, reinstate the stricken "*under section 290.9725*"

Page 52, line 26, after "*20*" insert "*, and 290.09, subdivisions 5 and 10*"

Page 52, line 28, delete "*is*" and insert "*and 290.93, subdivision 11, are*"

Page 52, line 31, delete "*6*" and insert "*5*"

Page 52, line 33, delete "*4, 5, 8, 9, 12, 18, 24, 27, 37, 39, 41, 43, and 44*" and insert "*4, 7, 8, 11, 17, 23, 26, 35, 37, 39, 41, and 42*"

Page 52, line 35, after "*1982*" insert a comma

Page 53, line 1, delete "*contributions*" and insert "*contribution*"

Page 53, line 2, delete "*7*" and insert "*6*" and delete "*19*" and insert "*18*"

Page 53, line 4, delete "*10, 14, 21, 25, 26, 28, 30, 36, and 40*" and insert "*9, 13, 20, 24, 25, 27, 29, and 38*"

Page 53, line 5, delete "*11*" and insert "*12*"

Page 53, line 15, delete "*15, 16, and 17*" and insert "*14, 15, and 16*"

Page 53, line 18, delete "*20, 22, and 32*" and insert "*19, 21, and 31*"

Page 53, line 19, delete "*23*" and insert "*22*"

Page 53, line 21, delete "*29, 31, and 34*" and insert "*28, 30, and 33*"

Page 53, line 22, delete "*33*" and insert "*32*"

Page 53, line 23, delete "*35*" and insert "*34*"

Page 53, line 26, delete "*38*" and insert "*36*"

Page 53, line 30, delete "*42*" and insert "*40*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "*20b, as amended,*"

Page 1, line 19, after "*9*" delete "*, 10,*" and after "*and*" insert "*10;*"

Page 1, line 20, delete "*11;*"

Page 1, line 24, after "*28*" insert "*, and 290.93, subdivision 11*"

And when so amended H.F. No. 381 will be identical to S.F. No. 448, and further recommends that H.F. No. 381 be given its second reading and substituted for S.F. No. 448, 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. 356, 621, 20, 595, 338 and 357 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 171 and 381 were read the second time.

MOTIONS AND RESOLUTIONS

Mrs. Lantry moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 262. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 263. The motion prevailed.

Mr. Petty moved that the name of Mr. Solon be added as a co-author to S.F. No. 591. The motion prevailed.

Mr. Stumpf introduced—

Senate Resolution No. 36: A Senate resolution extending congratulations to John Cyr of Oklee, Minnesota, for winning the state championship in wrestling.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 9: A Senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

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

The Joint Rules of the Senate and House of Representatives for the 73rd Legislature shall read as follows:

**JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES****TABLE OF CONTENTS****ARTICLE I: JOINT CONVENTIONS**

- 1.01 How Governed
- 1.02 President's Duties
- 1.03 President's Right to Vote
- 1.04 Stating Questions
- 1.05 Order of Debate
- 1.06 Calling Member to Order
- 1.07 Call of the Convention
- 1.08 Elections
- 1.09 No Smoking
- 1.10 Parliamentary Procedure

ARTICLE II: BILLS

- 2.01 Form
- 2.02 Appropriating Money
- 2.03 Deadlines
- 2.04 Amending Bills Originating in other House
- 2.05 Receding From Position
- 2.06 Conference Committees
- 2.07 Enrollment and Signature

ARTICLE III: GENERAL PROVISIONS

- 3.01 Suspension of Joint Rules
- 3.02 Odd Year Session Adjournment
- 3.03 Interim Committee and Commission Reports

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, 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. 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 Minnesota 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 last day

the Legislature can meet in regular session [May 3, 1983], 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 odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after the ~~fifth~~ *sixth* Friday prior to the last Friday on which the Legislature can meet in regular session [April 15 8, 1983], and committee reports on bills originating in the other house favorably acted upon by a committee after *the Monday before* the third Friday prior to the last Friday on which the Legislature can meet in regular session [April 29 25, 1983] 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 the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the 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 the last Thursday on which the Legislature can meet in regular session [May 19, 1983]. After the last Friday on which the Legislature can meet in regular session

[May 20, 1983], neither house shall act on bills other than those contained in:

(1) Reports of Conference Committees;

(2) Messages from the other house;

(3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or

(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. 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 after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 19, 1983], 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 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 provision 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.

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

Mr. Langseth moved that his name be stricken as chief author to S.F. No. 210. The motion prevailed.

SUSPENSION OF RULES

Mr. Moe, R.D. moved to take up the Senate Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

H.F. No. 371: A bill for an act relating to transportation; providing for the addition of designated routes in the trunk highway system; redefining agricultural alcohol gasoline; increasing the gasoline excise tax; providing tax reductions for agricultural alcohol gasoline; delaying the phased transfer of the motor vehicle excise tax; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; 296.02, subdivisions 1, 2, 3, and 6, and by adding subdivisions; and 297B.09; proposing new law coded in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1982, section 296.02, 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 36 and nays 23, as follows:

Those who voted in the affirmative were:

Berglin	Hughes	Merriam	Peterson, R. W.	Vega
Chmielewski	Johnson, D.J.	Moe, D. M.	Petty	Waldorf
Dahl	Jude	Moe, R. D.	Pogemiller	Wegscheid
DeCramer	Kroening	Nelson	Purfeerst	Willet
Dicklich	Langseth	Novak	Reichgott	
Diessner	Lantry	Pehler	Schmitz	
Dieterich	Lessard	Peterson, C.C.	Spear	
Freeman	Luther	Peterson, D.C.	Stumpf	

Those who voted in the negative were:

Adkins	Bertram	Johnson, D.E.	McQuaid	Sieloff
Anderson	Brataas	Kamrath	Mehrkens	Storm
Belanger	Davis	Knaak	Ramstad	Ulland
Benson	Frederickson	Kronebusch	Renneke	
Bernhagen	Isackson	Laidig	Samuelson	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 101: A bill for an act relating to the city of St. Paul: providing for the reinstatement of St. Paul policeman's pension fund benefits in certain circumstances; amending Laws 1955, chapter 151, section 13, as amended.

Mr. Waldorf moved to amend S.F. No. 101 as follows:

Page 2, line 13, delete "*application*" and insert "*reapplication*"

The motion prevailed. So the amendment was adopted.

S.F. No. 101 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S.F. No. 323: A bill for an act relating to retirement; extending the reporting date required in connection with state aid distribution; amending Minnesota Statutes 1982, sections 69.011, subdivision 2; and 69.051, subdivisions 1 and 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 81: A bill for an act relating to retirement; repealing obsolete investment language applicable to third and fourth class city police relief associations; repealing Minnesota Statutes 1982, sections 423.389 and 423.60.

Was read the third time 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:

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

CONFIRMATION

Mr. Vega moved that the report from the Committee on Energy and Housing, reported March 7, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Vega moved that in accordance with the report from the Committee on Energy and Housing, reported March 7, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA HOUSING FINANCE AGENCY

Michael D. Finch, 861 - 24th Avenue S.E., Minneapolis, Hennepin

County, effective February 26, 1982, for a term expiring the first Monday in January, 1986.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 53 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Solon
Anderson	Dieterich	Laidig	Peterson, C.C.	Storm
Belanger	Frederickson	Langseth	Peterson, D.C.	Stumpf
Benson	Freeman	Lantry	Peterson, R.W.	Taylor
Berg	Hughes	Lessard	Petty	Ulland
Berglin	Isackson	Luther	Purfeerst	Vega
Bernhagen	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Bertram	Jude	Mehrkens	Reichgott	Wegscheid
Brataas	Kamrath	Merriam	Renneke	Willet
Chmielewski	Knaak	Moe, R. D.	Schmitz	
Dahl	Kroening	Olson	Sieloff	

Those who voted in the negative were:

Davis	Dicklich	Johnson, D.J.	Pogemiller	Spear
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The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Merriam moved that the report from the Committee on Agriculture and Natural Resources, reported March 14, 1983, 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 14, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY

Keith H. Langmo, 618 West Crescent Lane, Litchfield, Meeker County, effective February 23, 1982, for a term expiring on the first Monday in January, 1986.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Willet moved that the report from the Committee on Finance, reported March 14, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Willet moved that in accordance with the report from the Committee on Finance, reported March 14, 1983, the Senate, having given its advice,

do now consent to and confirm the appointment of:

**DEPARTMENT OF FINANCE
COMMISSIONER**

Gordon M. Donhowe, 2135 Knapp, St. Paul, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Lessard moved that the reports from the Committee on Veterans and General Legislation, reported March 14, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Lessard moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Lessard moved that in accordance with the reports from the Committee on Veterans and General Legislation, reported March 14, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

BOARD OF THE ARTS

Dee Knaak, 3515 Jerry Street, White Bear Lake, Ramsey County, effective April 1, 1982, for a term expiring the first Monday in January, 1986.

Jane A. Wold, Route 2, Mabel, Houston County, effective April 1, 1982, for a term expiring the first Monday in January, 1984.

STATE COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE

Fermin Aragon, 14420 Woodhill Terrace, Minnetonka, Hennepin County, effective September 4, 1981, for a term expiring the first Monday in January, 1984.

Raul Cardona, Jr., 205 North Ermina, Albert Lea, Freeborn County, effective September 4, 1981, for a term expiring the first Monday in January, 1985.

Juan Moreno, 501 Pleasant Avenue, Crookston, Polk County, effective September 4, 1981, for a term expiring the first Monday in January, 1985.

STATE ZOOLOGICAL BOARD

James C. Stimson, 13627 Elkwood Drive, Apple Valley, Dakota County, effective December 13, 1982, for a term expiring the first Monday in January, 1985.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Merriam moved that the reports from the Committee on Agriculture and Natural Resources, reported March 21, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Merriam moved that the foregoing reports be now adopted. The mo-

tion prevailed.

Mr. Merriam moved that in accordance with the reports from the Committee on Agriculture and Natural Resources, reported March 21, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE SOIL AND WATER CONSERVATION BOARD

Wayne C. Haglin, Route 2, Staples, Wadena County, effective January 4, 1982, for a term expiring the first Monday in January, 1986.

ENVIRONMENTAL EDUCATION BOARD

Lucinda L. Hruska-Claeys, 7626 Bloomington Avenue South, Richfield, Hennepin County, effective May 4, 1981, for a term expiring the first Monday in January, 1984.

Michael Naylor, Route 1, Backus, Cass County, effective May 4, 1981, for a term expiring the first Monday in January, 1985.

Leland H. Grim, Route 8, Box 494A, International Falls, Koochiching County, effective May 6, 1982, for a term expiring the first Monday in January, 1986.

WATER PLANNING BOARD

Alvin Payne, Rt. 1, Box 40, DeGraff, Chippewa County, effective August 12, 1982, for a term expiring June 30, 1983.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Schmitz moved that the report from the Committee on Local and Urban Government, reported March 23, 1983, 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 Local and Urban Government, reported March 23, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN WASTE CONTROL COMMISSION CHAIRMAN

George Frisch, 1781 Saunders, St. Paul, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Schmitz moved that the report from the Committee on Local and Urban Government, reported March 23, 1983, 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 Local and Urban Government, reported March 23, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

**METROPOLITAN COUNCIL
CHAIRMAN**

Gerald Isaacs, 1835 Mechanic Avenue, St. Paul, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that his name be stricken as a co-author and be added as chief author to S.F. No. 210. The motion prevailed.

GENERAL ORDERS

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

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

S.F. No. 201, which the committee recommends to pass.

S.F. No. 164, which the committee recommends to pass subject to the following motions:

Mr. Moe, D.M. moved to amend S.F. No. 164 as follows:

Page 3, line 10, delete everything after the period

Page 3, delete lines 11 to 13

Page 3, line 14, delete the new language

Page 6, lines 10 to 14, delete the new language

Page 10, line 29, delete everything after the period

Page 10, lines 30 to 33, delete the new language

Page 16, line 10, delete everything after "10"

Page 16, delete lines 11 to 13

Page 16, line 14, delete "*senate*"

Page 16, line 33, delete the comma

Page 16, delete lines 34 to 36

Page 17, delete line 1

Page 17, line 2, delete everything before the period

Page 17, delete line 27

Page 17, line 28, delete everything before "*this*"

Page 17, line 28, delete "*are*" and insert "*is*"

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, delete line 6

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 164 as follows:

Page 17, after line 25, insert:

“Sec. 28. Minnesota Statutes 1982, section 241.41, is amended to read:

241.41 [OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION.]

The office of ombudsman for the Minnesota state department of corrections is hereby created. The ombudsman shall serve at the pleasure of the governor, in the unclassified service. The term of the ombudsman shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the ombudsman vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent ombudsman within 45 legislative days after the end of the term of an ombudsman and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent ombudsman when the senate notifies the appointing authority that it has consented to the appointment. The ombudsman shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the department of corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after “cases;” insert “requiring the appointment of ombudsman to be confirmed by the senate;”

Page 1, line 17, after the last semicolon, insert “241.41;”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Merriam	Sieloff
Benson	Isackson	Kronebusch	Olson	Storm
Berg	Johnson, D.E.	Laidig	Peterson, D.L.	Taylor
Bernhagen	Kamrath	McQuaid	Ramstad	Ulland
Brataas	Knaak	Mehrrens	Renneke	

Those who voted in the negative were:

Adkins	Dieterich	Lessard	Peterson, D.C.	Vega
Bertram	Freeman	Luther	Peterson, R.W.	Waldorf
Chmielewski	Hughes	Moe, D. M.	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Moe, R. D.	Purfeerst	Willet
Davis	Jude	Nelson	Reichgott	
DeCramer	Kroening	Novak	Solon	
Dicklich	Langseth	Pehler	Spear	
Diessner	Lantry	Peterson, C.C.	Stumpf	

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

H.F. No. 79, which the committee recommends to pass with the following amendment offered by Mr. Pogemiller:

Amend H. F. No. 79, as amended pursuant to Rule 49, adopted by the Senate March 9, 1983, as follows:

(The text of the amended House File is identical to S. F. No. 144.)

Page 2, line 16, delete everything after "*subdivision*"

Page 2, delete line 17 and insert "*only applies if the child is convicted*"

Page 2, line 18, delete "*acquitted*"

Page 2, line 19, before the period, insert "*or of a lesser included offense which is a felony*"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Wegscheid, DeCramer, Ms. Reichgott, Mrs. Adkins and Mr. Berg introduced—

S.F. No. 879: A bill for an act relating to courts; increasing mileage allowances for jurors; amending Minnesota Statutes 1982, section 593.48.

Referred to the Committee on Judiciary.

Messrs. Dieterich; Peterson, C.C.; Belanger; Diessner and Vega introduced—

S.F. No. 880: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to accept gifts; designating the commissioner as administrator of weatherization programs; providing for weatherization grants; regulating summer youth programs; amending Minnesota Statutes 1982, sections 268.011, subdivision 2; 268.34; and 268.37, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1982, section 268.37, subdivision 3.

Referred to the Committee on Employment.

Mr. Schmitz introduced—

S.F. No. 881: A bill for an act relating to local and urban government; providing for the inventory, classification, and protection of aggregate deposits or resources within the state; proposing new law coded in Minnesota Statutes, chapter 84.

Referred to the Committee on Agriculture and Natural Resources.

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

S.F. No. 882: A bill for an act relating to retirement; providing for payment of the costs of Medicare Plan B supplemental medical coverage for retirees of the Minnesota state retirement system; appropriating money; proposing new law coded in Minnesota Statutes, chapter 352.

Referred to the Committee on Governmental Operations.

Messrs. Novak, Willet, Purfeerst and Mehrkens introduced—

S.F. No. 883: A bill for an act relating to transportation; modifying the definition of truck-tractor to include the power unit of automobile carriers; adjusting the motor vehicle registration tax on certain trailers; requiring proof of payment of the federal heavy use tax on heavy trucks; increasing the maximum allowable width on vehicles from 8 to 8-1/2 feet; modifying vehicle length requirements to allow longer semitrailers and vehicle combinations; modifying the gross weight seasonal increase to include all axle combinations; modifying the distance a peace officer may require a vehicle to travel to a scale; increasing width requirement on loads of baled hay before flashing amber lights are required; amending Minnesota Statutes 1982, sections 168.011, subdivision 12; 168.013, subdivision 1d, and by adding a subdivision; 169.01, subdivision 7; 169.80, subdivision 2; 169.81, subdivisions 2 and 3; 169.825, subdivision 11; 169.85; and 169.862; repealing Minnesota Statutes 1982, sections 169.80, subdivision 2a; and 169.81, subdivisions 3a, 3b, and 7.

Referred to the Committee on Transportation.

Messrs. Novak, Dieterich and Purfeerst introduced—

S.F. No. 884: A bill for an act relating to metropolitan transit; regulating eligibility for certain programs; requiring bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for an evaluation; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivisions 3 and 4; 473.408, subdivisions 2 and 3; 473.436, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation.

Messrs. Luther, Petty and Ms. Peterson, D.C. introduced—

S.F. No. 885: A bill for an act relating to insurance; requiring disclosures of premium loss ratios on certain insurance policies; amending Minnesota Statutes 1982, sections 61A.03; 62A.04, subdivision 2; 62B.06, subdivisions 2 and 4; 62C.14, by adding a subdivision; 62D.07, subdivision 3; 65A.01, subdivision 3; and 65B.70, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 70A.

Referred to the Committee on Economic Development and Commerce.

Mr. Moe, R.D. introduced—

S.F. No. 886: A bill for an act relating to intoxicating liquor; authorizing Clearwater County to issue an off-sale license in Itasca Township.

Referred to the Committee on Public Utilities and State Regulated Indus-

tries.

Mr. DeCramer introduced—

S.F. No. 887: A bill for an act relating to transportation; providing for the inclusion of former municipal state-aid streets in the county state-aid highway system; amending Minnesota Statutes 1982, section 162.02, subdivision 1, and by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Taylor introduced—

S.F. No. 888: A bill for an act relating to unemployment compensation; regulating benefits; providing work search documentation; regulating employment office reporting; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

Referred to the Committee on Employment.

Messrs. Kroening, Solon, Laidig and Freeman introduced—

S.F. No. 889: A bill for an act relating to local government; clarifying powers of municipalities and redevelopment agencies with respect to acquisition, construction, leasing, selling, loan of funds, and issuance of revenue bonds for industrial development projects; amending Minnesota Statutes 1982, sections 474.03 and 474.06.

Referred to the Committee on Local and Urban Government.

Messrs. Taylor and Ramstad introduced—

S.F. No. 890: A bill for an act relating to workers' compensation; altering benefits if there is a safety violation; proposing new law coded in Minnesota Statutes, chapter 176.

Referred to the Committee on Employment.

Mrs. Adkins and Mr. Vega introduced—

S.F. No. 891: A bill for an act relating to transportation; providing for a unique registration category and special license plates for commuter vans; defining ridesharing arrangement and other terms; clarifying taxation, licensing, and vehicle use requirements in ridesharing arrangements; excluding certain ridesharing arrangements from the provisions of chapter 176 governing workers' compensation; clarifying employers' liability under workers' compensation for a ridesharing arrangement; excluding participation in a ridesharing arrangement from overtime compensation and the payment of minimum wages as defined in chapter 177; excluding payments other than salary to drivers in ridesharing arrangements from the definition of gross income; excluding motor vehicles participating in ridesharing arrangements from the definition of commercial motor vehicle; deleting the requirement to transfer rideshare program development from the commissioner of transportation; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 174.257, by adding subdivisions;

176.041; 176.051, by adding subdivisions; 290.08, by adding a subdivision; 296.17; and Laws 1981, chapter 363, section 55, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 168 and 177.

Referred to the Committee on Transportation.

Messrs. Petty, Solon, Wegscheid, Benson and Belanger introduced—

S.F. No. 892: A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment, and reporting requirements; establishing a quarterly revenue fee; proposing new law coded as Minnesota Statutes, chapter 62H.

Referred to the Committee on Economic Development and Commerce.

Messrs. Moe, R.D.; Stumpf and Langseth introduced—

S.F. No. 893: A bill for an act relating to the lower Red River watershed management board; removing ten year limitation for tax levy by watershed districts which are members of board; amending Laws 1976, chapter 162, sections 1, as amended, and 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ulland introduced—

S.F. No. 894: A bill for an act relating to marriage licenses; increasing the marriage license fee; amending Minnesota Statutes 1982, section 517.08, subdivisions 1b and 1c.

Referred to the Committee on Finance.

Messrs. Peterson, R.W.; Benson; Wegscheid; Dahl and Taylor introduced—

S.F. No. 895: A bill for an act relating to insurance; hail; providing for the appraisal of losses; specifying the procedure to be used in selecting appraisers; amending Minnesota Statutes 1982, sections 65A.26; and 66A.29.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller introduced—

S.F. No. 896: A bill for an act relating to health; health maintenance organizations; providing for disclosure of the limitations and exclusions of services; amending Minnesota Statutes 1982, sections 62D.05, subdivision 2; 62D.07, subdivision 3; and 62D.12, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich; Solon; Johnson, D.J.; Pehler and Ulland introduced—

S.F. No. 897: A bill for an act relating to education; establishing engineering degree programs at the University of Minnesota-Duluth and at a selected state university; creating the Mineral Resource Research Center at

the University of Minnesota-Duluth; appropriating money; proposing new law coded as Minnesota Statutes, chapter 136C.

Referred to the Committee on Education.

Messrs. Petty, Novak, Ms. Berglin, Messrs. Spear and Benson introduced—

S.F. No. 898: A bill for an act relating to metropolitan government; clarifying the metropolitan sports facility commission's power to enter into use agreements; amending Minnesota Statutes 1982, section 473.556, subdivision 12.

Referred to the Committee on Local and Urban Government.

Messrs. Spear; Peterson, C.C. and Moe, R.D. introduced—

S.F. No. 899: 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 1982, sections 11A.01; 11A.02, subdivisions 2 and 4; 11A.04; 11A.07, subdivisions 1 and 3; 11A.13, subdivision 1; 179.74, subdivision 4; proposing new law coded as Minnesota Statutes, chapter 11B; repealing Minnesota Statutes 1982, sections 11A.08, subdivisions 2, 3, 4, 5, and 6; 11A.13, subdivision 2; 11A.14; 11A.17 to 11A.19; 11A.23; and 11A.24, subdivisions 5, 6, and 7.

Referred to the Committee on Governmental Operations.

Mr. Moe, D.M. introduced—

S.F. No. 900: A bill for an act relating to retirement; teachers; definitions, coordination with social security benefits, and various administrative changes; amending Minnesota Statutes 1982, sections 354.05, subdivisions 2 and 35; 354.44, subdivision 5; 354.52, subdivision 4; and 354.63, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Moe, D.M.; Merriam; Knaak and Wegscheid introduced—

S.F. No. 901: A bill for an act relating to state departments and agencies; transferring the planning functions of the department of energy, planning and development to a newly created state planning agency; providing a director; establishing an advisory committee; amending Minnesota Statutes 1982, sections 116J.03, subdivision 1; and 116J.42; proposing new law coded as Minnesota Statutes, chapter 116K; repealing Minnesota Statutes 1982, sections 116J.02, subdivision 1; 116J.41; 116J.46; and 116J.47.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Nelson; Pehler; Bertram and Taylor introduced—

S.F. No. 902: A bill for an act relating to workers' compensation; providing for separate exposure bases for premium calculations for employers in the metropolitan area and outside the metropolitan area; amending Minne-

sota Statutes 1982, section 79.53.

Referred to the Committee on Employment.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 2:55 p.m. The motion prevailed.

The hour of 2:55 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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 refuses to concur in the Senate amendments to the following House File:

H.F. No. 371: A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

And the House respectfully requests that a Conference Committee of five members be appointed thereon.

Jensen; Rice; Anderson, G.; Carlson, D. and Schreiber have been appointed as such committee on the part of the House.

House File No. 371 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 March 24, 1983

Mr. Purfeerst moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 371, 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 appointed on the part of the House. 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:

H.F. No. 371: Messrs. Purfeerst; Johnson, D.J.; Peterson, C.C.; Novak and Waldorf.

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

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 28, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-EIGHTH DAY

St. Paul, Minnesota, Monday, March 28, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Gerhard Meiners.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Jude was excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today until 11:50 a.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. 31, 221, 270, 325 and 421.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1983

Mr. President:

I have the honor to announce the passage by the House of the following

House Files, herewith transmitted: H.F. Nos. 31, 194, 289, 166, 30, 218, 226, 316, 419, 576, 445, 463 and 561.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 24, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 31: A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

Referred to the Committee on Judiciary.

H.F. No. 194: A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

Referred to the Committee on Employment.

H.F. No. 289: A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

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

H.F. No. 166: A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487.

Referred to the Committee on Judiciary.

H.F. No. 30: A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 150.

H.F. No. 218: A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil 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; requiring development of a plan for notifying crime victims about available financial assistance and social services; providing for victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.115, subdivision 1; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

H.F. No. 226: A bill for an act relating to civil actions; authorizing pledges and members of student organizations to maintain actions for self-damages; proposing new law coded in Minnesota Statutes, chapter 127.

Referred to the Committee on Judiciary.

H.F. No. 316: A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 287.

H.F. No. 419: A bill for an act relating to insurance; fire; hail; requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; providing for the appraisal of losses; specifying the procedure to be used in selecting appraisers; amending Minnesota Statutes 1982, sections 65A.01, subdivision 3; 65A.26; 65A.29; and 299F.054, subdivisions 1, 2, 4, and by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 576: A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; proposing new law coded in Minnesota Statutes, chapter 62A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 534.

H.F. No. 445: A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

Referred to the Committee on Local and Urban Government.

H.F. No. 463: A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

Referred to the Committee on Local and Urban Government.

H.F. No. 561: A bill for an act relating to metropolitan government; providing for the metropolitan transit commission property tax; amending

Minnesota Statutes 1982, section 473.446, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 458, 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. Chmielewski from the Committee on Employment, to which was re-referred

S.F. No. 594: A bill for an act relating to employment; creating a Minnesota emergency employment development program; providing meaningful employment opportunities in the public and private sector; adjusting individual income tax rates; prohibiting deduction of federal income taxes; imposing a surtax to fund the program; appropriating money; amending Minnesota Statutes 1982, sections 290.06, subdivisions 2c, 2d, 3g, and by adding a subdivision; 290.09, subdivision 4; 290.10; and 290.18, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, sections 290.06, subdivision 2e, as amended; and 290.18, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 12, line 25, after "*adopt*" insert "*temporary*"

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. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 427: A bill for an act relating to the state building code; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 299G.13, subdivision 3, is amended to read:

Subd. 3. "Hazardous locations" means those structural elements, glazed or to be glazed, in residential buildings and other structures used as dwellings, commercial buildings, industrial buildings, and public buildings, known as interior and exterior commercial entrance and exit doors, and the immediately adjacent ~~flat~~ *fixed operable and inoperable* glazed panels, sliding glass door units including the fixed glazed panels which are part of such units, storm or combination doors, shower and bathtub enclosures, primary residential entrance and exit doors and the ~~fixed or operable and inoperable~~ adjacent sidelites, whether or not the glazing in such doors,

panels and enclosures is transparent.

Sec. 2. Minnesota Statutes 1982, section 299G.13, subdivision 10, is amended to read:

Subd. 10. ~~Fixed flat~~ *Operable and inoperable* glazed panels immediately adjacent to entrance or exit doors" means the ~~first fixed flat glazed panel~~ panels on either or both sides of interior or exterior doors, ~~48 inches or less in width, the~~ *and within the same wallplane as the door, whose nearest vertical edge of which is located within six feet horizontally of the nearest vertical edge of the door 12 inches of the door in a closed position and whose bottom edge is less than 60 inches above the floor or walking surface.*"

Delete the title and insert:

"A bill for an act relating to safety glazing material; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivisions 3 and 10."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was re-referred

S.F. No. 409: A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; amending Laws 1969, chapter 775, section 4, by adding a subdivision; chapter 822, by adding a section; chapter 1060, by adding a section; and proposing new law coded in Minnesota Statutes, chapters 116J and 124.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 23, after "*obligations*" insert "*may be issued and sold in such manner or on such terms and conditions as the school board may determine, and*"

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 Economic Development and Commerce, to which was referred

S.F. No. 78: A bill for an act relating to commerce; providing procedures for opening checking accounts; extending civil liability for issuing a worthless check; clarifying conciliation court jurisdiction regarding dishonored checks; modifying procedures to prove issuance of a worthless check; expanding types of worthless checks prohibited; requiring banks to release certain checking account information; increasing penalties for issuing a worthless or forged check; amending Minnesota Statutes 1982, sections 487.30, subdivision 4; 488A.12, subdivision 3; 488A.29, subdivision 3;

609.535, subdivisions 2, 3, 5, 6, 7, and 8, and by adding subdivisions; and 609.625, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 48, 332, and 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. [48.512] [PROCEDURES FOR OPENING CHECKING ACCOUNTS.]

Subdivision 1. [DEFINITIONS.] For the purpose of this section the following terms have the meanings given:

(a) “Financial intermediary” means a person doing business in this state who offers transaction accounts to the public.

(b) “Transaction account” means a deposit or account established or maintained by a natural person or persons under an individual or business name for personal, household, or business purposes on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instruments, payment orders of withdrawal, or other similar device for the purpose of making payments or transfers to third persons or others, including demand deposits or accounts subject to check, draft, negotiable order of withdrawal, share draft, or other similar item. “Transaction account” does not include the deposit or account of a partnership having more than three partners, the personal representative of an estate, the trustee of a trust, or a limited partnership.

Subd. 2. [REQUIRED INFORMATION.] Before opening or authorizing signatory power over a transaction account, a financial intermediary shall require one applicant to provide the following information on an application document signed by the applicant under the penalties for perjury in section 609.48:

(a) full name;

(b) birth date;

(c) address of residence;

(d) address of current employment, if employed;

(e) residence telephone number, if any;

(f) social security number;

(g) driver’s license or identification card number issued pursuant to section 171.07. If the applicant does not have a driver’s license or identification card, the applicant may provide an identification document number if the document includes the applicant’s photograph, full name, birth date, and signature;

(h) whether the applicant has had a transaction account at the same or another financial intermediary within 12 months immediately preceding the application and, if so, the identity of the financial intermediary;

(i) whether the applicant has had a transaction account closed by financial intermediary without the applicant’s consent within 12 months immediately

preceding the application and, if so, the identity of the financial intermediary and the reason the account was closed; and

(j) whether the applicant has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

A financial intermediary may require an applicant to disclose additional information.

Subd. 3. [ACCOUNT OPENING DATE.] All checks, drafts, negotiable orders of withdrawal, share drafts, or other similar items which are drawn against a transaction account after the effective date of this section shall, for a period of not less than 12 months, clearly display on the face thereof the month and year in which the account was opened, if:

(a) the applicant represents on the application document that he has not maintained a transaction account within 12 months immediately preceding the application; or

(b) the applicant represents on the application document that he has been convicted of a criminal offense involving the use of a check or other similar item within 24 months immediately preceding the application.

Subd. 4. [CONFIRM NO INVOLUNTARY CLOSING.] Before opening or authorizing signatory power over a transaction account, the financial intermediary shall obtain oral or written confirmation of the information disclosed for subdivision 2, clause (i), if it is available from a commercially reliable source. The financial intermediary may not open or authorize signatory power over a transaction account if it obtains information that the applicant had a transaction account closed by a financial intermediary without his consent because of his issuance of dishonored checks within 12 months immediately preceding the application.

Subd. 5. [NO LIABILITY.] The requirements of this section shall not be construed to impose any liability on financial intermediaries offering transaction accounts nor, except as provided in subdivision 4, to limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section.

Sec. 2. [332.50] [CIVIL LIABILITY FOR ISSUANCE OF WORTHLESS CHECK.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.

(a) "Check" means a check, draft, order of withdrawal or similar negotiable or nonnegotiable instrument.

(b) "Credit" means an arrangement or understanding with the drawee for the payment of the check.

Subd. 2. [ACTS CONSTITUTING.] Whoever issues any check which, at the time of issuance, he intends shall not be paid, is liable to the holder for twice the amount of the check, interest at 18 percent per year on the amount of the check from the date of dishonor, reasonable attorney fees if the amount of the check is over \$1,000, and a service charge not exceeding \$15 if written notice of the service charge (1) was conspicuously displayed on the premises

when the check was issued; or (2) was contained in any document obligating the drawer to make any payment to the payee.

This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision.

Subd. 3. [PROOF OF INTENT.] Any of the following establishes a rebuttable presumption that the person at the time he issued the check intended it should not be paid:

(1) proof that, at the time of issuance, he did not have an account with the drawee; or

(2) proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check within ten business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check within ten business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

Notice of nonpayment or dishonor must be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. The issuance of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, nor does it rebut the presumption of intent established by this subdivision, if the drawer has had actual notice for a period of ten days that the check was dishonored.

An affidavit of service by mailing must be retained by the holder of the check.

Subd. 4. [PROOF OF LACK OF FUNDS OR CREDIT.] If the check has been protested, the notice of protest thereof is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee.

Subd. 5. [PROOF OF IDENTITY.] The check is prima facie evidence of the identity of the drawer if the person receiving the check:

(a) records the following information about the drawer on the check, unless it is printed on the face of the check:

(1) full name,

(2) home or work address,

(3) home or work telephone number, and

(4) identification number issued pursuant to section 171.07;

(b) compares the drawer's physical appearance, signature, and the personal information recorded on the check with the drawer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Subd. 6. [EXCEPTION.] Subdivision 3, clause (2), does not apply to a postdated check.

Subd. 7. [DEFENSES.] Any defense otherwise available to the drawer also applies to liability under this section.

Sec. 3. Minnesota Statutes 1982, section 487.30, subdivision 4, is amended to read:

Subd. 4. [JURISDICTION; ~~WORTHLESS DISHONORED CHECKS.~~] The conciliation court has jurisdiction to determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a ~~worthless dishonored~~ check as defined in section 2 issued in the county ~~within the meaning of section 609.535, notwithstanding that even though~~ the defendant or defendants are not residents of the county ~~provided that~~; if the notice of nonpayment or dishonor ~~required by described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money~~ may commence a conciliation court action in the county where the ~~worthless dishonored~~ check was issued to recover the amount of the check. This subdivision does not apply to a check ~~or other order for payment of money~~ that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court clerk shall attach a copy of the dishonored check ~~or other order for payment of money~~ to the summons before it is issued.

Sec. 4. Minnesota Statutes 1982, section 488A.12, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of ~~clause paragraph~~ (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of ~~clause paragraph~~ (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a ~~worthless dishonored~~ check as defined in section 2 issued in the county ~~within the meaning of section 609.535, notwithstanding that even though~~ the defendant or defendants are not residents of Hennepin county ~~provided that~~; if the notice of nonpayment or dishonor ~~required by described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check or other order of payment of money~~ may commence a

conciliation court action in the county where the ~~worthless~~ *dishonored* check was issued to recover the amount of the check. This clause does not apply to a check ~~or other order for payment of money~~ that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check ~~or other order for payment of money~~ to the summons before it is issued.

Sec. 5. Minnesota Statutes 1982, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of ~~clause paragraph~~ (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of ~~clause paragraph~~ (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a ~~worthless~~ *dishonored* check as defined in section 2 issued in the county ~~within the meaning of section 609.535, notwithstanding that even though~~ the defendant or defendants are not residents of Ramsey county ~~provided that~~; if the notice of nonpayment or dishonor ~~required by described in~~ section 609.535, subdivision 3, is sent to the ~~maker or drawer~~ as specified therein and the notice states that the ~~payee~~ or holder of the check ~~or other order of payment of money~~ may commence a conciliation court action in the county where the ~~worthless~~ *dishonored* check was issued to recover the amount of the check. This clause does not apply to a check ~~or other order for the payment of money~~ that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check ~~or other order for payment of money~~ to the summons before it is issued.

Sec. 6. Minnesota Statutes 1982, section 609.535, subdivision 1, is amended to read:

Subdivision 1. [~~DEFINITION~~ DEFINITIONS.] *For the purpose of this section, the following terms have the meanings given them.*

(a) *“Check” means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.*

(b) *“Credit” means an arrangement or understanding with the drawee for the payment of the check ~~or other order for the payment of money~~ to which this section applies.*

Sec. 7. Minnesota Statutes 1982, section 609.535, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever issues ~~any a check or other order for the payment of money~~ which, at the time of issuance, he intends shall not be paid, is guilty of a ~~misdemeanor crime and is punishable as provided in subdivision 10~~. In addition, restitution may be ordered by the court.

Sec. 8. Minnesota Statutes 1982, section 609.535, subdivision 3, is amended to read:

Subd. 3. [PROOF OF INTENT.] Any of the following is evidence sufficient to sustain a finding that the person at the time he issued the check ~~or other order for the payment of money~~, intended it should not be paid:

(1) Proof that, at the time of issuance, he did not have an account with the drawee; or

(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check ~~or other order~~ within ~~five ten~~ business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check ~~or other order~~ within ~~five ten~~ business days after mailing of notice of nonpayment or dishonor as provided in this subdivision ; or

(4) Proof that, if the check was issued for the purchase of personal property, the drawer stopped payment on the check without first returning the property to the seller, unless the drawer has a colorable defense to the duty to pay for the property.

Notice of nonpayment or dishonor ~~shall must~~ be sent by the ~~payee or~~ holder of the check to the ~~maker or~~ drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed *or written* on the check. ~~Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice shall not constitute a defense that notice was not received~~ *The issuance by the drawer of a check with an address printed or written on it is a representation by the drawer that the address is the correct address for receipt of mail concerning the check. Failure of the drawer to receive a regular or certified mail notice sent to that address is not a defense to a charge of violating section 609.535, if the drawer has had actual notice for a period of ten days that the check was dishonored.*

The notice may state that unless the check is paid in full within ~~five ten~~ business days after mailing of the notice of non-payment or dishonor, the ~~payee or~~ holder of the check ~~or other order for the payment of money~~ will or may refer the matter to proper authorities for prosecution under this section.

An affidavit of service by mailing ~~shall must~~ be retained by the ~~payee or~~ holder of the check.

Sec. 9. Minnesota Statutes 1982, section 609.535, subdivision 5, is

amended to read:

Subd. 5. [EXCEPTIONS.] This section does not apply to a postdated check *unless the payee or the payee's employee who received the check did not know that it was postdated*, or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits.

Sec. 10. Minnesota Statutes 1982, section 609.535, subdivision 6, is amended to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee ~~shall~~ *is not be* liable in a civil or criminal proceeding for releasing the information specified below 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), and that 15 days have elapsed since the mailing of the notice required by ~~subdivision~~ *subdivisions 3 and 8*. This subdivision applies to 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~~ *Notices regarding nonsufficient funds, overdrafts, and the dishonor of any instrument drawn on the account within a period of six months of the date of request;*
- (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 ~~the last known home telephone numbers~~ *number* of the drawer.

The drawee shall release all of the information described in clauses (1) to (4) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee shall not impose any charge for furnishing this information to law enforcement or prosecuting authorities.

Sec. 11. Minnesota Statutes 1982, section 609.535, subdivision 7, is amended 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, which request is accompanied by a copy of the dishonored check or other order for payment of money the~~ A drawee is not liable in a civil or criminal proceeding for releasing *the information specified below to the payee or holder any of a check that has been dishonored who first makes a written request for this information and states in writing that the check has not been honored and that ten business days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor.*

The requesting holder shall notify the drawee immediately to cancel this

request if payment is made before the drawee has released this information.

This subdivision applies to 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 the date it was closed or restricted; and

(2) The last known home and business addresses and the last known home telephone numbers number of the drawer.

The drawee shall release all of the information described in clauses (1) and (2) which it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision.

Sec. 12. Minnesota Statutes 1982, section 609.535, subdivision 8, is amended to read:

Subd. 8. [NOTICE.] The provisions of subdivisions 6 and 7 are not 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 ten business days after mailing of the notice, the drawee may is required by law to release upon proper request information relating to the account to the payee or holder of the check or other order for the payment of money and to law enforcement or prosecuting authorities.

Sec. 13. Minnesota Statutes 1982, section 609.535, is amended by adding a subdivision to read:

Subd. 9. [PROOF OF IDENTITY.] *In any prosecution under this section or section 609.52, subdivision 2, clause (3)(a), the check is prima facie evidence of the identity of the drawer of a check if the person receiving the check:*

(a) records the following information about the drawer on the check, unless it is printed on its face:

(1) name,

(2) home or work address,

(3) home or work telephone number, and

(4) identification number issued pursuant to section 171.07;

(b) compares the drawer's physical appearance, signature, and the personal information recorded on the check with the drawer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Sec. 14. Minnesota Statutes 1982, section 609.535, is amended by adding a subdivision to read:

Subd. 10. [PENALTIES.] *Whoever violates subdivision 2 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 aggregate amount of the checks ex-

ceeds \$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 aggregate amount of the checks exceeds \$150 but is not more than \$2,500; or

(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, if the aggregate amount of the checks is \$150 or less.

The amount of any checks issued by the defendant in violation of subdivision 2 within any six-month period may be aggregated and the defendant charged and punished accordingly in applying the provisions of this subdivision; and when two or more violations of subdivision 2 are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed and his checks may be aggregated pursuant to this subdivision. The election to aggregate checks within any six-month period and to charge the defendant accordingly under this section does not bar any prosecution of the defendant on nonaggregated checks issued by the defendant during that same six-month period.

Sec. 15. Minnesota Statutes 1982, section 609.625, subdivision 1, is amended to read:

609.625 [AGGRAVATED FORGERY.]

Subdivision 1. [MAKING OR ALTERING WRITING OR OBJECT.] Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both:

(1) A writing or object *other than a check as defined in section 609.535, subdivision 1*, whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or

(3) A public record or an official authentication or certification of a copy thereof; or

(4) An official return or certificate entitled to be received as evidence of its contents; or

(5) A court order, judgment, decree, or process; or

(6) The records or accounts of a public body, office, or officer; or

(7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

Sec. 16. [609.636] [CHECK FORGERY.]

Subdivision 1. [CHECK FORGERY; ELEMENTS.] Whoever, with intent

to defraud, falsely makes or alters a check as defined in section 609.535, subdivision 1, so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by the authority of one who did not give such authority, is guilty of check forgery and may be sentenced as provided in subdivision 2.

Subd. 2. [PENALTIES.] Whoever violates this section is punishable as follows:

(a) if the aggregate face amount of the checks forged by the defendant is more than \$2,500, to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both; or

(b) if the aggregate face amount of the checks forged by the defendant is more than \$150 but does not exceed \$2,500, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both; or

(c) if the aggregate face amount of the checks forged by the defendant is \$150 or less, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

In any prosecution under this section, the amount of any checks falsely made or altered by the defendant in violation of subdivision 1 within any six-month period may be aggregated and the defendant charged and punished accordingly in applying the provisions of this subdivision; and when two or more violations of subdivision 1 are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed, and his checks may be aggregated pursuant to this subdivision. The election to aggregate checks within any six-month period and to charge the defendant accordingly under this section shall not bar any prosecution of the defendant on nonaggregated checks falsely made or altered by the defendant during that six-month period.

Sec. 17. [609.637] [OBTAINING SIGNATURE ON CHECK BY FALSE PRETENSE.]

Whoever, by false pretense, obtains the signature of another to a check as defined in section 609.535, subdivision 1, may be punished as though the check was a forgery under section 16.

Sec. 18. [REPEALER.]

Minnesota Statutes 1982, section 48.511, is repealed."

Amend the title as follows:

Page 1, line 13, after "subdivisions" insert "1,"

Page 1, line 16, before the period, insert "": repealing Minnesota Statutes 1982, section 48.511"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 416: A bill for an act relating to certain towns in Goodhue

County; authorizing the town board to set the hours the polling places will be open in town elections.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 530: A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 472: A bill for an act relating to local government; authorizing sewer and water commissions to obtain accountant services; amending Minnesota Statutes 1982, section 116A.24, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 150: A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, delete "*There shall be a*"

Page 2, delete lines 9 to 11

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 151: A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

Reports the same back with the recommendation that the bill be referred to the Committee on Judiciary without recommendation. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 280: A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [13A.01] [DEFINITIONS.]

For the purpose of this chapter, the following terms have the meanings given them.

Subdivision 1. [FINANCIAL INSTITUTION.] “Financial institution” means any office of a bank, savings bank, industrial loan company, trust company, savings and loan, building and loan, credit union, or consumer finance institution, located in the state.

Subd. 2. [FINANCIAL RECORD.] “Financial record” means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer’s relationship with the financial institution.

Subd. 3. [GOVERNMENT AUTHORITY.] “Government authority” means any agency or department of the state or a local unit of government, or any officer, employee, or agent of it.

Subd. 4. [CUSTOMER.] “Customer” means any natural person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person’s name.

Subd. 5. [LAW ENFORCEMENT INQUIRY.] “Law enforcement inquiry” means a lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any rule or order issued pursuant to it.

Sec. 2. [13A.02] [ACCESS TO FINANCIAL RECORDS BY GOVERNMENT AUTHORITIES PROHIBITED.]

Subdivision 1. [ACCESS BY GOVERNMENT.] Except as authorized by this chapter, no government authority may have access to, or obtain copies of, or the information contained in, the financial records of any customer from a financial institution unless the financial records are reasonably described and:

- (1) The customer has authorized the disclosure;*
- (2) The financial records are disclosed in response to a search warrant;*
- (3) The financial records are disclosed in response to a judicial or administrative subpoena; or*
- (4) The financial records are disclosed pursuant to section 609.535 or other statute or rule.*

Subd. 2. [RELEASE PROHIBITED.] No financial institution, or officer, employee, or agent of a financial institution, may provide to any government

authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.535, subdivision 6, or other statute or rule, served on or delivered to a financial institution shows compliance on its face.

Subd. 3. [NOTICE TO CUSTOMER.] Within 180 days after a government authority obtains access to the financial records of a customer pursuant to a search warrant or a judicial or administrative subpoena, it shall notify the customer of its action unless a delay of notice is obtained pursuant to section 3. The notice shall be sufficient to inform the customer of the name of the government authority or government authorities having had access to the records, the financial records to which access was obtained, and the purpose of the law enforcement inquiry, including transfers of financial records made pursuant to subdivision 5. Notice may be given by providing the customer with a copy of the search warrant or subpoena.

Subd. 4. [DUTY OF FINANCIAL INSTITUTIONS.] Upon receipt of a request for financial records made by a government authority, the financial institution shall, unless otherwise provided by law, proceed to assemble the records requested within a reasonable time and be prepared to deliver the records to the government authority upon receipt of the search warrant or subpoena required under this section.

Subd. 5. [USE OF INFORMATION.] Financial records originally obtained pursuant to this chapter may be transferred to another government authority provided the transferred records are pertinent and necessary to the receiving authority in initiating, furthering, or completing a law enforcement inquiry.

When financial records subject to this chapter are transferred to another government authority, the transferring authority shall include the name of the receiving authority and the financial records transferred in the notice required by subdivision 3 of this section or, if the transfer occurs after the notice has been sent to the customer, the transferring authority shall, upon written request by the customer, inform the customer of the name of the government authority to which the financial records were transferred.

Subd. 6. [STATUS OF RECORDS.] All financial records obtained by a government authority pursuant to this section are subject to the provisions of section 13.82, subdivision 5.

Sec. 3. [13A.03] [DELAYED NOTICE.]

Subdivision 1. [APPLICATION.] Upon application of the government authority, a customer notice pursuant to section 2, subdivision 3, may be delayed by order of an appropriate court if the judge finds that:

(1) The law enforcement inquiry being conducted is within the lawful jurisdiction of the government authority seeking the financial records;

(2) There is reason to believe that the records being sought are relevant to

a legitimate law enforcement inquiry; and

(3) There is reason to believe that the notice will result in (i) endangering life or physical safety of any person; (ii) flight from prosecution; (iii) destruction of or tampering with evidence; (iv) intimidation of potential witnesses; or (v) otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding.

An application for delay must be made with reasonable specificity.

Subd. 2. [ORDER.] If the court makes the findings required in subdivision 1, it shall enter an ex parte order granting the requested delay for a period not to exceed 180 days and an order prohibiting the financial institution from disclosing that records have been obtained. If the court finds that there is reason to believe that the notice may endanger the life or physical safety of any person, the court may specify that the delay be indefinite.

Extensions of the delay of notice of up to 90 days each may be granted by the court upon application.

Subd. 3. [NOTICE.] Upon expiration of the period of delay of notification under this section, the customer shall be served with a copy of the notice required by section 2, subdivision 3.

Sec. 4. [13A.04] [EXCEPTIONS.]

Subdivision 1. [STATUTORY VIOLATIONS.] Nothing in this chapter precludes any financial institution, or any officer, employee, or agent of a financial institution, from notifying a government authority that the institution, or officer, employee, or agent has information which may be relevant to a possible violation of any statute or rule and providing access to financial records relevant to the possible violation.

Subd. 2. [RELEASE INCIDENT TO ANOTHER PROCEEDING.] Nothing in this chapter precludes a financial institution, as an incident to perfecting a security interest, proving a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary, from providing copies of any financial record to any court or government authority.

Subd. 3. [GOVERNMENT ASSISTANCE PROGRAMS.] Nothing in this chapter precludes a financial institution, as an incident to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement, or as an incident to processing a default on, or administering a government guaranteed or insured loan, from providing access to an appropriate government authority with any financial record necessary to permit the authority to carry out its responsibilities under a loan, loan guaranty, or loan insurance agreement.

Whenever a customer applies for participation in a government loan, loan guaranty, or loan insurance program, the government authority administering the program shall give the customer written notice of the authority's access rights under this subdivision. No further notification shall be required for subsequent access by that authority during the term of the loan, loan guaranty, or loan insurance agreement.

Financial records obtained pursuant to this subdivision may be used only

for the purpose for which they were originally obtained.

Subd. 4. [OTHER EXCEPTIONS.] Nothing in this chapter:

(a) Prohibits the disclosure of any financial records or information which is not identified with or identifiable as being derived from the financial records of a particular customer;

(b) Prohibits examination by or disclosure to the commissioner of banks of financial records or information in the exercise of his supervisory, regulatory, or monetary functions with respect to a financial institution;

(c) Shall apply when financial records are sought by a government authority under the rules of civil or criminal procedure in connection with litigation to which the government authority and the customer are parties;

(d) Shall apply when financial records are sought by a government authority in connection with a lawful proceeding, investigation, examination, or inspection directed at the financial institution in possession of the records or at a legal entity which is not a customer;

(e) Shall apply to any subpoena or court order issued in connection with proceedings before a grand jury;

(f) Shall apply to subpoenas issued in civil cases pursuant to the rules of civil procedure; or

(g) Shall apply when a government authority is seeking only the name, address, account number, and type of account of any customer or ascertainable group of customers associated with a financial transaction or class of financial transaction.

Sec. 5. [EFFECTIVE DATE.]

This act is effective January 1, 1984."

Amend the title as follows:

Page 1, line 5, delete "13B" and insert "13A"

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 for proper reference under Rule 35:

S.F. Nos. 430, 753 and 772, reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 430 to the Committee on Finance.

S.F. No. 753 to the Committee on Taxes and Tax Laws.

S.F. No. 772 to the Committee on Agriculture and Natural Resources.

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. 92: A bill for an act relating to towns; requiring other government

units to give notice to towns of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 365.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for March 21, 1983, be adopted; that committee recommendation being

“the bill be amended and when so amended the bill do pass.” Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 388: A bill for an act relating to education; establishing a board of directors for two year post-secondary education; 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 board of directors of two year post-secondary education; appropriating money; proposing new law coded as Minnesota Statutes, chapter 136B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [INTENTION OF THE LEGISLATURE.]

It is the intention of the legislature to create a state board of vocational-technical education to govern post-secondary and adult vocational education.

Further, it is the intention of the legislature that secondary vocational education be governed by the state board of education as an essential and integral part of the secondary instructional program.

Further, it is the intention of the legislature that the state board of education and the state board of vocational-technical education conduct their affairs cooperatively to continue the coordination of secondary vocational education with post-secondary and adult vocational education.

Further, it is the intention of the legislature, with respect to post-secondary and adult vocational education, that the present balance of powers, duties, and functions between school boards and the state be retained except as provided in this act.

Further, it is the intention of the legislature to allow for flexibility and the opportunity for participation by affected parties during the time preceding the assumption of governing responsibilities.

Finally, it is the intention of the legislature that the state board of vocational-technical education commence its proceedings with due deliberation, demonstrating concern for existing successful programs, concern for present diverse programs, needs, and methods of delivery, and thoughtful consideration of the complexities of governing and coordinating the affected parties and programs.

Sec. 2. [136B.01] [ESTABLISHMENT.]

A state board of vocational-technical education is established to govern

post-secondary and adult vocational education.

Sec. 3. [136B.05] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of this chapter, the following terms have the meanings given them.

Subd. 2. [CHANCELLOR.] "Chancellor" means the chancellor of vocational-technical education.

Subd. 3. [INTERMEDIATE DISTRICT.] "Intermediate district" means a district with a cooperative program which has been established under Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as amended; and Laws 1969, chapter 1060, as amended, offering integrated services for secondary, post-secondary, and adult pupils in the areas of vocational, special education, and other services for low incidence populations authorized by the school board.

Subd. 4. [INSTRUCTIONAL PROGRAM.] "Instructional program" means post-secondary and adult vocational education.

Subd. 5. [SCHOOL BOARD.] "School board" means the school board of a district and, in the case of an intermediate district, the board of the intermediate district.

Subd. 6. [DISTRICT.] "District" means a school district providing post-secondary or adult vocational education or an intermediate district.

Subd. 7. [STATE BOARD.] "State board" means the state board of vocational-technical education.

Sec. 4. [136B.10] [SOLE STATE AGENCY.]

For the purposes of requesting and receiving state and federal vocational moneys and for carrying out state coordination as provided by state and federal statutes, the state board is designated the sole state agency for vocational education. The state board shall transfer moneys to be used for secondary vocational education to the state board of education in accordance with memorandums of cooperation, as agreed upon by both state boards.

Sec. 5. [136B.15] [STATE BOARD MEMBERSHIP.]

Subdivision 1. [COMPOSITION AND SELECTION.] The state board shall consist of 11 members, one from each congressional district and three members to represent the state at large. The members shall be appointed by the governor with the advice and consent of the senate. Ten members shall be selected for their knowledge of and interest in vocational-technical education, and one shall be a full-time student enrolled in an area vocational-technical institute or so enrolled within one year before appointment to the state board. Except for the student member, no member while serving on the state board may be an employee of or receiving compensation from a public or private institution providing post-secondary or adult vocational education.

Subd. 2. [TERMS.] The membership terms, compensation, removal of members, and filling of vacancies on the state board shall be as provided in section 15.0575, except that the terms of the student member shall be two years.

Subd. 3. [ADMINISTRATION.] The state board shall elect a president and other officers as it may desire. It shall determine its meeting dates and places. The commissioner of administration shall provide the state board with appropriate offices.

Sec. 6. [FIRST STATE BOARD.]

Subdivision 1. [APPOINTMENT AND TERMS.] Members of the state board shall be appointed by July 1, 1983, and shall assume full responsibility for governance on July 1, 1984. The terms of the members of the first state board shall be as follows: the terms of two members shall end on the first Monday in January, 1988; the terms of three members shall end on the first Monday in January, 1987; the terms of three members shall end on the first Monday in January, 1986; and the terms of three members shall end on the first Monday in January, 1985.

Subd. 2. [DEVELOPMENT OF PROCEDURES AND REPORT.] The state board shall develop initial procedures to assume governance with the advice and consultation of the state board for vocational education, appropriate state agencies, school boards, and other affected parties. The procedures shall include at least: proposed revisions in the process for budgeting and allocating moneys, proposals for transfer of state employees and related employment matters, and proposals for statutory and rule changes. The state board shall report to the legislature its findings and recommendations by January 1, 1984.

Subd. 3. [CHANCELLOR.] The state board may commence proceedings to appoint a chancellor. Candidates invited by the state board for interview may be reimbursed for travel and subsistence expenses in the same manner and amounts as state employees. The chancellor may be appointed at the time determined by the state board.

Subd. 4. [STAFF.] The state board may employ necessary staff to carry out its duties under subdivision 2. On request of the state board the department of education may temporarily assign any of its employees to assist the state board.

Sec. 7. [136B.15] [POWERS AND DUTIES OF THE STATE BOARD.]

Subdivision 1. [GENERAL.] The state board shall have the powers and duties enumerated in this section.

Subd. 2. [APPOINTMENT OF CHANCELLOR AND PERSONNEL.] The state board shall appoint a chancellor of vocational-technical education who shall serve in the unclassified service. The chancellor shall be qualified by training and experience in the field of education, vocational education, or administration. The chancellor shall possess powers and perform duties as delegated by the state board. The state board shall set the salary of the chancellor subject to the provisions of section 15A.081.

Subd. 3. [EMPLOYEES.] The state board shall appoint officers and employees necessary to carry out its duties. Senior officers and other professional employees shall serve in the unclassified service at the pleasure of the chancellor. All other employees shall be in the classified service. The state board shall organize its employees in a manner it deems proper with personnel policies in compliance with chapter 43A. These policies shall include

salary plans for personnel who are not subject to negotiated salary agreements.

Subd. 4. [BARGAINING REPRESENTATIVE.] The chancellor or the chancellor's representative shall consult with the commissioner of employee relations. The commissioner shall represent the state in employment contract negotiations with the bargaining representatives of the employees, pursuant to the provisions of chapter 43A and sections 179.61 to 179.76.

Subd. 5. [BUDGET REVIEW.] The state board shall prepare and submit a biennial budget request to the governor.

Subd. 6. [PLANNING.] The state board shall develop a long-range plan for the instructional program, facilities, and use of resources, specifying goals and objectives. The plan shall be developed with the advice of appropriate state agencies, school boards, and other affected parties. The state board shall review this plan biennially to evaluate its success in meeting these goals and objectives.

Subd. 7. [ACCOUNTING AND REPORTING STANDARDS.] The state board shall maintain the uniform financial accounting and reporting system according to the provisions of sections 121.90 to 121.917.

Subd. 8. [ATTENDANCE AND COMPLETION.] The state board shall prescribe conditions of admission, tuition, fees, and other related matters. The state board shall prescribe requirements for completion of programs and approve the awarding of appropriate certificates or associate degrees consistent with the provisions of section 121.218.

Subd. 9. [CONTRACTS; COOPERATIVE AGREEMENTS.] The state board may enter into contracts or cooperative agreements with the state board of education, higher education governing boards, educational institutions, or appropriate state agencies.

Subd. 10. [ALLOCATION.] The state board shall allocate state and federal post-secondary and adult vocational education moneys.

Subd. 11. [LICENSURE.] The state board may promulgate rules, according to the provisions of chapter 14, for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education. Licenses shall be issued through the board of teaching.

Subd. 12. [SHORT TERM PROGRAMS.] The state board may approve a short term program as an economic development initiative that will not become a permanent part of the instructional program. The short term program shall have an approved program length of not more than two years and be operated for a specified duration.

Subd. 13. [PROGRAMS.] The state board shall approve, disapprove, and coordinate programs. After consultation with affected school boards, the state board may add, eliminate, transfer, or change programs as it determines advisable. The state board shall consider the integrated services of secondary, post-secondary and adult vocational education when it reviews intermediate district programs.

In the case of intermediate districts, the state board shall apply the following criteria when adding, eliminating, transferring, or changing programs:

(a) the school board shall be allowed to continue offering integrated secondary, post-secondary, and adult programs; and (b) the school board may determine the use of facilities and equipment for secondary, post-secondary, adult, and special education programs and educational services for low incidence populations.

Subd. 14. [DISCONTINUE.] The state board, after consultation with the affected school board, may require the school board to discontinue operation of an area vocational-technical institute.

Subd. 15. [REORGANIZATION.] The state board, after consultation with the affected school boards, may merge or reorganize institutes or establish regional service areas for the purpose of increased efficiency, use of personnel, placement of programs, student access, and other needs as determined by the board.

Subd. 16. [PUBLIC HEARINGS.] The state board shall conduct public hearings in matters of allocation of money, and closing, merging, or reorganizing institutions. Notice shall be given to affected persons in the manner determined appropriate by the state board. All affected persons shall be given the opportunity to be heard, but the state board may impose reasonable restrictions on time. The state board shall take final action at a regular or special meeting at least seven days after the public hearing.

Subd. 17. [TIMING OF ACTIONS.] The state board may consider the provisions of sections 125.12, subdivision 4, and 125.17, subdivision 3, when it takes actions under subdivisions 13, 14, and 15.

Subd. 18. [COOPERATION FOR VOCATIONAL PROGRAM.] The state board of education shall cooperate with the state board of vocational-technical education to promote establishment of policies and methods to improve the quality and efficiency of all vocational programs in the state.

Subd. 19. [RESIDUAL POWERS.] The state board shall have any additional powers and duties necessary and incident to the management, jurisdiction, and control of post-secondary and adult vocational education.

Sec. 8. [136B.20] [POWERS AND DUTIES OF THE SCHOOL BOARD.]

Subdivision 1. [PERSONNEL.] A school board shall employ licensed teachers, support personnel, and supervisory personnel for its instructional program. The director shall be appointed by the school board.

Subd. 2. [FINANCE.] The school board shall prepare and submit budgets as required by the state board. The school board shall approve all expenditures.

Subd. 3. [PROGRAMS.] The school board shall operate and maintain the instructional program, subject to the provisions of section 7. The school board may assess area employment needs and recommend short term programs and revisions of the instructional program to the state board.

Subd. 4. [FACILITIES AND EQUIPMENT.] The school board shall operate and maintain all facilities and equipment and shall employ personnel to do so.

Sec. 9. [EFFECT OF TRANSFER.]

Subdivision 1. [BOARD TRANSFER.] The state board for vocational ed-

ucation is abolished on June 30, 1984. The powers, duties, and functions of the state board for vocational education are transferred to the state board of vocational-technical education, as established in section 2.

Subd. 2. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of powers, duties, and functions shall not affect any action or proceeding, whether administrative, civil, or criminal, pending at the time of the transfer. The action shall be continued in the name of the state board of vocational-technical education which, upon application to the appropriate court, shall be substituted as a party to the action or proceeding.

Subd. 3. [TRANSFER OF CERTAIN PERSONAL PROPERTY.] All books, maps, plans, papers, records, contracts, documents, and personal property of every description related to post-secondary and adult vocational education in the possession or control of the state board for vocational education and the state board of education shall be transferred to the state board of vocational-technical education. The transfer shall be made in accordance with the directions of the state board of vocational-technical education.

Subd. 4. [NO TRANSFER OF REAL PROPERTY.] The rights to possession, ownership, and title of real property related to area vocational-technical institutes shall not be modified, altered, or changed in any way by virtue of the transfer effectuated by this act.

Subd. 5. [NO TRANSFER OF CERTAIN PERSONAL PROPERTY.] The rights of school boards, as defined in section 3, subdivision 5, to possession, ownership, and title of personal property at the time of transfer shall not be modified, altered, or changed in any way by virtue of the transfer effectuated by this act. The rights of the state of Minnesota to possession, ownership, and title of personal property at the time of transfer shall not be modified, altered, or changed in any way by virtue of the transfer effectuated by this act.

Subd. 6. [TRANSFER OF MONEYS.] All moneys appropriated to the state board for vocational education for post-secondary and adult vocational education, which are unencumbered and unexpended on June 30, 1984, shall be transferred and reappropriated to the state board of vocational-technical education.

Subd. 7. [CONSTRUCTION OF STATUTES, CONTRACTS, AND DOCUMENTS.] Whenever the state board for vocational education or its officers is referred to or designated in a statute, contract, or document, the reference or designation shall be construed to mean the state board of vocational-technical education or its officers.

Subd. 8. [TRANSFER OF RULES.] Rules of the state board of education relating to post-secondary and adult vocational education shall remain in full force and effect until amended, repealed, or suspended by the state board of vocational-technical education. Rules governing licensure of secondary vocational education teachers, support personnel, and supervisory personnel shall not be affected by virtue of the transfer effectuated by this act.

Sec. 10. [PLAN FOR COOPERATION.]

Subdivision 1. [PLAN.] For increased financial efficiency and effectiveness in serving their community and in responding to changing enrollment

needs, each area vocational-technical institute and community college located in the same community shall jointly develop a plan for cooperation. The institutions included are those located in Thief River Falls, Hibbing, Brainerd, Willmar, Rochester, Austin, White Bear Lake, Minneapolis, Anoka County, Hennepin County, Dakota County, and Eveleth and the Mesabi community college.

Subd. 2. [CONTENTS OF PLAN.] Each plan shall propose a strategy for sharing of facilities, personnel, and resources. These strategies may include campus mergers, reorganizations, discontinuance of programs, changes in governance, and other such methods. Each plan shall identify estimated savings and the manner in which the savings will be achieved. Each plan shall include a proposal for the use of 50 percent of the estimated savings, pursuant to subdivision 3.

Subd. 3. [SUBMISSION OF PLANS TO BOARDS.] Each plan shall be submitted to the state board for community colleges and the state board of vocational-technical education by October 1, 1983. Each state board shall review each plan and approve or disapprove it. A disapproved plan shall be returned to the institutions where it shall be modified and resubmitted to the state boards. Following the approval of the state boards, the institutions shall be permitted to retain 50 percent of their demonstrated savings.

Subd. 4. [REVIEW AND COMMENT.] By December 1, 1983, each state board shall submit all approved plans to the higher education coordinating board for review and comment. Each state board and the higher education coordinating board shall report on the plans to the legislature by January 1, 1984.

Sec. 11. [REPEALER.]

Minnesota Statutes 1982, sections 121.11, subdivision 1; and 124.53 are repealed.

Sec. 12. [APPROPRIATION.]

The sum of \$150,000 is appropriated from the general fund to the state board of vocational-technical education for the purpose of implementing the provisions of this act and shall be available for the fiscal year ending June 30, 1984.

Sec. 13. [EFFECTIVE DATE.]

Sections 1, 6, 10, and 12 are effective the day following final enactment. Sections 2, 3, 4, 5, 7, 8, 9, and 11 are effective July 1, 1984."

Delete the title and insert:

"A bill for an act relating to education; establishing a state board of vocational-technical education to govern post-secondary and adult vocational education; establishing the powers and duties of the state board of vocational-technical education; clarifying the powers and duties of school boards; abolishing the state board for vocational education; clarifying certain matters related to the transfer of powers; requiring a plan for cooperation between certain community colleges and area vocational-technical institutes; appropriating money; proposing new law coded in Minnesota Statutes, chapter 136B; repealing Minnesota Statutes 1982, sections

121.11, subdivision 1; and 124.53.”

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 249: A bill for an act relating to education; authorizing Independent School District No. 206, Alexandria, to construct an addition to its area vocational-technical institute subject to certain conditions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete “*cost of*”

Page 1, line 18, delete “*shall*” and insert “*does*”

Page 1, line 18, delete “*total*”

Page 2, line 2, delete “*According*” and insert “*Pursuant*”

Page 2, line 3, delete “*1, clause (a)*” and insert “*2*”

Page 2, line 3, delete “*the day*”

Page 2, delete line 4 and insert “*upon approval by the school board of Independent School District No. 206, Alexandria.*”

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. 403: A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 2, 4, 5, and by adding subdivisions; 41.57, subdivisions 2 and 3; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; 41.61, subdivision 1; 48.19, by adding a subdivision; and 287.04; proposing new law coded in Minnesota Statutes, chapter 15.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 2, line 16, strike “*promulgate*” and insert “*adopt*”

Page 3, line 17, reinstate the stricken language and delete the new language

Page 3, delete section 7

Page 5, line 24, after the period, insert “*The commissioner may contract for the services of a licensed real estate agent or broker to assist in selling any property acquired under this section and may pay for the services from the proceeds of the sale before proceeds are distributed under section 8.*”

Page 6, after line 36, insert:

“Sec. 10. Minnesota Statutes 1982, section 41.56, is amended by adding a subdivision to read:

Subd. 7. [INSURANCE.] The commissioner may insure the state against loss to farm properties acquired under this section by fire, lightning, wind-storm, tornado, flood, or hail, using any insurance company licensed to do business in Minnesota. The insurance may be in an amount the commissioner determines and the commissioner may pay the premiums from the special account created in section 41.61, subdivision 1.”

Pages 7 and 8, delete section 13 and insert:

“Sec. 12. Minnesota Statutes 1982, section 41.57, is amended by adding a subdivision to read:

Subd. 2a. [FARM MANAGEMENT PROGRAM TUITION.] The commissioner may provide assistance in the payment of tuition and fees in any adult farm management education program which qualifies for aid under section 124.572. Assistance may be provided to any participant who is eligible to receive a payment adjustment under subdivision 2 and shall be limited to \$300 per calendar year for any participant. The participant shall reimburse the commissioner for the sums paid on the participant’s behalf under this subdivision at the same time and in the same manner as the payment adjustment is reimbursed.”

Page 10, line 10, after “purchase” insert “, at a mortgage foreclosure sale,”

Page 10, line 10, delete “at mortgage”

Page 10, line 11, delete “foreclosure sales” and insert “on property with respect to which the commissioner holds a junior lien”

Page 10, delete sections 19 and 20 and insert:

“Sec. 18. Minnesota Statutes 1982, section 15.38, is amended by adding a subdivision to read:

Subd. 5. [FAMILY FARM SECURITY PROGRAM.] The commissioner of agriculture may purchase insurance as authorized in section 41.56, subdivision 7.

Sec. 19. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 4, after “sections” insert “15.38, by adding a subdivision;”

Page 1, line 6, delete “2,”

Page 1, line 7, delete “subdivisions 2 and 3” and insert “subdivision 2, and by adding a subdivision”

Page 1, line 8, after the second semicolon, insert “and”

Page 1, line 9, delete everything after “1” and insert a period

Page 1, delete lines 10 and 11

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 298: A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 630: A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes, sections 508.41; 508.42; 508A.41; and 508A.42.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 11 and 20, strike "thereof" and insert "*of it*"

Page 3, lines 15 and 23, strike "such" and insert "*the*"

Page 3, lines 19 and 30, strike "the same" and insert "*it*"

Page 3, line 25, strike "wherein" and insert "*in which*"

Page 3, line 34, strike "thereby" and insert "*by it*"

Page 3, line 36, strike "the"

Page 4, line 1, strike "same" and insert "*it*"

Page 4, line 1, strike the first "the" and insert "*its*" and strike "thereof"

Page 4, line 1, strike ", and" and insert a period

Page 4, line 2, strike "thus"

Page 4, line 4, strike "therein" in both places and insert "*in it*" in both places and strike "Such" and insert "*The*"

Page 4, line 22, after "2." insert "[JURISDICTION.]" and strike "as herein"

Page 4, line 23, strike "provided," and strike everything after "court" and insert "*acquires*"

Page 4, line 27, strike "the same" and insert "*it*"

Page 4, line 33, delete ``*as herein*''

Page 4, line 34, delete ``*provided.*''

Page 5, line 11, strike the last ``the'' and insert ``*its*''

Page 5, line 12, strike ``thereof''

Page 5, lines 14 and 29, strike ``therein'' and insert ``*in it*''

Page 5, line 14, strike ``thereto'' and insert ``*to it*''

Page 5, line 22, strike the comma and strike ``and such'' and insert ``*The*''

Page 5, line 24, strike ``thereby'' and insert ``*by it*''

Page 5, line 30, strike ``in''

Page 5, line 31, strike ``like manner as if such'' and insert ``*as though the*''

Page 5, line 35, after ``*Ia.*'' insert ``[JUDICIAL DETERMINATION OF BOUNDARIES.]''

Page 6, line 18, after ``2.'' insert ``[PETITION; NONMETROPOLITAN COUNTIES.]''

Page 6, line 21, after ``for'' insert ``*its*'' and strike ``of the same'' and strike ``*, which*'' and insert ``*The*''

Page 6, lines 22, 27, 28, 30, and 34, strike ``such'' and insert ``*the*''

Page 6, line 25, strike ``*, which*'' and insert ``*The*''

Page 7, lines 6, 7, and 18, strike ``such'' and insert ``*the*''

Page 7, line 10, strike ``thereupon shall''

Page 7, lines 17 and 22, strike ``the same'' and insert ``*it*''

Page 7, line 32, strike ``Such'' and insert ``*The*''

Page 8, lines 13 and 17, strike ``thereof'' and insert ``*of it*''

Page 10, lines 3 and 18, strike ``thereof'' and insert ``*of it*''

Page 10, line 7, strike ``therein'' and insert ``*in it*''

Page 11, line 20, strike ``said'' and insert ``*the*''

Page 11, line 22, strike ``the'' and insert ``*its*'' and strike ``thereof''

Page 12, lines 11 and 15, strike ``thereof'' and insert ``*of it*''

Page 12, lines 14, 18, and 26, strike ``such'' and insert ``*the*''

Page 12, line 31, delete ``*such*'' and insert ``*the*''

Page 13, line 8, strike the second ``the'' and insert ``*its*''

Page 13, line 9, strike ``of same''

Page 13, line 25, strike ``the same'' and insert ``*they*''

Page 13, line 25, strike ``thereto'' and insert ``*to them*''

Page 13, lines 32 and 33, strike ``such'' and insert ``*the*''

Page 13, line 36, strike "the" and insert "its" and strike "thereof"

Page 14, line 3, strike "thereof" and insert "of it"

Page 14, line 15, strike "in all cases"

Page 14, line 19, delete ", and" and insert a period

Page 14, line 31, delete "thereof" and insert "of it"

Page 15, line 12, delete "like" and insert "the" and delete "as herein"

Page 15, line 19, delete "such" and insert "the"

Page 15, line 30, after "order" insert a comma

Page 16, line 9, after "1." insert "[ALTERATIONS.]"

Page 16, line 11, strike "thereon" and insert "on it"

Page 16, line 13, delete "except"

Page 16, line 15, after "2." insert "[COURT ORDER.]"

Page 16, line 17, after "that" insert "(1)"

Page 16, line 19, strike "or that" and insert "(2)"

Page 16, line 20, strike "or that" and insert "(3)"

Page 16, line 22, strike "or that" and insert "(4)"

Page 16, line 23, strike "or that" and insert "(5)"

Page 16, line 25, strike "or that" and insert "(6)"

Page 16, line 27, strike "the same" and insert "it" and after "or" insert "(7)."

Page 17, lines 1 and 20, strike "such" and insert "the"

Page 17, line 2, strike "; but" and insert a period

Page 17, line 13, after "3." insert "[DIRECTIVE BY EXAMINER.]"

Page 17, line 14, after "interest" insert a comma

Page 17, line 21, after "4." insert "[REGISTRATION OF MEMORIALS.]"

Page 17, line 22, after "examiner" insert a comma

Page 17, line 24, strike the semicolon and insert a colon

Page 17, line 33, after the comma, insert "and a"

Page 18, line 1, strike "said" and insert "the" and strike "; and" and insert a period

Page 18, lines 2, 13, 21, and 23, strike "such" and insert "the"

Page 18, line 2, after "certificates" insert a comma

Page 18, line 4, after "5." insert "[SURVIVORSHIP.]"

Page 18, line 17, after "6." insert "[RECORDED INSTRUMENTS.]"

Page 18, line 35, strike "thereof" and insert "of it"

Page 19, lines 1 and 5, strike "therewith" and insert "with it"

Page 19, line 21, strike "thereof" and insert "of it"

Page 20, lines 3 and 8, delete "thereto" and insert "to it"

Page 27, line 5, delete "such" and insert "the"

Page 28, line 8, delete "said" and insert "the"

Page 28, line 20, delete ", and" and insert a period

Page 31, line 32, delete "thereof" and insert "of it"

Page 32, lines 14, 20, and 22, delete "thereto" and insert "to it"

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. 276: A bill for an act relating to motor vehicles; increasing the time allowed to complete certain activities involving motor vehicle transfers to 21 days; amending Minnesota Statutes 1982, sections 168.092, subdivision 1; 168.101, subdivision 2; 168.15; 168.30; 168.31, subdivision 3; and 168A.30, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 5, delete sections 2 to 6

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete "vehicle transfers" and insert "for the validity of temporary registration permits"

Page 1, line 5, delete "sections" and insert "section" and delete the semicolon and insert a period

Page 1, delete lines 6 and 7

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. 673: A bill for an act relating to motor vehicles; abolishing vehicle weight limitation for handicapped persons to obtain special plates; amending Minnesota Statutes 1982, section 168.021, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, reinstate the stricken "with a"

Page 1, line 13, after the stricken "9,000" insert "manufacturer's rated capacity of 2,000" and reinstate the stricken "pounds or less" and insert "

or a self-propelled recreational vehicle.”

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete “limitation” and insert “providing”

Page 1, line 4, before the semicolon insert “for recreational vehicles”

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 highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section 169.71, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 654: A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete “*plan to consider*” and insert “*study of*”

Page 1, line 17, delete “*plan*” and insert “*study*” and delete “*political*” and insert “*intergovernmental*”

Page 1, line 18, delete “*to include*” and insert “*including*”

Page 1, line 23, delete “*transfer*” and insert “*merger*”

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 669: A bill for an act relating to public welfare; authorizing a prospective payment system for inpatient hospital service under the medical assistance and general assistance medical care programs; establishing an appeals board; defining “emergency services” for purposes of medical assistance outpatient services; amending Minnesota Statutes 1982, section 256B.02, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, lines 14 and 15, delete "*The legislature directs*"

Page 1, line 15, delete "*to*" and insert "*shall*"

Page 2, line 23, delete "*supercedes*" and insert "*supersedes*"

Page 2, line 36, delete "*shall be*" and insert "*are*"

Page 3, line 2, after "*except*" insert "*initial triage,*" and before "*and*" insert a comma

Page 6, after line 1, insert:

"Sec. 3. [DEMONSTRATION PROJECT WAIVER.]

Each hospital that participates as a provider in a demonstration project, established by the commissioner of public welfare to deliver medical assistance services on a prepaid, capitation basis, is exempt from the prospective payment system established under sections 1 and 2 during the period of its participation in that project.

Sec. 4. [STUDY; REPORT.]

The commissioner of public welfare shall study the feasibility of paying for inpatient hospital service on a rate per specific episode basis, with adjustment for level of acuteness. The commissioner shall consider whether using diagnostically related groups or another method is most appropriate. The commissioner shall report to the legislature no later than January 15, 1984, with recommendations on how and when to implement this payment system and with proposals for any necessary legislation.

Sec. 5. [APPLICATION; MAXIMUM RATE INCREASE.]

The prospective payment system developed under sections 1 to 4 shall be applied, beginning July 1, 1983, to hospitals with a fiscal year beginning on that date. Each remaining hospital shall continue to be paid on a cost per case basis, limited to a maximum increase of eight percent per state fiscal year, until the first date of its first full fiscal year that begins after July 1, 1983; on and after that date it shall be paid through the prospective payment system.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 7, after "*services;*" insert "*providing an exemption from the prospective payment system for participants in demonstration project; requiring a report to the legislature;*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 723: A bill for an act relating to public welfare; providing guide-

lines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and record-keeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 257.01, is amended to read:

257.01 [RECORDS REQUIRED.]

Each person or authorized child placing agency permitted by law to receive children, secure homes for children, or care for children, shall keep a record containing the name, age, and former residence, legal status, health records, sex, race, and accumulated length of time in foster care, if applicable, of each child received; the name, former residence, occupation, health history, and character, of each genetic parent; the date of reception, placing out, and adoption of each child, and the name, race, occupation, and residence of the person with whom a child is placed; the date of the removal of any child to another home and the ~~cause thereof~~ reason for removal; the date of termination of the guardianship; the history of each child until he reaches the age of 18 years, is legally adopted, or is discharged according to law; and ~~such~~ further demographic and other information as is required by the commissioner of public welfare.

Sec. 2. [257.0701] [AUTHORIZED CHILD PLACING AGENCY DEFINITION.]

For the purposes of chapters 257 and 259, “authorized child placing agency” means the local social service agency under the authority of the county welfare board or human service board, or any agency licensed by the commissioner of public welfare or a comparable authority in the state or United States, to place children for foster care or adoption.

Sec. 3. Minnesota Statutes 1982, section 257.071, is amended by adding a subdivision to read:

Subd. 1a. [PROTECTION OF HERITAGE OR BACKGROUND.] The authorized child placing agency shall ensure that the child's best interests are met by giving due consideration of the child's race or ethnic heritage in making a family foster care placement. The authorized child placing agency shall place a child, released by court order or by voluntary release by the parent or parents, in a family foster home selected by following the preferences described in section 260.181, subdivision 3.

Sec. 4. Minnesota Statutes 1982, section 257.071, subdivision 2, is amended to read:

~~Subd. 2. [SIX MONTH REVIEW OF VOLUNTARY PLACEMENTS.] If the child has been placed in a residential facility pursuant to a voluntary release by his parent or parents, There shall be an administrative review of the case~~

plan shall be subject to an administrative review of each child placed in a residential facility no later than 180 days after the initial placement of the child in a residential facility and at least every six months thereafter if the child is not returned to the home of his parent or parents within that time. 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 the applicable six months and is not in lieu of the requirements contained in subdivision 3 or 4.

Sec. 5. Minnesota Statutes 1982, section 257.071, is amended by adding a subdivision to read:

Subd. 6. [ANNUAL FOSTER CARE REPORT.] The commissioner of public welfare shall publish annually a report on children in residential facilities as defined in subdivision 1. The report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in foster care, and other demographic information deemed appropriate on all children placed in residential facilities. The report shall also state the extent to which authorized child placing agencies comply with sections 6 and 11 and include descriptions of the methods used to comply with those sections.

Sec. 6. [257.072] [RECRUITMENT OF FOSTER FAMILIES.]

Each authorized child placing agency shall make special efforts to recruit a foster family from among the child's relatives, except as authorized in section 260.181, subdivision 3, and among families of the same minority racial or minority ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services and other contributions to use in making special recruitment efforts.

Sec. 7. [259.255] [PROTECTION OF HERITAGE OR BACKGROUND.]

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due consideration of the child's minority race or minority ethnic heritage in adoption placements.

The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or clauses (a) and (b) not be followed, the authorized child placing agency shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to

that of the genetic parent or parents, in following the preferences in clause (a) or (b), the agency shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available that is described in clause (a) or (b) may the agency give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 8. Minnesota Statutes 1982, section 259.27, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER'S DUTIES.] Upon the filing of a petition for adoption of a child the clerk of court shall immediately transmit a copy of the petition to the commissioner of public welfare. The commissioner shall verify the allegations of the petition, investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, and make appropriate inquiry to ascertain whether the proposed foster home and the child are suited to each other *and whether the proposed foster home meets the preferences described in section 259.28, subdivision 2.* The report of the county welfare board submitted to the commissioner of public welfare bearing on the suitability of the proposed foster home and the child to each other shall be confidential, and the records of the county welfare board or the contents thereof shall not be disclosed either directly or indirectly to any person other than the commissioner of public welfare or a judge of the court having jurisdiction of the matter. Within 90 days after the receipt of said copy of the petition the commissioner shall submit to the court a full report in writing with his recommendations as to the granting of the petition. If such report is not returned within the 90 days, without fault of petitioner, the court may hear the petition upon giving the commissioner five days notice by mail of the time and place of the hearing. If such report disapproves of the adoption of the child, the commissioner may recommend that the court dismiss the petition.

Sec. 9. Minnesota Statutes 1982, section 259.27, subdivision 2, is amended to read:

Subd. 2. [ADOPTION AGENCIES.] Notwithstanding the provisions of subdivision 1, if the child to be adopted has been committed to the guardianship of an agency pursuant to section 260.241, or if the child has been surrendered to an agency pursuant to section 259.25 the court, in its discretion, may refer the adoption petition to such agency, or, if the adopting parent has a step-parent relationship to the child, to the county welfare department of the county in which the adoption is pending. The agency or county welfare department, within 90 days of receipt of a copy of the adoption petition, shall file with the court a report of its investigation of the environment and antecedents of the child to be adopted and of the home of the petitioners *and its determination whether the home of the petitioners meets the preferences described in section 259.28, subdivision 2.* If such report disapproves of the adoption of the child, the agency or county welfare department may recommend that the court dismiss the petition.

Sec. 10. Minnesota Statutes 1982, section 259.28, is amended to read:

259.28 [HEARING, DECREE.]

Subdivision 1. [FINDINGS; ORDERS.] Upon the hearing,

(a) if the court ~~shall find~~ *finds* that it is in the best interests of the child that

the petition be granted, a decree of adoption shall be made and recorded in the office of the clerk of court, ordering that henceforth the child shall be the child of the petitioner. In the decree the court may change the name of the child if desired. After the decree is granted the clerk of court shall immediately mail a copy of the recorded decree to the commissioner of public welfare;

(b) if the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition, and shall order the child returned to the custody of the person or agency legally vested with permanent custody or certify the case for appropriate action and disposition to the court having jurisdiction to determine the custody and guardianship of the child.

Subd. 2. [PROTECTION OF HERITAGE OR BACKGROUND.] The policy of the state of Minnesota is to ensure that the best interests of children are met by requiring due consideration of the child's minority race or minority ethnic heritage in adoption placements.

In the adoption of a child of minority racial or minority ethnic heritage, in reviewing adoptive placement, the court shall consider preference, and in determining appropriate adoption, the court shall give preference, in the absence of good cause to the contrary, to (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, to (b) a family with the same racial or ethnic heritage as the child, or if that is not feasible, to (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available as described in clause (a) or (b) may the court give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 11. [259.455] [FAMILY RECRUITMENT.]

Each authorized child placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.28, subdivision 2, and among families of the same minority racial or minority ethnic heritage. Special efforts include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services and other contributions to use in making special recruitment efforts.

Sec. 12. Minnesota Statutes 1982, section 260.181, subdivision 3, is amended to read:

Subd. 3. [PROTECTION OF RELIGIOUS AND RACIAL OR ETHNIC

HERITAGE, OR RELIGIOUS AFFILIATION.] The policy of the state is to ensure that the best interests of children are met by requiring due consideration of the child's minority race or minority ethnic heritage in foster care placements.

The court, in transferring legal custody of any child or appointing a guardian for ~~him~~ *the child* under the laws relating to juvenile courts, shall place ~~him~~ *so far as it deems practicable the child*, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of ~~some an individual holding the same religious belief and the same ethnic origin as the parents of the child, or with some association which is controlled by persons of like religious faith and ethnic origin as the parents~~ *who (a) is the child's relative, or if that would be detrimental to the child or a relative is not available, who (b) is of the same racial or ethnic heritage as the child, or if that is not possible, who (c) is knowledgeable and appreciative of the child's racial or ethnic heritage.* The court may require the county welfare agency to continue efforts to find a guardian of ~~like religious faith or ethnic origin~~ *the child's minority racial or minority ethnic heritage* when such a guardian is not immediately available.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall order placement of the child with an individual who meets the genetic parent's religious preference. Only if no individual is available who is described in clause (a) or (b) may the court give preference to an individual described in clause (c) who meets the parent's religious preference.

Sec. 13. Minnesota Statutes 1982, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] If the court finds that the child is neglected, dependent, or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(a) Place the child under the protective supervision of the county welfare board or child placing agency in his own home under conditions prescribed by the court directed to the correction of the neglect or dependency of the child;

(b) Transfer legal custody to one of the following:

(1) A child placing agency; or

(2) The county welfare board;

(c) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.

Subd. 1a. [WRITTEN FINDINGS.] Any order for a disposition authorized

under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; ~~and~~

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case; *and*

(c) In the case of a child of minority racial or minority ethnic heritage, how the court's disposition complies with the requirements of section 260.181, subdivision 3.

Sec. 14. Minnesota Statutes 1982, section 260.192, is amended to read:

260.192 [DISPOSITIONS; VOLUNTARY FOSTER CARE PLACEMENTS.]

Upon a petition for review of the foster care status of a child, the court may:

(a) Find that the child's needs are being met and that the child's placement in foster care is in the best interests of the child, in which case the court shall approve the voluntary 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.

(b) Find that the child's needs are not being met, in which case the court shall order the social service agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social service agency of services to the parents which would enable the child to live at home, and shall order *an administrative review of the case to be reviewed* again within *six months and a review by the court within one year*.

(c) Find that the child has been abandoned by his parents financially or emotionally, or that the developmentally disabled child does not require out-of-home care because of the handicapping condition, in which case the court shall order the social service agency to file an appropriate petition pursuant to sections 260.131, subdivision 1, or 260.231.

Nothing in this section shall be construed to prohibit bringing a petition pursuant to section 260.131, subdivision 1 or 2, sooner than required by court order pursuant to this section.

Sec. 15. Minnesota Statutes 1982, section 260.242, is amended by adding a subdivision to read:

Subd. 1a. [PROTECTION OF HERITAGE OR BACKGROUND.] In ordering guardianship and transferring legal custody of the child to an individual under this section, the court shall comply with the provisions of section 260.181, subdivision 3.

Sec. 16. [ADVISORY TASK FORCE.]

The commissioner of public welfare shall establish a foster care and adop-

tion advisory task force to advise the commissioner on foster care and adoption policy regarding children of minority racial or minority ethnic heritage. Task force members shall serve on a voluntary basis. The task force shall expire on June 30, 1985.

Sec. 17. [257.80] [RULEMAKING.]

The commissioner of public welfare shall promulgate rules to implement the provisions of sections 1 to 9 and 11 and to coordinate foster care and adoption services in order to facilitate referral of children from foster care into adoptive placement where eventual return of the child to the child's genetic parent or parents is unlikely or would be detrimental to the child."

Amend the title as follows:

Page 1, line 8, after the first semicolon, insert "259.27, subdivisions 1 and 2;"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 236 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.
		236	468		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 236 be amended as follows:

Page 1, line 11, strike "such" and insert "a"

Page 1, line 11, strike "and" and insert a period

Page 1, line 12, strike "shall be" and insert "is"

Page 1, line 12, strike the semicolon

Page 1, line 13, strike "provided, however, that" and insert a period

Page 1, line 13, strike "shall" and insert "do"

Amend the title as follows:

Page 1, line 3, delete "certain graduate programs" and insert "the graduate school of the Mayo Foundation"

And when so amended H.F. No. 236 will be identical to S.F. No. 468, and further recommends that H.F. No. 236 be given its second reading and substituted for S.F. No. 468, 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. 427, 416, 530, 472, 150, 280, 92, 403, 630, 276, 673 and 699 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 298 and 236 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Knaak moved that his name be stricken as a co-author to S.F. No. 650. The motion prevailed.

Mr. Bertram moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 755. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 806. The motion prevailed.

Mr. Purfeerst moved that his name be stricken as a co-author to S.F. No. 829. The motion prevailed.

Mr. Mehrkens moved that his be name stricken as a co-author to S.F. No. 829. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Lessard be added as a co-author to S.F. No. 843. The motion prevailed.

Mr. Merriam moved that the name of Mr. Jude be added as a co-author to S.F. No. 846. The motion prevailed.

Ms. Olson moved that the names of Messrs. Jude and Ramstad be added as co-authors to S.F. No. 875. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Dicklich be added as a co-author to S.F. No. 876. The motion prevailed.

Mr. Novak moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 883. The motion prevailed.

Mr. DeCramer moved that the names of Messrs. Johnson, D.J. and Diessner be added as co-authors to S.F. No. 887. The motion prevailed.

Mr. Taylor moved that the name of Mr. Benson be added as a co-author to S.F. No. 890. The motion prevailed.

Mr. Moe, R.D. introduced—

Senate Concurrent Resolution No. 10: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring therein:

1. Upon its adjournment on Wednesday, March 30, 1983, the Senate may set its next day of meeting for Monday, April 4, 1983.

2. Upon its adjournment on Wednesday, March 30, 1983, the House of Representatives may set its next day of meeting for Monday, April 4, 1983.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CALENDAR

S.F. No. 164: A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; requiring senate confirmation of commissioner appointees within a certain time period; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, 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 36 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Merriam	Petty	Stumpf
Berglin	Frank	Moe, D. M.	Pogemiller	Vega
Chmielewski	Freeman	Moe, R. D.	Purfeerst	Waldorf
Dahl	Hughes	Nelson	Reichgott	Wegscheid
Davis	Kroening	Novak	Samuelson	
DeCramer	Lantry	Peterson,C.C.	Schmitz	
Dicklich	Lessard	Peterson,D.C.	Solon	
Diessner	Luther	Peterson,R.W.	Spear	

Those who voted in the negative were:

Anderson	Brataas	Knutson	Pehler	Taylor
Belanger	Frederickson	Kronebusch	Peterson,D.E.	Ulland
Benson	Isackson	Laidig	Ramstad	Willet
Berg	Johnson, D.E.	McQuaid	Renneke	
Bernhagen	Kamrath	Mehrkens	Sieloff	
Bertram	Knaak	Olson	Storm	

So the bill passed and its title was agreed to.

H.F. No. 79: A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, section 260.125, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Diessner	Laidig	Peterson,C.C.	Solon
Belanger	Dieterich	Lantry	Peterson,D.C.	Spear
Benson	Frank	Lessard	Peterson,D.L.	Storm
Berg	Frederickson	Luther	Peterson,R.W.	Stumpf
Berglin	Freeman	McQuaid	Petty	Taylor
Bernhagen	Hughes	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D.E.	Moe, D. M.	Ramstad	Waldorf
Chmielewski	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Dahl	Knaak	Nelson	Renneke	Willet
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 201: A bill for an act relating to intoxicating liquor; authorizing off-sale licensees to dispense samples of wine, liqueurs and cordials; amending Minnesota Statutes 1982, section 340.11, subdivision 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 46 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Luther	Peterson,R.W.	Stumpf
Belanger	Frederickson	Mehrkens	Petty	Ulland
Berg	Freeman	Merriam	Pogemiller	Vega
Berglin	Hughes	Moe, D. M.	Purfeerst	Waldorf
Bertram	Isackson	Moe, R. D.	Reichgott	Wegscheid
Brataas	Johnson, D.E.	Nelson	Samuelson	Willet
Dahl	Kroening	Novak	Sieloff	
DeCramer	Kronebusch	Pehler	Solon	
Dicklich	Lantry	Peterson,D.C.	Spear	
Diessner	Lessard	Peterson,D.L.	Storm	

Those who voted in the negative were:

Adkins	Davis	Knutson	Olson	Renneke
Benson	Kamrath	Laidig	Peterson,C.C.	Schmitz
Bernhagen	Knaak	McQuaid	Ramstad	Taylor
Chmielewski				

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 552: A bill for an act relating to corrections; clarifying the duties of the clerk of court with respect to preparation of necessary commitment papers when a person is sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of a work house or work farm; amending Minnesota Statutes 1982, section 243.49.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Peterson, C. C.	Solon
Anderson	Dieterich	Lantry	Peterson, D. C.	Spear
Belanger	Frank	Lessard	Peterson, D. L.	Storm
Benson	Frederickson	Luther	Peterson, R. W.	Stumpf
Berg	Freeman	McQuaid	Petty	Taylor
Berglin	Hughes	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D. E.	Moe, D. M.	Ramstad	Waldorf
Chmielewski	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Dahl	Knaak	Nelson	Renneke	Willet
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	
Dicklich	Kronebusch	Pehler	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 252: A bill for an act relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, 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:

Adkins	Dicklich	Kronebusch	Olson	Sieloff
Anderson	Diessner	Laidig	Pehler	Solon
Belanger	Dieterich	Langseth	Peterson, C. C.	Spear
Benson	Frank	Lantry	Peterson, D. C.	Storm
Berg	Frederickson	Lessard	Peterson, D. L.	Stumpf
Berglin	Freeman	Luther	Peterson, R. W.	Taylor
Bernhagen	Hughes	McQuaid	Petty	Ulland
Bertram	Isackson	Mehrkens	Pogemiller	Vega
Brataas	Johnson, D. E.	Merriam	Purfeerst	Waldorf
Chmielewski	Kamrath	Moe, D. M.	Ramstad	Wegscheid
Dahl	Knaak	Moe, R. D.	Reichgott	Willet
Davis	Knutson	Nelson	Renneke	
DeCramer	Kroening	Novak	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 589: A bill for an act relating to labor; deleting an exclusion from protection for prompt payment of wages; amending Minnesota Statutes 1982, section 181.16.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson,C.C.	Solon
Benson	Frank	Lantry	Peterson,D.C.	Spear
Berg	Frederickson	Lessard	Peterson,D.L.	Storm
Berglin	Freeman	Luther	Peterson,R.W.	Stumpf
Bernhagen	Hughes	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purteerst	Vega
Chmielewski	Kamrath	Moe, D. M.	Ramstad	Waldorf
Dahl	Knaak	Moe, R. D.	Reichgott	Wegscheid
Davis	Knutson	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 278, which the committee recommends to pass.

S.F. No. 214, which the committee reports progress, subject to the following motions:

Mr. Frank moved to amend S.F. No. 214 as follows:

Page 1, line 27, after the period, insert *“A penalty of \$25 shall be assessed the driver of a motor vehicle if the driver or a passenger under the age of 18 years is not wearing a seat belt as required by this subdivision. A penalty of \$25 shall be assessed a passenger over the age of 18 years riding in a motor vehicle if that passenger is not wearing a seat belt as required by this subdivision.”*

The motion prevailed. So the amendment was adopted.

Mr. Kroening moved to amend S.F. No. 214 as follows:

Page 1, delete section 1

Page 1, line 25, delete everything after the period

Page 1, delete line 26

Page 1, line 27, delete everything before the period and insert *“The driver of a motor vehicle driven or ridden in violation of this subdivision shall be given a hazard warning as to the possible danger due to failure to use a seat belt”*

Page 2, line 1, after the period, insert *“A violation of this subdivision involves the operation of a motor vehicle and shall be reported to the department of public safety.”*

Page 2, after line 25, insert:

“Sec. 3. Minnesota Statutes 1982, section 169.685, is amended by adding a subdivision to read:

Subd. 3c. [REPEALER.] This subdivision and subdivisions 3a and 3b are

repealed July 1, 1986.”

Page 2, line 33, delete everything after the period

Page 2, delete lines 34 to 36

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 and 5

Page 1, line 6, delete “reduced;”

Page 1, line 7, delete everything after the first comma and insert “section”

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 214.

The roll was called, and there were yeas 25 and nays 39, as follows:

Those who voted in the affirmative were:

Brataas	Dieterich	Laidig	Novak	Pogemiller
Davis	Hughes	Lantry	Pehler	Solon
DeCramer	Johnson, D.J.	Luther	Peterson, D. C.	Spear
Dicklich	Knaak	Merriam	Peterson, R. W.	Vega
Diessner	Kroening	Nelson	Petty	Waldorf

Those who voted in the negative were:

Adkins	Chmielewski	Knutson	Peterson, C. C.	Sieloff
Anderson	Dahl	Kronebusch	Peterson, D. L.	Storm
Belanger	Frank	Lessard	Purfeerst	Stumpf
Benson	Frederickson	McQuaid	Ramstad	Taylor
Berg	Freeman	Mehrkens	Reichgott	Ulland
Berglin	Isackson	Moe, D. M.	Renneke	Wegscheid
Bernhagen	Johnson, D. E.	Moe, R. D.	Samuelson	Willet
Bertram	Kamrath	Olson	Schmitz	

The motion did not prevail. S.F. No. 214 was then progressed.

S.F. No. 240, which the committee recommends to pass with the following amendment offered by Ms. Reichgott:

Page 3, after line 3, insert:

“A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by clause (b) of this subdivision.”

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S.F. No. 240 as follows:

Page 2, line 22, delete “shall” and insert “may”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 44, as follows:

Those who voted in the affirmative were:

Benson	Chmielewski	Kamrath	Lessard	Sieloff
Bernhagen	Dieterich	Kroening	Schmitz	Waldorf
Bertram	Isackson			

Those who voted in the negative were:

Adkins	Frank	Langseth	Pehler	Samuelson
Anderson	Freeman	Lantry	Peterson, C. C.	Spear
Belanger	Hughes	Luther	Peterson, D. C.	Storm
Berglin	Johnson, D. E.	McQuaid	Peterson, D. L.	Taylor
Dahl	Johnson, D. J.	Mehrkens	Peterson, R. W.	Ulland
Davis	Knaak	Merriam	Petty	Vega
DeCramer	Knutson	Moe, R. D.	Pogemiller	Wegscheid
Dicklich	Kronebusch	Nelson	Ramstad	Willet
Diessner	Laidig	Novak	Reichgott	

The motion did not prevail. So the amendment was not adopted.

On motion of Mr. Moe, R. D., 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. Spear moved that S.F. No. 723 be withdrawn from the Committee on Judiciary, given its second reading, and placed on General Orders. The motion prevailed.

S.F. No. 723 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Taylor, Ulland, Dahl, Pehler and Lessard introduced—

S.F. No. 903: A bill for an act relating to elections; requiring the secretary of state to include a fiscal impact statement on the ballot for a proposed constitutional amendment; amending Minnesota Statutes 1982, section 204D.15, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Freeman, Berg, Bernhagen and Stumpf introduced—

S.F. No. 904: A bill for an act relating to transportation; establishing collective rate-making procedure for motor vehicle carriers; amending Minnesota Statutes 1982, section 221.041, by adding a subdivision.

Referred to the Committee on Transportation.

Ms. Berglin, Messrs. Moe, D. M.; Wegscheid; Benson and Frederickson introduced—

S.F. No. 905: A bill for an act relating to federal block grants; providing for annual legislative hearings on federal block grant implementation and effects; proposing new law coded in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations.

Messrs. Vega, Kroening and Solon introduced—

S.F. No. 906: A bill for an act relating to economic development; creating a preference for Minnesota residents in the awarding of public contracts; creating a preference for Minnesota labor and materials; amending Minnesota Statutes 1982, section 16.073; proposing new law coded in Minnesota Statutes, chapter 16.

Referred to the Committee on Economic Development and Commerce.

Messrs. DeCramer, Stumpf, Frederickson and Davis introduced—

S.F. No. 907: A bill for an act relating to natural resources; requiring that a specified percentage of the wildlife acquisition fund and the game and fish fund be used for development or leasing; amending Minnesota Statutes 1982, sections 97.483; and 97.49, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Berglin introduced—

S.F. No. 908: A bill for an act relating to the housing finance agency; proposing an innovative housing loan program; appropriating money; amending Minnesota Statutes 1982, sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Mr. Solon introduced—

S.F. No. 909: A bill for an act relating to the environment; protecting communities from toxic substances and harmful physical agents; requiring information to be given to local fire departments; providing a penalty; proposing new law coded in Minnesota Statutes, chapter 116.

Referred to the Committee on Health and Human Services.

Mr. Samuelson introduced—

S.F. No. 910: A bill for an act relating to local government; regulating township levies in Crow Wing County; repealing Laws 1941, chapter 451.

Referred to the Committee on Local and Urban Government.

Messrs. Frank, Jude and Peterson, D.L. introduced—

S.F. No. 911: A bill for an act relating to utilities; specifying the commissioner's authority over the availability of submetering; proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Luther, Willet, Ms. Peterson, D.C.; Messrs. Merriam and Ramstad introduced—

S.F. No. 912: A bill for an act relating to outdoor recreation; requiring licensing of cross country skiers; creating a cross country ski trail grant-in-

aid program; imposing a penalty; appropriating money for recreational purposes; proposing new law coded in Minnesota Statutes, chapter 85.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Laidig introduced—

S.F. No. 913: A bill for an act relating to Washington County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

Referred to the Committee on Local and Urban Government.

Messrs. Bertram, Lessard, Schmitz, Storm and Berg introduced—

S.F. No. 914: A bill for an act relating to commerce; removing the statutory dollar limitations on bingo prizes; repealing Minnesota Statutes 1982, section 349.17, subdivision 4.

Referred to the Committee on Veterans and General Legislation.

Messrs. Wegscheid and Jude introduced—

S.F. No. 915: A bill for an act relating to public safety; providing that the capitol complex security division of the department of public safety shall be responsible for the detection of crime in the capitol complex; providing benefits to survivors of security guards or guard supervisors employed by the capitol complex security division who are killed in the line of duty; exempting employees of the capitol complex security division from uniform color requirements; amending Minnesota Statutes 1982, sections 299E.01, subdivision 2; 352E.01, subdivision 2; and 626.88, subdivision 1; repealing Minnesota Statutes 1982, section 626.88, subdivision 3.

Referred to the Committee on Veterans and General Legislation.

Mr. Davis introduced—

S.F. No. 916: A bill for an act relating to Mille Lacs county; permitting the sale of certain tax forfeited land.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Belanger and Freeman introduced—

S.F. No. 917: A bill for an act relating to the city of Bloomington; permitting the establishment of special service districts; providing taxing and other financial authority for Bloomington.

Referred to the Committee on Local and Urban Government.

Mr. Diessner, Ms. Berglin, Messrs. Kroening, Willet and Ms. Reichgott introduced—

S.F. No. 918: A bill for an act relating to public welfare, clarifying provisions dealing with the medical assistance drug formulary; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

Referred to the Committee on Health and Human Services.

Messrs. Vega; Moe, R.D.; Hughes and Schmitz introduced—

S.F. No. 919: A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

Referred to the Committee on Elections and Ethics.

Messrs. Petty; Moe, R.D.; Lessard; Sieloff and Freeman introduced—

S.F. No. 920: A bill for an act relating to metropolitan government; regulating airport development; amending Minnesota Statutes 1982, section 473.611, subdivision 5.

Referred to the Committee on Transportation. Mr. Schmitz questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Petty introduced—

S.F. No. 921: A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivision 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

Referred to the Committee on Local and Urban Government.

Messrs. Wegscheid, DeCramer, Berg, Laidig and Willet introduced—

S.F. No. 922: A bill for an act relating to natural resources; authorizing the commissioner to sell to or exchange surplus tree planting stock with other states and the federal government under certain circumstances; amending Minnesota Statutes 1982, section 89.36, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegscheid, Mrs. Adkins, Messrs. Hughes, Schmitz and Ms. Olson introduced—

S.F. No. 923: A bill for an act relating to libraries; consolidating provisions for county libraries and city libraries; defining misuse of library materials; prescribing a penalty; restricting tort liability for public libraries; correcting internal references; amending Minnesota Statutes 1982, sections 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 375.335; 466.01, subdivision 1; 648.39, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 134; repealing Minnesota Statutes 1982, sections 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

Referred to the Committee on Education.

Ms. Reichgott, Messrs. Luther and Knaak introduced—

S.F. No. 924: A bill for an act relating to marriage dissolution; allowing separate summary judgment on the issue of dissolution; removing a conclusive presumption that each spouse made substantial contribution to acquiring certain property; excluding mediators' information except on consent of the parties; providing for deposing of investigators; amending Minnesota Statutes 1982, sections 518.13, by adding a subdivision; 518.167; and 518.58.

Referred to the Committee on Judiciary.

Mr. Nelson introduced—

S.F. No. 925: A bill for an act relating to commerce; providing an employee lien for accrued vacation and holiday pay; amending Minnesota Statutes 1982, section 514.59.

Referred to the Committee on Judiciary.

Messrs. Jude, Frank, Sieloff, Knaak and Waldorf introduced—

S.F. No. 926: A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Solon and Ulland introduced—

S.F. No. 927: A bill for an act relating to Independent School District No. 709; providing for withdrawal of clerical workers from civil service; amending Laws 1967, chapter 252, section 2, as amended.

Referred to the Committee on Employment.

Mr. Berg introduced—

S.F. No. 928: A bill for an act relating to education; authorizing a school district to enter into agreements with one or more school districts providing for education of secondary pupils and related matters in exchange for payment of tuition to providing districts; amending Minnesota Statutes 1982, sections 122.41; 122.43; and 122.44; proposing new law coded in Minnesota Statutes, chapter 122.

Referred to the Committee on Education.

Mr. Berg introduced—

S.F. No. 929: A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas County.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Belanger introduced—

S.F. No. 930: A bill for an act relating to the city of Bloomington; adjusting the city's property tax levy limitation.

Referred to the Committee on Taxes and Tax Laws.

Mr. Belanger introduced—

S.F. No. 931: A bill for an act relating to education; providing for the distribution of the proceeds from rentals of school buildings; amending Minnesota Statutes 1982, section 123.36, subdivision 10.

Referred to the Committee on Education.

Messrs. Merriam and Knutson introduced—

S.F. No. 932: A bill for an act relating to game and fish; removing the limitation on use of muzzle loading firearms to public lands only; amending Minnesota Statutes 1982, section 100.27, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff; Knaak; Peterson, R.W.; Ms. Reichgott and Mr. Jude introduced—

S.F. No. 933: A bill for an act relating to real estate; providing for notices to cancel contracts for deed; amending Minnesota Statutes 1982, section 559.21, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Luther and Ms. Peterson, D.C. introduced—

S.F. No. 934: A bill for an act relating to elections; authorizing the use of electronic voting systems for absentee voting under certain circumstances; authorizing the secretary of state to promulgate rules; amending Minnesota Statutes 1982, sections 203B.08, by adding subdivisions; 203B.11; and 203B.12, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 203B.

Referred to the Committee on Elections and Ethics.

Mr. Pehler introduced—

S.F. No. 935: A bill for an act relating to retirement; St. Cloud firefighters; refund of contributions and membership requirement; amending Laws 1961, chapter 343, section 19; and Laws 1974, chapter 382, section 3, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Spear; Peterson, C.C.; Moe, D.M.; Ms. Peterson, D.C. and Mr. Renneke introduced—

S.F. No. 936: A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1,

Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 5; and Minnesota Statutes 1982, section 423A.01, subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Nelson introduced—

S.F. No. 937: A bill for an act relating to education; requiring the development of proposals for new admission requirements in all public systems of higher education.

Referred to the Committee on Education.

Messrs. Stumpf; Purfeerst; Moe, R.D.; Bernhagen and Willet introduced—

S.F. No. 938: A bill for an act relating to transportation; transferring certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.296, subdivision 5; 221.64; 221.81; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 160.26, subdivision 3.

Referred to the Committee on Transportation.

Messrs. Kamrath, Renneke and Chmielewski introduced—

S.F. No. 939: A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 940: A bill for an act relating to crimes; increasing the penalty for assault in the fourth degree; amending Minnesota Statutes 1982, section 609.224.

Referred to the Committee on Judiciary.

Mrs. Kronebusch, Messrs. Kamrath and Benson introduced—

S.F. No. 941: A bill for an act relating to taxation; sales and use tax; providing an exemption for wrapping paper purchased for custom meat processing; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nelson introduced—

S.F. No. 942: A bill for an act relating to education; requiring the higher

education coordinating board to study and report on teacher education programs; requesting higher education governing boards and institutions to cooperate in the study.

Referred to the Committee on Education.

Mr. Nelson introduced—

S.F. No. 943: A bill for an act relating to state employees; amending the unit composition schedule adopted by the legislative commission on employee relations.

Referred to the Committee on Governmental Operations.

Mr. Nelson introduced—

S.F. No. 944: A bill for an act relating to education; establishing the basis upon which financial stipends for scholarships and grants-in-aid are determined; amending Minnesota Statutes 1982, section 136A.121.

Referred to the Committee on Education.

Messrs. Purfeerst, Solon and Novak introduced—

S.F. No. 945: A bill for an act relating to non-intoxicating malt liquor and intoxicating malt liquor; requiring sales at wholesale to be made within areas designated in agreements between suppliers or brewers and wholesalers; prohibiting refusal to sell or give service to licensed retailers within designated areas; requiring filing of area agreements and brand approvals with the department of public safety; prohibiting resale price maintenance; amending Minnesota Statutes 1982, section 340.406.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mrs. Lantry introduced—

S.F. No. 946: A bill for an act relating to Ramsey County; providing for a purchase preference for American made materials; proposing new law coded in Minnesota Statutes, chapter 383A.

Referred to the Committee on Governmental Operations.

Mrs. Lantry introduced—

S.F. No. 947: A bill for an act relating to Ramsey County; reinstating a provision relating to mandatory retirement age for military veterans; amending Minnesota Statutes 1982, section 383A.30.

Referred to the Committee on Governmental Operations.

Mr. Schmitz, Mrs. Adkins, Messrs. Luther, Waldorf and Wegscheid introduced—

S.F. No. 948: A bill for an act relating to metropolitan government; providing for the term of the chairman of the metropolitan airports commission;

amending Minnesota Statutes 1982, section 473.604, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Schmitz, DeCramer, Davis and Renneke introduced—

S.F. No. 949: A bill for an act relating to agriculture; appropriating money for the Minnesota Corn Growers Association; providing for repayment to the state.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davis introduced—

S.F. No. 950: A bill for an act relating to agriculture; requiring pseudorabies testing; proposing new law coded in Minnesota Statutes 1982, chapter 35.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Pehler, Merriam, Willet, Mrs. McQuaid and Mr. Johnson, D.J. introduced—

S.F. No. 951: A bill for an act relating to public employees; authorizing a dues check off for members of the Public Employees Pension Service Association; amending Minnesota Statutes 1982, section 179.65, subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 952: A bill for an act relating to occupations and professions; regulating the period of time between professional boxing contests, matches, or exhibitions; amending Minnesota Statutes 1982, section 341.115.

Referred to the Committee on Economic Development and Commerce.

Messrs. Renneke, Schmitz, Laidig and Storm introduced—

S.F. No. 953: A bill for an act relating to metropolitan government; providing procedures for solid waste disposal site selection; amending Minnesota Statutes 1982, section 473.833, subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sieloff and Jude introduced—

S.F. No. 954: A bill for an act relating to commerce; mechanics' liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner's obligation to pay a contractor and the duration of the lien; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; and 514.08, subdivision 1.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 955: A bill for an act relating to public welfare; providing for relative resource contribution for medical assistance; amending Minnesota Statutes 1982, section 256B.14, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Davis introduced—

S.F. No. 956: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 2, to set the number of members of the senate and house of representatives at four senators and eight representatives times the number of congressional districts.

Referred to the Committee on Elections and Ethics.

Mr. Dicklich introduced—

S.F. No. 957: A bill for an act relating to traffic regulations; providing for “Watch for Children” signs to be made available to local governing bodies under certain conditions; appropriating money; amending Minnesota Statutes 1982, section 169.06, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Dicklich introduced—

S.F. No. 958: A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 959: A bill for an act relating to unemployment compensation; redefining a claimant’s base period in certain circumstances; amending Minnesota Statutes 1982, section 268.04, subdivision 2.

Referred to the Committee on Employment.

Mr. Peterson, D.L. introduced—

S.F. No. 960: A bill for an act relating to waters; authorizing the Martin County board to change the name of a certain lake.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Mehrkens, DeCramer, Wegscheid, Benson and Bertram introduced—

S.F. No. 961: A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to eligible beginning farmers; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended, and 20b, as amended; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Waldorf, Ulland, DeCramer and Pehler introduced—

S.F. No. 962: A bill for an act relating to education; providing for Indian scholarships; amending Minnesota Statutes 1982, section 124.48.

Referred to the Committee on Education.

Messrs. Luther and Dieterich introduced—

S.F. No. 963: A bill for an act relating to intoxicating liquor; authorizing Hennepin County to issue short-term liquor licenses.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Petty introduced—

S.F. No. 964: A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.461, subdivisions 4, 6, and by adding a subdivision; and 302A.521, subdivision 6.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 965: A bill for an act relating to taxation; exempting certain closed-circuit and television revenue from the boxing tax; amending Minnesota Statutes 1982, section 270.051, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther and Freeman introduced—

S.F. No. 966: A bill for an act relating to mediation; providing for mediation of disputes; amending Minnesota Statutes 1982, section 595.02; proposing new law coded in Minnesota Statutes, chapter 572.

Referred to the Committee on Judiciary.

Messrs. Peterson, C.C.; Stumpf; Davis; DeCramer and Bernhagen introduced—

S.F. No. 967: A bill for an act relating to real property; requiring 60 days notice of default on a farm real estate mortgage, notice of termination of a farm real estate contract for deed, and notice of commencement of a sale and foreclosure proceeding; providing that a mortgage on farm real estate is reinstated during the redemption period upon payment of installments in default and due during the period of redemption; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1,

1a, and 2; 580.09; 580.23, subdivision 1; 580.30; and 581.10.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Peterson, C.C. introduced—

S.F. No. 968: A bill for an act relating to taxation; providing an income tax credit for persons who are mentally retarded; amending Minnesota Statutes 1982, section 290.06, subdivision 3f.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S.F. No. 969: A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, subdivision 12.

Referred to the Committee on Economic Development and Commerce.

Mr. Wegscheid introduced—

S.F. No. 970: A bill for an act relating to liquor; authorizing the city of Farmington to issue a club on-sale license to an Eagles Club.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Dieterich, Purfeerst and Spear introduced—

S.F. No. 971: A bill for an act relating to fuel assistance programs; providing payment plans for certain natural gas customers; providing protection from disconnection; proposing new law coded in Minnesota Statutes, chapter 268.

Referred to the Committee on Energy and Housing.

Mr. Johnson, D.J. introduced—

S.F. No. 972: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis County; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dicklich; Johnson, D.J. and Stumpf introduced—

S.F. No. 973: A bill for an act relating to homesteads; creating an extended forbearance loan guarantee program; authorizing the state to guarantee loans to forestall foreclosures of mortgages and terminations of contracts for deed on certain residential and agricultural homesteads; giving certain powers and duties to the department of agriculture and the Minnesota housing finance agency; creating extended forbearance loan guarantee funds; appropriating money; proposing new law coded as Minnesota Statutes, chapter 583.

Referred to the Committee on Energy and Housing.

Messrs. Vega and Johnson, D.J. introduced—

S.F. No. 974: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, by adding a section authorizing the election of the public utilities commission.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Peterson, D.L.; Mehrkens; Langseth and Kamrath introduced—

S.F. No. 975: A bill for an act relating to education; authorizing the establishment of associated school districts; providing for transition relative to school board members and outstanding indebtedness; amending Minnesota Statutes 1982, sections 120.02, by adding a subdivision; 122.02; 122.41; 122.43, subdivision 1; 122.531; 122.532; 122.533; and 123.33, subdivision 1; 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 123.

Referred to the Committee on Education.

Messrs. Peterson, R.W.; Sieloff; Spear and Merriam introduced—

S.F. No. 976: 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 1982, chapter 645.

Referred to the Committee on Judiciary.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Diessner introduced—

Senate Resolution No. 37: A Senate resolution congratulating the Royals boys basketball team from Woodbury High School for winning the 1983 Class AA State High School Boys Basketball Championship.

Referred to the Committee on Rules and Administration.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 30, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

TWENTY-NINTH DAY

St. Paul, Minnesota, Wednesday, March 30, 1983

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. M. E. Sandness.

The roll was called, and the following Senators answered to their names:

Adkins	Dicklich	Knutson	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Samuelson
Belanger	Dieterich	Kronebusch	Olson	Schmitz
Benson	Frank	Laidig	Pehler	Sieloff
Berg	Frederick	Langseth	Peterson, C.C.	Solon
Berglin	Frederickson	Lantry	Peterson, D.C.	Spear
Bernhagen	Freeman	Lessard	Peterson, D.L.	Storm
Bertram	Hughes	Luther	Peterson, R.W.	Stumpf
Brataas	Isackson	McQuaid	Petty	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Ulland
Dahl	Johnson, D.J.	Merriam	Purfeerst	Vega
Davis	Kamrath	Moe, D.M.	Ramstad	Waldorf
DeCramer	Knaak	Moe, R.D.	Reichgott	Wegscheid

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. Jude and Willet were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 23, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983

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 1983	Date Filed 1983
24		10	March 23	March 23
113		11	March 23	March 23
121		12	March 23	March 23
195		13	March 23	March 23

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. 224.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1983

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. 10: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1983

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 designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action in Vietnam.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1983

Referred to the Committee on Rules and Administration.

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. 267: A bill for an act relating to taxation; increasing the amount

of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.04.

Senate File No. 267 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1983

Mr. Pogemiller moved that the Senate do not concur in the amendments by the House to S. F. No. 267, 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. 90, 140, 157, 290, 365, 656, 684 and 758.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1983

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 highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

Referred to the Committee on Transportation.

H.F. No. 140: A bill for an act relating to public utilities; requiring public utilities to consider customer schedule needs when reading nonaccessible meters; proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 157: A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

Referred to the Committee on Governmental Operations.

H.F. No. 290: A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4, and by adding a subdivision; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

Referred to the Committee on Health and Human Services.

H.F. No. 365: A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 333, now on General Orders.

H.F. No. 656: A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 684: A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of

statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, subdivision 6.

Referred to the Committee on Governmental Operations.

H.F. No. 758: A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

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. 591. The motion prevailed.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 560: A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 494: A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16, by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, delete "*and*" and insert a comma

Page 2, line 1, after "*month*" insert ", *and year*"

Page 2, line 7, after "*day*" insert a comma

Page 2, line 7, reinstate "*that*"

Page 2, line 8, before "*am*" insert "*I*"

Page 2, line 11, delete "*this election, and*" and insert "*election day,*"

Page 2, line 12, before "*have*" insert "*that I*"

Page 2, line 14, delete "*and*" and insert "*that I*"

Pages 2 and 3, delete section 2 and insert:

“Sec. 2. Minnesota Statutes 1982, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] (a) ~~No~~ A registration card is deficient if it ~~contains~~ does not contain the voter's name, address, day, month, and year of birth, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible. ~~No~~ An eligible voter ~~may~~ shall be prevented from voting ~~unless if~~ his registration card is deficient ~~or he is duly and successfully challenged in accordance with sections 201.195 or 204C.12.~~

(b) *Notwithstanding the provisions of paragraph (a), a registration card completed by the voter and on file with the county or municipality prior to the effective date of this act is not deficient if it otherwise complies with the requirements of paragraph (a) except that it does not contain the voter's day, month, and year of birth. With respect to such registrations, the county or municipality may request at any time except at the polling place that the voter supply his day and month of birth. A voter who fails to supply this information after being requested to do so may not be prevented from voting for the reason of registration card deficiency.*”

Page 3, delete section 3

Page 4, line 13, delete “the” and insert “all automatic recounts have been verified by the appropriate election office and the time for filing a contest of election has passed. When a contest of election has been filed, the voting machines shall remain locked until the voting machine count has been verified in accordance with the orders of the appropriate court.”

Page 4, delete lines 14 to 21

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after “1” delete the comma and insert “and”

Page 1, line 7, after “3” delete “, and 6”

Page 1, line 8, delete “; repealing” and insert a period

Page 1, delete lines 9 and 10

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 714: A bill for an act relating to insurance; homeowner's; requiring notices of cancelation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 2, delete "homeowner's";

Page 1, line 2, after "requiring" insert "all"

Page 1, line 3, delete "cancelation" and insert "cancellation of homeowner's policies"

Page 1, line 3, delete "easily readable and"

Page 1, line 4, delete "understandable" and after "language" insert "that is easy to read and understandable"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 854: A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

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 Economic Development and Commerce, to which was referred

S.F. No. 591: A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after the period, insert "*Reimbursement must be made to the person entitled to the benefits or the person performing the services.*"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Ms. Berglin 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 Economic Development and Commerce, to which was referred

S.F. No. 534: A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; 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 9, after "individual" insert "or group"

Page 1, line 10, after "chapter" insert "or chapter 64A"

Page 1, line 15, after "*insured*" insert "*, subscriber, or enrollee*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 676: A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 287: A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 and 5.

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 Economic Development and Commerce, to which was referred

S.F. No. 662: A bill for an act relating to economic development; creating the office of tourism; appropriating money; amending Minnesota Statutes 1982, sections 116J.58, subdivisions 2 and 3; 116J.59; 116J.60; 116J.61; and 116J.63.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, after "*funds*" insert "*directly*"

Page 2, line 5, after "*shall*" insert "*recommend the*" and after "*transfer*" insert "*of*"

Page 2, line 6, delete "*office of tourism*" and insert "*legislature*"

Page 2, line 7, delete "*effective*" and insert "*by*"

Page 2, line 14, delete everything after "*state*"

Page 2, delete line 15

Page 2, line 16, delete "*116J.63*"

Pages 3 to 7, delete sections 4 to 9 and insert:

"Sec. 4. [4.52] [PROMOTIONAL CONTRACTS.]

In order to best carry out his or her duties and responsibilities and to serve the people of the state in the promotion of tourism, the director may engage in programs and projects jointly with a private person, firm, corporation, or

association and may enter into contracts under terms to be mutually agreed upon to carry out the programs and projects, not including acquisition of land or buildings. Contracts may be negotiated and are not subject to the provisions of chapter 16, insofar as the provisions relate to competitive bidding.

Sec. 5. [4.53] [DIRECTOR MAY ENTER INTO PROJECT AGREEMENTS.]

The director may enter into project agreements with organizations or corporations for the purpose of developing tourism in the state. If, in the judgment of the director, a project will make a meaningful contribution to the tourism development of the state, he or she may enter into local or regional agreements.

Sec. 6. [4.54] [IMPREST FUNDS, USE.]

The director of tourism may use the money in the imprest fund of his or her office in order to facilitate and expedite its business particularly in the making of advances of money to officers and employees of the office for the purpose of defraying the expenses of travel, subsistence, and other similar expenses, and in meeting emergencies, and in accordance with requirements prescribed by the commissioner of finance. The imprest fund shall be reimbursed for all money advanced in the manner prescribed by the rules of the commissioner of administration.

Sec. 7. [4.55] [PROMOTIONAL EXPENSES.]

In the promotion of tourism for the state of Minnesota, the director of tourism may expend from money appropriated by the legislature for these purposes in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. For purpose of allotment, encumbrance, and disbursement all transactions for promotional purposes shall be coded under the commissioner of finance's object of expenditure code for advertising. The encumbrance shall be made on a miscellaneous encumbrance requisition. An expenditure for food, lodging, or travel is not to be governed by travel rules of the commissioner of administration.

Sec. 8. [4.56] [SALE OF PAMPHLETS AND PUBLICATIONS; FEES; ADVERTISING.]

Subdivision 1. [SALE.] The director may sell reports, publications, or related publicity or promotional material of the office that in his or her judgment should not be supplied gratis to those who wish to employ them in the conduct of their business.

Subd. 2. [FEES; DEPOSIT OF FEES.] The director shall recommend a schedule of fees pursuant to section 16A.128 to be charged for these materials and for services rendered by the office in furnishing them. The fees prescribed by the director shall be commensurate with the distribution objective of the office for the material produced or with the cost of furnishing the services. Fees for materials and services shall be deposited in the general fund.

Subd. 3. [ADVERTISING; REVENUE.] Office publications may contain advertising and may receive advertising revenue from profit and nonprofit

organizations, associations, individuals, and corporations, and other state, federal, or local government agencies. Advertising revenues shall be deposited in the general fund. The director shall set advertising rates and fees commensurate with services rendered and distribution objectives.

Sec. 9. [4.57] [ART AND HISTORICAL EXHIBITIONS.]

In order to promote tourism, trade, and cultural enrichment, the director shall arrange for the exhibition of art collections and historical displays from other nations in the state capitol and in other public buildings throughout the state of Minnesota. The director of tourism shall cooperate with the state historical society in implementing this cultural exchange program and may enter into any contracts or joint ventures which are necessary to achieve the objectives of this section."

Page 7, line 33, delete "\$9,195,600" and insert "\$11,797,400"

Page 7, line 34, after the period, insert "Not more than \$100,000 may be expended from this appropriation for the purpose of section 9."

Pages 7 and 8, delete section 11

Page 8, line 13, delete "Sections 1 to 11 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "tourism;" insert "assigning powers and duties;"

Page 1, line 3, delete everything after the second semicolon

Page 1, delete lines 4 and 5, and insert "proposing new law coded in Minnesota Statutes, chapter 4."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 611: A bill for an act relating to occupations and professions; establishing licensing, bonding, and insurance requirements for tow truck operators; requiring the commissioner of transportation to adopt rules; providing for the revocation, suspension, and denial of a license; prohibiting local regulation; proposing new law coded in Minnesota Statutes, chapter 221.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [465.74] [REGULATION OF VEHICLE TOWERS LIMITED.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "Vehicle tower" means a person engaged in the business of towing or

recovering vehicles by means of a crane, hoist, tow bar, tow line, or dolly for the purpose of moving or transporting wrecked, damaged, disabled, replacement, or abandoned vehicles; and

(b) "Municipality" means a statutory or home rule charter city or a town.

Subd. 2. [REQUEST BY OWNER.] No municipality may prohibit the operation within its boundaries of a vehicle towed who is not licensed by that municipality and who is responding to a service request from a person who is the owner or operator or the agent of the owner or operator of the motor vehicle for which vehicle towing service is requested.

Subd. 3. [PRIVATE PROPERTY.] No vehicle towed may remove a motor vehicle by towing, carrying, hauling or pushing from private property at the request of a person who is neither the owner or operator nor the agent of the owner or operator of the vehicle except in compliance with local ordinances."

Delete the title and insert:

"A bill for an act relating to occupations and professions; limiting municipal regulation of tow truck operators; limiting removal of tow trucks from private property; proposing new law coded in Minnesota Statutes, chapter 465."

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. 644: A bill for an act relating to labor; providing funds for labor education; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "education" and insert "labor and industry"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 375: A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Energy and Housing. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 689: A bill for an act relating to the town of St. Cloud; permitting its division into urban and rural service districts.

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. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 690: A bill for an act relating to the town of St. Cloud; permitting the town property tax to exceed statutory levy limits.

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. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 413: A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 664: A bill for an act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 1, delete "*recoreds*" and insert "*records*"

Page 3, line 25, delete "*governig*" and insert "*governing*"

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. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 238: A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 411: A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, line 32, delete “; and” and insert a period

Page 2, line 33, delete “(m)” and insert “Further, the commissioner may”

Page 3, line 26, delete “The”

Page 3, lines 27 to 29, delete the new language

Page 4, line 3, delete “practicable” and insert “reasonable”

Page 5, line 2, strike “residential”

Page 5, line 14, before the period, insert “, providing the device or method conforms with national or state performance and quality standards whenever applicable”

Page 5, lines 29 and 34, reinstate the stricken language and delete the new language

Page 6, line 5, strike “order” and insert “orders”

Page 6, line 10, reinstate the stricken language and delete the new language

Page 6, lines 15 to 21, delete the new language and insert “The commission shall nevertheless insure that every public utility with operating revenues in excess of \$5,000,000 operate one or more programs under periodic review by the commission, which make significant investments in and expenditures for energy conservation improvements. The commission shall give special consideration to the needs of renters and low income families and individuals. Provisions of the previous two sentences shall expire on January 1, 1993.”

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. 652: A bill for an act relating to agriculture: requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [32.415] [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

In order to provide uniform quality standards, producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts D and F of the United States Department of Agriculture Consumer and

Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:

(a) *Inspections of producers shall begin not later than July 1, 1984;*

(b) *Producers shall comply with the standards not later than July 1, 1986, except as otherwise allowed under the standards; and*

(c) *The commissioner shall develop methods by which producers can substantially comply with the standards without violation of religious beliefs. The commissioner may adopt rules, including temporary rules, for the purpose of this clause.*

The commissioner of agriculture shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

The commissioner of agriculture shall consult with producers, processors and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings and other methods of informing producers about the implementation of standards under this section.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete "requiring the commissioner of"

Page 1, line 3, delete "agriculture to make certain" and insert "adopting recommended federal"

Page 1, line 3, after "milk" insert "quality"

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "proposing" and insert "providing for phase in of inspections and compliance;"

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. 108: A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CONVEYANCE OF TAX-FORFEITED LAND IN SHERBURN COUNTY.]

Notwithstanding the provisions of section 282.018, or any other contrary provision of Minnesota Statutes, chapter 282, Sherburne County, with the

approval of the commissioner of natural resources, may sell, at public or private sale, and at the appraised value, a lakeshore lot described as: Lot 40, Block 1, Second Fremont Lake Shores Addition to the City of Zimmerman. The property shall be appraised as provided in Minnesota Statutes, chapter 282, and if sold at public sale, shall be sold and conveyed as provided in that chapter. If sold at private sale, the property shall be sold and conveyed as far as practicable as provided in Minnesota Statutes, chapter 282.

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. 286: A bill for an act relating to game and fish; prohibiting harassment of hunters, trappers, and fishers; providing penalties; proposing new law coded in Minnesota Statutes, chapter 97.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "the" insert "lawful"

Page 1, delete lines 24 and 25

Page 2, delete lines 1 to 3

Page 2, after line 7, insert:

"It is not a violation of this subdivision for any person to carry out any normal agricultural practice on land adjacent to public lands or waters where the taking of wild animals is permitted to the public."

Page 2, line 9, after "officer" insert "or conservation officer"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 821: A bill for an act relating to economic development; creating the Minnesota enterprise agency; creating the Minnesota enterprise fund; transferring certain powers from the department of energy, planning and development; abolishing the small business finance agency; appropriating money; amending Minnesota Statutes 1982, section 116J.90, subdivision 5; proposing new law coded as chapter 266.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSFER OF CERTAIN RESPONSIBILITIES FROM THE COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT

TO THE MINNESOTA SMALL BUSINESS FINANCE AGENCY AND
THE MINNESOTA ENTERPRISE FUND.]

Subdivision 1. [AUTHORIZATION.] The Minnesota small business finance agency and the Minnesota enterprise fund are the successors to the commissioner of energy, planning and development as regards all responsibilities vested in or imposed on the commissioner that relate to the following:

- (a) community development corporation grants, as provided in 116J.65;*
- (b) the "503" certified state development company, as provided in section 116J.67;*
- (c) the issuance of industrial revenue bonds, as provided in chapter 474;*
- (d) the administration of the area redevelopment act and the federal revolving loan program as provided in chapter 472; and*
- (e) the authority to pass-through appropriations to the Duluth port authority, as provided by chapter 116J.*

The responsibilities of the commissioner of energy, planning and development that relate to clauses (a) to (e) are transferred to, vested in, and imposed on the Minnesota small business finance agency and the Minnesota enterprise fund. The agency and the fund are deemed to be the successors to these responsibilities as they were constituted immediately prior to the effective date of sections 1 to 33.

Subd. 2. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of sections 1 to 33 and undertaken or commenced by the commissioner of energy, planning and development under the authority of any responsibility transferred by this section to the Minnesota small business finance agency may be conducted and completed by the Minnesota small business finance agency in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 3. [TRANSFER OF CUSTODY OF DOCUMENTS.] An individual responsible under law for administration of a function transferred by this section to the Minnesota small business finance agency shall, upon request by the Minnesota small business finance agency or by a designated employee, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the Minnesota small business finance agency's new duties. The transfer shall be made in accordance with the directions of the Minnesota small business finance agency.

Subd. 4. [RULES.] Rules adopted pursuant to responsibilities that have been transferred in this section remain effective and shall be enforced by the Minnesota small business finance agency. Rulemaking authority that existed to implement the responsibilities that are transferred in this section is hereby transferred to the Minnesota small business finance agency.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the commissioner of energy, planning and development and the executive council for the purpose of performing the responsibilities that

are transferred by this section to the Minnesota small business finance agency are transferred to the Minnesota small business finance agency. If an unexpended appropriation must be allocated between the Minnesota small business finance agency and another individual, office, division, agency, or department to accurately reflect the division of responsibilities between those individuals, divisions, agencies, or departments and the Minnesota small business finance agency after the effective date of sections 1 to 33, the commissioner of administration shall allocate the unexpended appropriation as deemed appropriate.

Subd. 6. [TRANSFER OF POSITIONS.] Prior to the effective date of sections 1 to 33, the commissioner of energy, planning and development shall identify for the Minnesota small business finance agency the positions necessary to carry out the responsibilities transferred. The incumbents of those positions in the classified service which the Minnesota small business finance agency determines are needed to carry out those responsibilities are transferred to the employment of the Minnesota small business finance agency. The positions of all persons in the classified service that the Minnesota small business finance agency determines are not needed to carry out its responsibilities are abolished. The positions of all persons who are employed in the unclassified service by the department of energy, planning and development to perform the responsibilities that are transferred by this section to the Minnesota small business finance agency are abolished. Persons in unclassified and classified positions which have been abolished shall receive preferential treatment for positions with the Minnesota small business finance agency. Nothing in this subdivision shall be construed as abrogating or modifying rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 2. Minnesota Statutes 1982, section 116J.62, is amended to read:

116J.62 [SMALL BUSINESS FINANCE AGENCY.]

The commissioner may enter into agreements or transactions with the small business finance agency created under section 116J.89 to perform any or all administrative tasks in connection with the exercise and implementation of the powers and programs of the small business finance agency. The physical premises, equipment, and other office materials used by the commissioner of energy, planning and development to administer the responsibilities transferred in section 1 shall be used by the Minnesota small business finance agency to continue the administration of the transferred responsibilities.

Sec. 3. Minnesota Statutes 1982, section 116J.67, is amended by adding a subdivision to read:

Subd. 3a. [BOARD OF DIRECTORS.] The board of directors of the certified development company shall consist of directors who are not members of the board of the Minnesota small business finance agency, as provided in section 17 and as required by the federal regulations governing certified development companies.

Sec. 4. Minnesota Statutes 1982, section 116J.88, subdivision 4, is amended to read:

Subd. 4. [ELIGIBLE SMALL BUSINESS.] "*Eligible small business*" means an enterprise determined by the agency to constitute a small business concern as defined in regulations of the United States small business administration pursuant to 45 U. S. Code *United States Code, title 15*, sections 631 to 647, as in effect March 1, 1980, which is engaged in any industrial or commercial activity except:

- (a) banking or other financial service;
- (b) real estate brokerage, management, sale, ownership, or leasing;
- (c) legal, medical, dental, accounting, engineering, or any other professional or consulting service;
- (d) furnishing recreational or athletic facilities; and
- (e) serving food or beverages to be consumed on or adjacent to the premises where they are sold amended through December 31, 1982.

Sec. 5. Minnesota Statutes 1982, section 116J.88, subdivision 5, is amended to read:

Subd. 5. [TARGETED SMALL BUSINESS.] "*Eligible Targeted small business*" for the purpose of section 116J.90, subdivision 5, means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

- (a) has 20 or fewer full time employees or not more than the equivalent of \$1,000,000 in annual gross revenues in the preceding fiscal year; and
- (b) is not 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. For the purpose of this subdivision, "dominant in its field of operation" means having more than 20 full time employees and more than \$1,000,000 in annual gross revenues.

"~~Farm business~~" means a business entity "*Targeted small business*" includes a farm business engaged in farming, agricultural production or processing, or storage of agricultural products, which otherwise qualifies as a small business.

Sec. 6. Minnesota Statutes 1982, section 116J.88, subdivision 6, is amended to read:

Subd. 6. [FINANCIAL INSTITUTION.] "*Financial institution*" means ~~any~~ a bank or other financial corporation described in chapter 47, ~~any~~ an insurance company licensed to do business under chapter 60A, ~~and any~~ a securities broker-dealer licensed under chapter 80A, and financial organizations relating to commercial credit or venture capital.

Sec. 7. Minnesota Statutes 1982, section 116J.88, subdivision 7, is amended to read:

Subd. 7. [BUSINESS LOAN.] "*Business loan*" means a loan, other than a pollution control loan, to the owner of a ~~an~~ eligible small business for the ~~interim or long term~~ financing of (a) capital expenditures for the acquisition or improvement of land, acquisition, construction, removal, or improve-

ment of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business; or (b) short-term costs of conducting an eligible small business.

Subd. 7a. [FARM LOAN.] "Farm loan" means a loan to a farm business for the acquisition, installation, improvement, construction or removal of buildings, or acquisition and installation of fixtures or equipment, useful for the conduct of a farm business.

Sec. 8. Minnesota Statutes 1982, section 116J.88, subdivision 8, is amended to read:

Subd. 8. [POLLUTION CONTROL LOAN.] "Pollution control loan" means a loan to the owner of an eligible small business for the acquisition, construction, or improvement of pollution control facilities or operations. Pollution control facilities or operations may include real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

Sec. 9. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 9. [FUND.] "Fund" means the Minnesota enterprise fund.

Sec. 10. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 10. [EXECUTIVE DIRECTOR.] "Executive director" means the executive director of the Minnesota small business finance agency.

Sec. 11. Minnesota Statutes 1982, section 116J.89, subdivision 1, is amended to read:

Subdivision 1. [CREATION; PURPOSES.] A small business finance agency is hereby created and is constituted as an authority to act on behalf of the state within the scope of the powers granted to it in sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 to implement a loan program financing programs 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 eligible small business businesses in Minnesota and to reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business businesses.

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, ~~whether or not the interest on the bonds is exempt from federal income taxes,~~ the agency will be able to spread its financing costs among the eligible small businesses to which the agency makes loans, thereby reducing costs incurred by each eligible small business.

Sec. 12. Minnesota Statutes 1982, section 116J.89, subdivision 2, is amended to read:

Subd. 2. [PUBLIC PURPOSES.] Sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 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, controlling, and preventing environmental pollution and waste of resources; and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Sec. 13. Minnesota Statutes 1982, section 116J.89, subdivision 7, is amended to read:

Subd. 7. [TAXATION OF AGENCY NOTES AND BONDS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the agency in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the agency issued pursuant to sections 116J.88 to 116J.91 and the income therefrom 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 such 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 such tax is measured.

Sec. 14. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1a. In addition, the Minnesota small business finance agency may use the Minnesota enterprise fund to provide financial assistance to eligible small businesses as follows:

- (a) to provide loan guarantees to eligible small businesses;*
- (b) to invest directly and indirectly in eligible small businesses or to participate with other financial resources;*
- (c) to provide direct loans to eligible small businesses;*
- (d) to participate in other investment programs as appropriate under the terms of sections 1 to 33;*
- (e) to purchase loan packages made to eligible small businesses by financial institutions in the state;*
- (f) to enter into or to pay fees on insurance contracts, letters of credit, municipal bond insurance, surety bonds, or other agreements or contracts with financial institutions;*
- (g) to guarantee bonds and notes of the agency, the proceeds of which are used to make business loans;*
- (h) to create accounts within the fund for the separate purposes listed in this section and in section 1, and including without limitation the payment of the cost of issuing agency bonds and notes;*
- (i) to enter into contract with note and bond holders or other persons interested in the disposition of the fund; and*
- (j) for any legal purpose or program of the agency.*

Sec. 15. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1b. (a) The following eligible small businesses have preference among business applicants:

(1) businesses located in areas of the state that are experiencing the most severe unemployment rates in the state;

(2) eligible small businesses that are likely to expand and provide additional permanent employment;

(3) businesses located in border communities that experience a competitive disadvantage due to location;

(4) businesses that have been unable to obtain traditional financial assistance due to a disadvantageous location, minority ownership, or other factors rather than due to the business having been considered a poor financial risk;

(5) businesses that utilize state resources, thereby reducing state dependence on outside resources, and that produce products or services consistent with the long-term social and economic needs of the state; and

(6) businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4.

(b) Direct equity or loan investments in particular businesses are not prohibited, but the agency shall prefer indirect investment such as loan guarantees or the purchase of loan packages. Except in the issuance of agency bonds or notes, the agency may not invest the fund in a program that does not have financial participation from the private sector, as determined by the agency.

Sec. 16. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1c. [MINNESOTA ENTERPRISE FUND.] There is created the Minnesota enterprise fund to be administered by the Minnesota small business finance agency. The fund consists of the appropriation provided in section 31 to be used to effectuate the agency's corporate purposes as provided in sections 116J.89 to 116J.91 and sections 1 to 33.

Sec. 17. Minnesota Statutes 1982, section 116J.89, subdivision 8, is amended to read:

Subd. 8. [BOARD OF DIRECTORS.] The members and governing body of the agency shall be ~~the commissioner and six other members holding no other elective or appointive office of the state or any local government;~~ a nine-member board of directors, including a chairperson, all of whom shall be appointed by the governor with advice and consent of the senate. ~~The commissioner shall be vice chairman; and the governor shall designate the chairman from among the other members;~~ to serve as chairman at the pleasure of the governor. ~~The board shall elect a secretary from among its members. The board shall be represented by members chosen from the following sectors: business, labor, and higher education. The members shall be selected to represent the various geographical areas of the state. Section 15.0575, governs the terms, compensation, removal, and filling of vacancies in the offices of board members other than the commissioner. Section 471.87 does not apply to a board member who acts in the member's official capacity for~~

the agency.

Sec. 18. Minnesota Statutes 1982, section 116J.89, subdivision 10, is amended to read:

Subd. 10. [EXECUTIVE DIRECTOR; STAFF.] The commissioner shall ~~designate~~ *appoint* an employee *in the unclassified service* as executive director of the agency and may appoint permanent and temporary employees necessary for the administration of the agency. The governing body of the agency may enter into agreements under which the department will provide administrative support for the agency.

Sec. 19. Minnesota Statutes 1982, section 116J.90, subdivision 2, is amended to read:

Subd. 2. The agency may *make or purchase or* participate with financial institutions in making or purchasing business loans not exceeding \$1,000,000 in principal amount; ~~to be serviced by such institutions; provided that:~~

(a) ~~The agency'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 or personal property or by any other security satisfactory to the agency to secure payment of the loan provided; that the agency's share may equal 100 percent of the total principal amount of the business loan if the financial institution participating in the making or purchasing of the business loan by servicing the loan; purchases 100 percent of the total amount of the bonds issued by the agency in connection with the loan;~~

(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 agency'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 such insurance in the state; insuring a percentage of any claim for loss at least equal to that percentage of the value by which the loan exceeds 90 percent thereof;~~

(c) ~~The value of the property securing the loan shall be certified by the participating financial institution; on the basis of such appraisals; bids; purchase orders; and engineers' certificates as the agency may require; provided that the value of items purchased and constructed from the proceeds of the loan shall not be deemed to exceed the contract price of purchase or construction;~~

(d) ~~The agency shall not disburse 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; unless a financial institution furnishes an irrevocable letter of credit or a qualified corporate surety furnishes payment and performance bonds; satisfactory to the agency 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 in-~~

interest in property securing a business loan made or purchased pursuant to this subdivision without the prior express written authorization of the agency.

Sec. 20. Minnesota Statutes 1982, section 116J.90, subdivision 4, is amended to read:

Subd. 4. The agency may make pollution control loans which are fully secured by the guarantee or insurance of any agency or instrumentality of the United States or by a private insurer qualified to write the insurance in the state, or by reserves provided by the agency or any combination of the foregoing.

Sec. 21. Minnesota Statutes 1982, section 116J.90, subdivision 5, is amended to read:

Subd. 5. The agency shall make every effort to assure that at least 50 percent of the principal amount of the loans made or purchased by the agency in each fiscal year consists of loans with a principal amount of \$100,000 or less to ~~eligible targeted~~ small businesses as defined in section 116J.88, subdivision 4 5, and shall provide technical assistance needed by ~~eligible targeted~~ small ~~business owners~~ businesses to complete applications and meet other requirements for those loans. The agency 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. *The inability of the agency to comply with this subdivision does not affect the validity of agency bonds and notes heretofore or hereafter issued.*

Sec. 22. Minnesota Statutes 1982, section 116J.91, subdivision 1, is amended to read:

Subdivision 1. In implementing its corporate purposes and the programs described in sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91, the agency shall have the powers and duties set forth in this section.

Sec. 23. Minnesota Statutes 1982, section 116J.91, subdivision 4, is amended to read:

Subd. 4. It may adopt, amend and repeal rules not inconsistent with the provisions of sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 as necessary to effectuate its corporate purposes.

Sec. 24. Minnesota Statutes 1982, section 116J.91, subdivision 10, is amended to read:

Subd. 10. It may consent, whenever 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,~~ a contract or agreement of any kind to which the agency is a party.

Sec. 25. Minnesota Statutes 1982, section 116J.91, subdivision 11, is amended to read:

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such 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 agency may refund bonds*

and notes and may guarantee its bonds and notes with money from the enterprise fund. The aggregate principal amount of the agency'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 therefor and amounts used to make loans guaranteed or insured by an agency or instrumentality of the federal government or by private insurer or guarantor authorized to do business in the state of Minnesota and acceptable to the agency, shall not exceed \$30,000,000 unless authorized by another law.

Sec. 26. Minnesota Statutes 1982, section 116J.91, subdivision 12, is amended to read:

Subd. 12. 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 business loans pursuant to section 116J.90, subdivision 2, shall be payable solely from revenues derived by the agency from repayments of such loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. A general reserve fund is hereby created and is eligible to receive direct appropriations from the state treasury or a transfer from the enterprise fund as the agency may provide by resolution. The agency may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the agency shall determine. Until so pledged and appropriated by the agency the general reserve fund shall not be available to pay principal and interest on the agency's obligations. ~~No obligations shall be issued to participate in making or purchasing business loans pursuant to section 116J.90, subdivision 2, unless the obligations are secured at the time of issuance by a debt service reserve fund, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds, and unless the amount then held or then deposited in the fund or segregated portion is at least equal to ten percent of the aggregate principal amount of all obligations secured by the fund or segregated portion thereof. The agency may at its option provide by resolution that obligations issued to participate in making or purchasing business loans be secured at the time of issuance in whole or in part by a debt service reserve fund or funds, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds. The operation of the debt service reserve fund or funds and other relevant terms or provisions shall be determined by resolution of the agency.~~

Sec. 27. Minnesota Statutes 1982, section 116J.91, subdivision 14, is amended to read:

Subd. 14. It may establish and collect reasonable interest and amortization payments on loans, and in connection therewith 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 thereof, 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, and the prompt filing of all claims which may arise thereunder.~~

Sec. 28. Minnesota Statutes 1982, section 116J.91, subdivision 16, is amended to read:

Subd. 16. It may provide general consultative and technical services to assist in financing small business facilities for which loans may be made ~~pursuant to section 116J.90~~. It may enter into agreements or other transactions concerning the receipt or provision of those services.

Sec. 29. Minnesota Statutes 1982, section 116J.91, subdivision 19, is amended to read:

Subd. 19. ~~All~~ Proceeds of the agency's bonds, notes, and other obligations; ~~any~~ amounts granted or appropriated to the agency for the making or purchase or the insurance or guaranty of loans or for bond reserves; ~~all~~ income from ~~their~~ investment; *money in the enterprise fund*; and all revenues from loans, fees, and charges of the agency are annually appropriated to the agency 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. Notwithstanding section 16A.28, these appropriations are available until expended.

Sec. 30. Minnesota Statutes 1982, section 116J.91, is amended by adding a subdivision to read:

Subd. 20. The agency may do all things necessary and proper to fulfill its purpose and the purposes of the enterprise fund as provided in sections 1 to 33.

Sec. 31. [APPROPRIATION.]

There is appropriated from the general fund to the Minnesota enterprise fund the total sum of \$30,000,000 for the biennium ending June 30, 1985, to hire staff, consultants, and other necessities of administration of the agency and for the purposes provided in sections 1 to 33. The appropriation is deemed expended upon deposit in the Minnesota enterprise fund.

Sec. 32. [INSTRUCTION TO REVISOR.]

Subdivision 1. [SUBSTITUTION OF TERMS.] The revisor of statutes is directed to change the words "commissioner," "commissioner of energy, planning and development," "agency," "state agency," or similar terms to "the Minnesota small business finance agency" wherever it appears in sections 116J.65 and 116J.67; and in chapters 472 and 474.

The revisor of statutes is directed to change "development revolving fund"

or similar terms to "Minnesota enterprise fund" wherever it appears in section 472.13.

Sec. 33. [REPEALER.]

Minnesota Statutes 1982, section 116J.88, subdivision 3, is repealed.

Sec. 34. [EFFECTIVE DATE.]

Sections 1 to 33 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "Minnesota enterprise agency;"

Page 1, delete line 6

Page 1, delete lines 8 and 9 and insert "sections 116J.62; 116J.67, by adding a subdivision; 116J.88, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions; 116J.89, subdivisions 1, 2, 7, 8, 10, and by adding subdivisions; 116J.90, subdivisions 2, 4, and 5; 116J.91, subdivisions 1, 4, 10, 11, 12, 14, 16, 19, and by adding a subdivision; repealing Minnesota Statutes 1982, section 116J.88, subdivision 3."

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 Economic Development and Commerce, to which was referred

S.F. No. 609: A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.05; 56.131, subdivision 3; 56.14; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 19, strike "shall" and insert "may"

Page 3, line 25, strike "Where" and insert "If"

Page 3, line 26, strike "such" and insert "the"

Page 3, line 28, strike "such" and insert "a"

Page 3, line 30, before "which" insert a comma

Page 3, line 31, strike "such"

Page 3, line 35, strike "shall" and insert "must"

Page 4, line 1, strike "Any such" and insert "A"

Page 4, after line 3, insert:

“Sec. 5. Minnesota Statutes 1982, section 53.04, subdivision 3a, is amended to read:

Subd. 3a. (a) The right to make loans, secured or unsecured, at the rates and on the terms and other conditions permitted licensees under chapter 56. The right to extend credit or lend money and to collect and receive charges therefor as provided by chapter 334, or in lieu thereof to charge, collect, and receive interest at the rate of 21.75 percent per annum. The provisions of sections 47.20 and 47.21 do not apply to loans made under this section, except as specifically provided in this subdivision. Nothing in this subdivision shall be deemed to supersede, repeal, or amend any provision of section 53.05. A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

(b) Loans made under this section at a rate of interest not in excess of that provided for in paragraph (a) may be secured by real or personal property, or both. If the proceeds of a loan made after August 1, 1984 are used in whole or in part to satisfy the balance owed on a contract for deed, the rate of interest charged on the loan shall not exceed the rate provided in section 47.20, subdivision 4a. If the proceeds of a loan secured by a first lien on the borrower's primary residence are used to finance the purchase of the borrower's primary residence, the loan must comply with the provisions of section 47.20.

(c) A loan made under this section that is secured by real estate may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this subdivision. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the maximum rate of interest provided by this subdivision when such prepayment is taken into account.

Sec. 6. Minnesota Statutes 1982, section 53.04, subdivision 5, is amended to read:

Subd. 5. The right, with the consent of the department of commerce, to (1) sell and issue for investment certificates of indebtedness, under any descriptive name, which may bear interest, if any, as their terms provide, and which may require the payment to the company of amounts, from time to time as their terms provide, and permit the withdrawal of amounts paid on them, in whole or in part, from time to time, and the credit of amounts thereon upon conditions set forth therein; and (2) *receive savings accounts or savings deposits*. No certificate of indebtedness shall have a surrender value which is less than the total amount paid to the company therefor.”

Page 4, line 10, strike “receive”

Page 4, line 11, strike “savings accounts”

Page 4, line 11, strike “or”

Page 4, line 13, after “indebtedness” insert “, *savings accounts, and savings deposits*”

Page 5, line 4, after "*appropriated*" insert "*reserves*"

Page 5, line 5, delete "*licensed*" and insert "*authorized*"

Page 5, after line 10, insert:

"Sec. 8. Minnesota Statutes 1982, section 53.07, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY RESERVE MINIMUM.] Until an industrial loan and thrift company obtains a commitment for insurance or guarantee of accounts acceptable to the commissioner as required by section 53.10, it shall establish a minimum reserve against the certificates of indebtedness, *savings accounts*, and *savings deposits* described in section 53.04, subdivision 5, of not less than ten percent of the amount of indebtedness thus created. Three percent of this indebtedness shall be in cash in the actual possession of the industrial loan company or on demand deposit in approved banks of this state, and seven percent of the total indebtedness may be in bonds admissible for investment by mutual savings banks under the laws of this state.

Sec. 9. Minnesota Statutes 1982, section 53.10, is amended to read:

53.10 [MANDATORY INSURANCE OR GUARANTEE OF CERTIFICATES HELD FOR INVESTMENT.]

Subdivision 1. [REQUIREMENT.] Not later than July 1, 1983, every industrial loan and thrift company operating under this chapter with consent or holding a certificate of authorization, which includes the right to sell and issue for investment certificates of indebtedness, *savings accounts*, and *savings deposits*, other than those to be pledged as security for a loan made contemporaneously therewith, shall obtain a commitment for insurance or guarantee of the certificates, *accounts*, or *deposits* by or through an insurance company or guarantee fund acceptable to the commissioner of banks. The insurance or guarantee shall provide for the redemption of the investment of certificate, *account*, or *deposit* holders in the event of liquidation, insolvency or bankruptcy of the industrial loan and thrift company. The amount of insurance or guarantee benefit to each certificate, *account*, or *deposit* holder, as an individual or multi-party account, shall at all times be in full force and equal to the lesser of the industrial loan and thrift company's liability under a certificate, *account*, or *deposit* or \$100,000. For purposes of this section, an insurance company or guarantee fund includes an insurance company authorized to do business in this state, an insurance or guarantee fund organized under the laws of the United States, this state or any other state with the expressed purpose or authority to guarantee the accounts of industrial loan and thrift companies or any other person who contracts with industrial loan and thrift companies to guarantee accounts.

Subd. 2. The commissioner of banks shall grant additional time or times to obtain the commitment for insurance or guarantee upon satisfactory evidence that the industrial loan and thrift company has made or is making a substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time or times shall not extend later than July 1, 1985.

Subd. 3. No industrial loan and thrift company shall hereafter be granted

consent, or issued a certificate of authorization which includes the right to issue for investment certificates of indebtedness, *savings accounts, and savings deposits*, other than those to be pledged as security for a loan made contemporaneously therewith, unless the industrial loan and thrift company has obtained a commitment for insurance or guarantee of such certificates which meets the conditions of subdivision 1.”

Page 5, line 14, reinstate the stricken language

Page 5, line 15, reinstate the stricken “to become obligated” and “under”

Page 5, line 16, reinstate the stricken language

Page 5, line 16, after “loan” insert “*for the same purpose or*”

Page 5, lines 18 to 21, delete the new language and insert “*However, if a person becomes obligated on a contract of loan as an accommodation party, a preceding or subsequent loan to that person is not a violation of this subdivision nor shall such loans be aggregated in determining the applicable rate of charge.*”

Page 5, after line 21, insert:

“Sec. 11. Minnesota Statutes 1982, section 56.131, is amended by adding a subdivision to read:

Subd. 6. [DISCOUNT POINTS.] A loan made under this section that is secured by real estate may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this section. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the maximum rate of interest provided by this section when such prepayment is taken into account.”

Page 6, after line 33, insert:

“Sec. 13. Minnesota Statutes 1982, section 56.19, subdivision 1, is amended to read:

Subdivision 1. [CRIMINAL PENALTY.] Any person and the several members, officers, directors, agents, and employees thereof, who ~~shall violate~~ ~~violates~~ or ~~participate~~ ~~participates~~ in the violation of any of the provisions of sections 56.01, ~~56.12~~, ~~56.131~~, ~~56.14~~, ~~56.17~~, and 56.18 ~~shall be~~ is guilty of a gross misdemeanor.

Sec. 14. Minnesota Statutes 1982, section 80A.15, subdivision 1, is amended to read:

Subdivision 1. The following securities are exempted from sections 80A.08 and 80A.16:

(a) Any security, including a revenue obligation, issued or guaranteed by the United States, any state, any political subdivision of a state or any corporate or other instrumentality of one or more of the foregoing; but this exemption shall not include any industrial revenue bond.

(b) Any security issued or guaranteed by Canada, any Canadian province,

any political subdivision of any province, any agency or corporate or other instrumentality of one or more of the foregoing, if the security is recognized as a valid obligation by the issuer or guarantor; but this exemption shall not include any revenue obligation payable solely from payments to be made in respect of property or money used under a lease, sale or loan arrangement by or for a nongovernmental industrial or commercial enterprise.

(c) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution or trust company organized under the laws of any state and subject to regulation in respect of the issuance or guarantee of its securities by a governmental authority of that state.

(d) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(e) Any security issued or guaranteed by any federal credit union or any credit union, or similar association organized and supervised under the laws of this state.

(f) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange, or the Chicago Board Options Exchange; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing.

(g) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of the paper which is likewise limited, or any guarantee of the paper or of any renewal which are not advertised for sale to the general public in newspapers or other publications of general circulation or otherwise, or by radio, television or direct mailing.

(h) Any interest in any employee's savings, stock purchase, pension, profit sharing or similar benefit plan, or a self-employed person's retirement plan.

(i) Any security issued or guaranteed by any railroad, other common carrier or public utility which is subject to regulation in respect to the issuance or guarantee of its securities by a governmental authority of the United States.

(j) Any interest in a common trust fund or similar fund maintained by a state bank or trust company organized and operating under the laws of Minnesota, or a national bank wherever located, for the collective investment and reinvestment of funds contributed thereto by the bank or trust company in its capacity as trustee, executor, administrator, or guardian; and any interest in a collective investment fund or similar fund maintained by the bank or trust company, or in a separate account maintained by an insurance company, for the collective investment and reinvestment of funds

contributed thereto by the bank, trust company or insurance company in its capacity as trustee or agent, which interest is issued in connection with an employee's savings, pension, profitsharing or similar benefit plan, or a self-employed person's retirement plan.

(k) Any security which meets all of the following conditions:

(1) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of the agent in its prospectus;

(2) A class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date;

(3) Neither the issuer nor a significant subsidiary has had a material default during the last seven years, or for the period of the issuer's existence if less than seven years, in the payment of (i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or (ii) rentals under leases with terms of three years or more;

(4) The issuer has had consolidated net income, before extraordinary items and the cumulative effect of accounting changes, of at least \$1,000,000 in four of its last five fiscal years including its last fiscal year; and if the offering is of interest bearing securities, has had for its last fiscal year, net income, before deduction for income taxes and depreciation, of at least 1-1/2 times the issuer's annual interest expense, giving effect to the proposed offering and the intended use of the proceeds. For the purposes of this clause "last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than 15 months from the commencement of the offering;

(5) If the offering is of stock or shares other than preferred stock or shares, the securities have voting rights and the rights include (i) the right to have at least as many votes per share, and (ii) the right to vote on at least as many general corporate decisions, as each of the issuer's outstanding classes of stock or shares, except as otherwise required by law; and

(6) If the offering is of stock or shares, other than preferred stock or shares, the securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least 1,200 persons, and on that date there are at least 750,000 such shares outstanding with an aggregate market value, based on the average bid price for that day, of at least \$3,750,000. In connection with the determination of the number of persons who are beneficial owners of the stock or shares of an issuer, the issuer or broker-dealer may rely in good faith for the purposes of this clause upon written information furnished by the record owners.

(l) Any certificate of indebtedness sold or issued for investment, other than a certificate of indebtedness pledged as a security for a loan made contemporaneously therewith, *and any savings account or savings deposit issued, by an industrial loan and thrift company.*"

Page 7, line 5, strike ". provided, however, that" and insert "if"

Page 7, line 15, strike "such" and insert "the"

Page 7, line 17, delete "or"

Page 7, line 18, strike "any"

Page 7, line 28, strike "such"

Page 7, line 31, strike ", provided that" and insert "if"

Page 7, line 33, strike "that"

Page 8, line 1, strike "such" and insert "those"

Page 8, line 11, delete "1" and insert "2"

Page 8, line 14, delete "Sections 1 to 9 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the first semicolon, insert "permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions;"

Page 1, line 14, after the first semicolon, insert "53.04, subdivisions 3a and 5;"

Page 1, line 14, after "53.05;" insert "53.07, subdivision 2; 53.10;" and after "subdivision 3" insert ", and by adding a subdivision"

Page 1, line 14, after "56.14;" insert "56.19, subdivision 1; 80A.15, subdivision 1;"

Page 1, line 16, delete "1" and insert "2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 553: A bill for an act relating to agriculture; providing for the promotion of Minnesota agricultural products; appropriating money; amending Minnesota Statutes 1982, section 17.101.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [17.70] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. [COUNCIL.] "Council" means the program advisory council established in section 2.

Subd. 3. [AGRICULTURAL COMMODITY ORGANIZATION.] "Agricultural commodity organization" means an agricultural commodity re-

search and promotion council as defined in section 17.53, subdivision 6, or any other formally organized nonprofit organization of Minnesota producers the purpose of which is the promotion of Minnesota agricultural products. Only one organization will be recognized as representing any one commodity.

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or his designee.

Sec. 2. [17.71] [ADVISORY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] There is established a program advisory council composed of members appointed by the commissioner from nominees submitted by the agricultural commodity organizations. Membership shall be as follows:

(a) one representative from each council as defined in section 17.53, subdivision 6.

(b) two representatives of agricultural commodity organizations eligible to receive financial assistance which are not councils as defined in section 17.53, subdivision 6.

Subd. 2. [TERMS AND COMPENSATION.] The replacement of members of the council is governed by section 15.059. The compensation of council members shall be made by their respective organizations.

The terms of the first council shall end as indicated in clauses (a) and (b). The terms of individual members shall be decided by lot. All successors shall be appointed for two year terms.

(a) The terms of one half of all representatives of commodity research and promotion councils shall end on June 30, 1984, and the terms of the remaining representatives shall end on June 30, 1985.

(b) The term of one representative of organizations other than commodity research and promotion councils shall end on June 30, 1984, and the term of the other representative shall end on June 30, 1985.

Subd. 3. [CHAIRMAN.] The members of the council shall annually elect a chairman and other necessary officers.

Subd. 4. [DUTIES.] The council shall:

(a) recommend procedures and methods to the commissioner for the administration of the program of financial assistance;

(b) review all proposals for assistance and make recommendations to the commissioner as to their disposition; and

(c) report to the commissioner on or before September 1 of each odd numbered year regarding the accomplishments of the program and policy or program changes needed to foster and promote the use of Minnesota commodities in domestic and foreign markets.

Subd. 5. [STAFF.] The commissioner shall provide the council with necessary staff, office space, and administrative services.

Sec. 3. [17.72] [GRANTS.]

Subdivision 1. [COMMISSIONER'S DETERMINATION.] The commis-

tioner shall determine the amount of grants and make grants to agricultural commodity organizations from appropriations made available for that purpose. In making his decision, the commissioner shall consider the recommendations of the advisory council.

Subd. 2. [CONTRACTS.] The commissioner may enter into contracts with an agricultural commodity organization if the applicant has submitted a proposal to the commissioner by May 15 according to the format established by the commissioner.

Subd. 3. [RULES.] The commissioner shall adopt permanent or temporary rules for the administration of sections 1 to 5. The rules shall establish and contain at a minimum:

(a) specific procedures for proposal applications;

(b) conditions and procedures for the administration of grants;

(c) eligibility criteria for grants including those specified in sections 1 to 5; and

(d) other matters the council and commissioner find reasonably necessary to properly administer the grant program.

Subd. 4. [LIMITATION.] Grants made by the commissioner under this section may not exceed two-thirds of the total cost of the program proposed to be undertaken by the commodity organization.

Subd. 5. [PARTIAL ADVANCE PAYMENTS.] The commissioner may direct that partial advance payments be made to an agricultural commodity organization.

Sec. 4. [17.73] [REPORTS.]

Each agricultural commodity organization receiving a grant shall submit to the commissioner a report assessing the accomplishments and effectiveness of the program.

Sec. 5. [17.74] [STATE AUDITS.]

The books, records, documents, and accounting procedures and practices of an agricultural commodity organization relevant to the contract are subject to examination and audit by the commissioner. The commissioner may prescribe uniform forms and methods of accounting to be used by those organizations for the purpose of the contract.

Sec. 6. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the commissioner of agriculture the sum of \$..... for grants to agricultural commodity organizations to further the promotion of Minnesota produced commodities in domestic and foreign markets. The appropriations shall remain available for encumbrance until June 30, 1985.

Subd. 2. The commissioner may retain up to \$..... annually from the appropriation in subdivision 1 to pay the costs of administering sections 1 to 5 and conducting related promotional activities associated with fulfilling the purposes of this act.

Subd. 3. The complement of the department of agriculture is increased by

..... *classified positions. The positions are authorized to assist the commissioner in carrying out the provisions of this act.*

Sec. 7. [EFFECTIVE DATE.]

This act is effective July 1, 1983, except that section 3, subdivision 3, is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; establishing a program of financial assistance for agricultural commodity promotion organizations; appropriating money; proposing new law coded in Minnesota Statutes, chapter 17."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 844: A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "*as defined*" and insert "*listed*" and after "*in*" insert "*schedule 1 or 2 pursuant to section 152.02*"

Page 1, line 15, delete the new language

Page 1, line 19, before the semicolon, insert "*, or if the property stolen was a controlled substance listed in schedule 3, 4, or 5 pursuant to section 152.02*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 708: A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 88.78; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 351.03; 357.12; 357.16; 357.22; 357.27; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 492.02, subdivi-

sion 3; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.64; 574.18; 574.20; 574.35; 588.01, subdivision 3; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 611.18; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivisions 2 and 3; repealing Minnesota Statutes 1982, sections 357.14; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.24; 609.46; 629.56; 629.66; and 629.71.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 4 and 5, delete section 4

Page 5, line 32, strike everything after the period

Page 5, line 33, strike everything before "The"

Page 5, line 34, after "form" insert "*and has the effect*"

Page 6, line 13, delete "it" and insert "*the notice or summons*" and strike the second "the"

Page 6, line 14, strike "notice or summons" and insert "it"

Page 7, after line 24, insert:

"Sec. 8. Minnesota Statutes 1982, section 127.17, subdivision 4, is amended to read:

Subd. 4. [~~"RUSHING"~~ OR SOLICITING FORBIDDEN.] It is ~~hereby made~~ a misdemeanor for any person, not a pupil of ~~such the~~ schools, to be upon ~~the~~ school grounds, or to enter any school building, for the purpose of "rushing" or soliciting; ~~while there,~~ any pupil of ~~such the~~ schools to join any fraternity, society, or association organized outside of the schools. All Municipal and county courts ~~and justice courts in this state shall~~ have jurisdiction of all offenses committed under this subdivision ~~and~~ . All persons found guilty of ~~such offenses~~ shall be fined not less than \$2, nor more than \$10, to be paid to ~~the city treasurer, when such schools are situated inside of the corporate limits of any city, and to the county treasurer, when situated outside of the corporate limits of any city,~~ or, upon failure to pay ~~such the~~ fine, to be imprisoned for not more than ten days."

Page 8, line 21, reinstate "in case of" and delete "with"

Page 11, line 4, delete "the" and strike "judicial officer" and insert "*the judge*"

Page 13, line 31, strike "judge" and strike "and"

Page 13, line 32, strike "every" and strike the comma

Page 19, line 18, strike the second "the"

Page 20, after line 34, insert:

“Sec. 30. Minnesota Statutes 1982, section 345.04, is amended to read:

345.04 [INVENTORY; ORDER OF SALE.]

Upon the delivery to him of ~~such the~~ affidavit, the justice or judge shall cause the property to be opened and examined in his presence and a true inventory thereof made, ~~and of it. He shall annex to such the~~ inventory an order, ~~under his hand,~~ that the property ~~therein~~ described be sold, at public auction, by any constable or ~~police~~ peace officer of the *municipality or town where the same shall be it is located* .

Sec. 31. Minnesota Statutes 1982, section 345.05, is amended to read:

345.05 [NOTICE AND RETURN OF SALE.]

The constable or police officer receiving ~~such the~~ inventory and order shall sell the property, at public auction, to the highest bidder, in the manner provided by law for constables' sales under execution, upon ten days' posted notice. When the sale is completed, he shall endorse upon the order ~~aforesaid~~ a return of his proceedings ~~thereon on it,~~ and return ~~the same~~ it to the justice or clerk of the ~~municipal~~ court, together with the inventory and the proceeds of the sale, less his fees.

Sec. 32. Minnesota Statutes 1982, section 345.06, is amended to read:

345.06 [DISPOSITION OF PROCEEDS.]

From the proceeds of ~~such the~~ sale the justice or clerk of the ~~municipal~~ court shall pay all legal charges incurred in relation to the property; or, if the proceeds are not sufficient to pay all the charges, a ratable proportion of each, ~~and~~ . The balance, if any, he shall ~~immediately pay be paid~~ to the treasurer of the county where ~~such the~~ sale took place ~~and deliver~~ . *The clerk shall provide the treasurer with a statement therewith,* containing a description of the property sold, the gross amount of the sale, and the amount of costs, charges, and expenses paid to each person. The treasurer shall file ~~such the~~ statement in his office, and make an entry of the amount received by him and the time when received.”

Page 22, line 19, after “damages” strike the old language and delete “judge”

Page 22, line 20, strike everything before the period

Page 23, delete section 35 and insert:

“Sec. 38. Minnesota Statutes 1982, section 347.05, is amended to read:

347.05 [OWNER NOT KNOWN.]

If it appears from the complaint that the owner is not known, ten days' posted notice, containing a description of the dog as given in the complaint, and stating that ~~such a~~ complaint has been made, and the time and place of hearing ~~thereon on it,~~ shall be given in the town where ~~such justice~~ resides *the judge presides*.

Sec. 39. Minnesota Statutes 1982, section 347.06, is amended to read:

347.06 [HEARING; JUDGMENT; EXECUTION.]

On the day of hearing The justice judge shall hear the evidence in the case-
~~and, . If he shall find therefrom finds that such the dog is a public nuisance, he~~
 shall enter judgment accordingly, and ~~thereupon~~ shall order the constable to
 kill and ~~bury dispose of~~ the dog; ~~which order the constable shall forthwith~~
 execute."

Page 25, line 10, reinstate "where he crossed"

Page 25, line 11, before the first comma insert "it"

Page 25, after line 33, insert:

"Sec. 44. Minnesota Statutes 1982, section 357.29, is amended to read:

357.29 [SERVICES NOT RENDERED; ILLEGAL FEES.]

No judge, ~~justice~~, sheriff, or other officer, or any other person to whom any
 fee or compensation is allowed by law for any service, shall take or receive
 any other or greater fee or reward for ~~such the~~ service than ~~he is~~ allowed by
 law; ~~and~~ . No fee or compensation shall be demanded or received by any
 officer or person for any service unless ~~the same~~ it was actually rendered,
 except in the case of prospective costs; ~~as hereinafter specified~~. Any person
 violating either of ~~the foregoing~~ these provisions ~~shall be~~ is liable to the party
 aggrieved for treble the damages sustained by him."

Page 26, line 24, strike "book" and insert "record"

Page 26, line 26, strike "same" in both places and delete "as were"

Page 26, strike line 27

Page 26, line 28, strike everything before the period and insert "*prescribed
 by statute or court rule*"

Page 26, line 32, strike "same"

Page 26, line 34, delete "were" and strike the rest of the line

Page 26, line 35, before the period insert "*provided by statute or court
 rule*"

Page 27, line 8, delete "county or" and strike "municipal" and insert
 "clerk of"

Page 31, after line 31, insert:

"Sec. 55. Minnesota Statutes 1982, section 375.24, is amended to read:

375.24 [APPOINTMENT OF JUSTICES OF THE PEACE AND CONST-
 ABLES IN CERTAIN UNORGANIZED TERRITORY.]

In any county ~~of this state~~ having no organized townships or in which ~~the~~
~~distance from any a~~ full and fractional unorganized township is more than 20
 miles from the nearest town or municipality or ~~county seat~~, ~~county seat~~ and
~~which full and fractional unorganized township~~ is entirely separated from the
 town or municipality or ~~county seat~~ ~~county seat~~ by water, the county board of
~~such the~~ county may appoint ~~one or more justices of the peace and~~ one or more
 constables for ~~such the~~ unorganized township; ~~who~~ . The constables shall
 have the same powers and duties as ~~like officers~~ constables in towns in the
 county.

Before entering upon their duties ~~such officers~~ , the constables shall give

bond to the county in ~~such a~~ penal sum as the county board shall determine, ~~which determines~~. The bonds shall be otherwise conditioned as bonds for such officers in towns in the county. ~~Such~~ The bonds shall be approved by the county board and filed with the clerk of ~~the~~ district court."

Page 32, lines 2, 3, and 4, strike "same"

Page 32, line 4, strike "if they" and delete "had" and strike "been served"

Page 32, strike line 5

Page 32, line 6, strike "a" and delete "county or municipal judge" and insert "provided by statute or the rules of criminal procedure"

Page 33, line 2, strike "probate" and "shall have" and insert "has" and strike "same" and strike "as a"

Page 33, line 3, delete "county or municipal judge"

Page 33, line 6, strike ", who" and insert ". The court"

Page 33, line 17, delete "judge" in both places and insert "court"

Page 38, line 26, strike "in which every" and insert "for each" and delete "is"

Page 38, line 27, strike "entered" and insert "rendered"

Page 39, line 4, delete "formerly" and strike everything after "in"

Page 39, line 5, strike "peace or magistrates" and insert "it by statute or court rule"

Page 40, line 1, delete "formerly" and strike everything after "in"

Page 40, line 2, strike "peace or magistrates" and insert "it by statute or court rule"

Page 40, delete section 67

Pages 44 and 45, delete sections 76 and 77 and insert:

"Sec. 81. Minnesota Statutes 1982, section 571.65, is amended to read:

571.65 [IMPLIED REPEALS.]

The purpose of this chapter is to provide a uniform system of garnishment disclosure in all ~~districts~~ district, municipal and ~~justice~~ county courts, and all ~~statutes or parts thereof~~ laws inconsistent ~~herewith~~ with this chapter are hereby amended to conform to this chapter superseded."

Page 47, after line 25, insert:

"Sec. 85. Minnesota Statutes 1982, section 588.02, is amended to read:

588.02 [POWER TO PUNISH; LIMITATION.]

Every court of ~~justice~~ and every judicial officer may punish a contempt by fine or imprisonment, or both; ~~and~~. In addition ~~thereto~~, when the contempt involves the ~~willful~~ willful disobedience of an order of the court requiring the payment of money for the support or maintenance of a minor child, the court may require the payment of the costs and a reasonable attorney's fee, in-

curring in the prosecution of ~~such~~ *the* contempt, to be paid by the guilty party; ~~but~~ . When it is a constructive contempt, it must appear that the right, or remedy of a party to an action or special proceeding was defeated or prejudiced ~~thereby~~, *by it* before the contempt can be punished by imprisonment or by a fine exceeding \$50."

Page 49, line 10, strike "juror,"

Pages 51 and 52, delete section 87

Page 53, line 15, strike "MAGISTRATE" and insert "JUDGE"

Page 55, line 4, strike "magistrate" and insert "judge"

Page 59, line 4, delete "judge" and insert "court"

Page 59, line 10, delete "immediately"

Page 60, lines 29 and 36, strike "magistrate" and insert "court"

Page 65, line 35, strike "MAGISTRATE" and insert "JUDGE"

Page 66, line 27, strike "MAGISTRATE" and insert "JUDGE"

Page 73, delete section 145

Page 73, line 17, after "357.14;" insert "357.15;"

Page 73, line 20, delete "599.24;" and insert "599.22; 599.23;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "88.78;"

Page 1, line 6, after "127.09;" insert "127.17, subdivision 4;"

Page 1, line 13, after "345.03;" insert "345.04; 345.05; 345.06;"

Page 1, line 14, delete "351.03;" and insert "347.05; 347.06;"

Page 1, line 15, after "357.27;" insert "357.29;"

Page 1, line 17, after "373.09;" insert "375.24;"

Page 1, line 23, delete "492.02, subdivision 3;"

Page 1, line 25, delete "571.64; 574.18;" and insert "571.65;"

Page 1, line 26, after "3;" insert "588.02;"

Page 1, line 28, delete "611.18;"

Page 1, line 38, delete "subdivisions 2 and" and insert "subdivision"

Page 1, line 39, after "357.14;" insert "357.15;"

Page 1, line 42, delete "599.24;" and insert "599.22; 599.23;"

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. 392: A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete “farm” and insert “on-farm”

Page 1, line 11, after “silos” insert “or the installation of appurtenant equipment”

Page 1, after line 15, 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. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 574: 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; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 18, 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 19, strike “(g)” and insert “(h)”

Page 2, line 21, strike “(h)” and insert “(i)”

Page 2, line 25, strike “(i)” and insert “(j)”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 869: A bill for an act relating to labor; providing funds for job training; 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 Judiciary, to which was re-referred

S.F. No. 511: A bill for an act relating to low-level radioactive waste;

entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 16, line 3, after "effective" insert "July 1, 1983, or at any date subsequent to July 1, 1983."

Page 16, line 4, delete "and consent to this compact by"

Page 16, line 5, delete the first "Congress" and after the period, insert "However, Article IX, Section (b) shall not take effect until the Congress has by law consented to this compact."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was re-referred

S.F. No. 192: A bill for an act relating to safety; establishing a traffic safety education improvement program; imposing an additional fee for driver's license for the traffic safety education improvement fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

H.F. No. 468: A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 330: A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 2; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 52.063; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 72A.27; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82, subdivisions 1 and 2; 114.13, subdivision 4; 115.49, subdivision 5; 116.07,

subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.68; 169.123, subdivision 7; 177.29, subdivision 2; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216B.52, subdivision 5; 231.33; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 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; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 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; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02 by adding a subdivision; 480A.06, subdivision 1; 481.02, subdivisions 3 and 6; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; and 648.39, subdivision 1; and Laws 1982, chapter 501, section 27; repealing Minnesota Statutes 1982, sections 14.70; 80A.24, subdivision 3; 363.10; 484.63; 525.711; 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 2.724, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the courts of the state. The supreme court may provide by rule that the chief justice not be required to write opinions as a member of the supreme court. Its rules may further provide for it to hear and consider cases in divisions, ~~and~~ . It may by rule assign temporarily any retired justice of the supreme court or one *judge of the court of appeals* or district court judge at a time to act as a justice of the supreme court or any number of justices or retired justices of the supreme court to act

as judges of the court of appeals. Upon the assignment of a *court of appeals judge or a district court judge* to act as a justice of the supreme court, a ~~district court~~ judge previously acting as a justice may ~~continue to so act to~~ complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court ~~or~~, a *court of appeals judge, or a district court judge* to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court *or judge of the court of appeals* under this section, he shall receive, in addition to his retirement pay, a ~~further sum, to be paid~~ out of the general fund of the state, ~~as shall afford him an amount to make his total compensation equal to the same salary as an associate a justice or judge of the supreme court on which he is acting.~~

Sec. 2. Minnesota Statutes 1982, section 3.737, subdivision 4, is amended to read:

Subd. 4. [COMMISSIONER'S DETERMINATION; APPEALS.] If the commissioner finds that the livestock owner has shown that the loss of his livestock was caused more probably than not by an animal classified as an endangered species, the commissioner shall pay compensation as provided in this section and in the rules of the department.

If the commissioner denies any compensation claimed by a livestock owner under this section, the commissioner shall issue a written decision based upon the available evidence which shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be transmitted to the livestock owner by first class mail.

A decision denying compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in the county court in the county where the loss occurred. The decision of the county court may be appealed ~~to the district court and supreme court in the same manner as any in other civil action is appealed cases.~~ Review in the county court may be obtained by the filing of a petition for review with the clerk of the county court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the clerk of the county court shall mail a copy ~~thereof of it~~ to the commissioner and set a time for hearing which shall be held within 90 days of the filing of the petition.

Sec. 3. Minnesota Statutes 1982, section 3.751, subdivision 4, is amended to read:

Subd. 4. [APPEAL.] An appeal from any final order or judgment in ~~such the action may be taken to the supreme court in the same manner as appeals in ordinary other civil actions cases.~~

Sec. 4. Minnesota Statutes 1982, section 5.08, subdivision 2, is amended to read:

Subd. 2. [DISTRIBUTION.] 15,000 copies of the legislative manual shall be printed and distributed as follows:

- (1) Up to 25 copies shall be available to each member of the legislature on

request;

(2) 50 copies to the state historical society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

(5) Two copies each to the library of Congress, the Minnesota veterans home, the state universities, the state high schools, the public academies, seminaries, and colleges of the state, and the free public libraries of the state;

(6) One copy each to ~~the~~ *other* state institutions ~~not hereinbefore mentioned~~, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the supreme court, the judges of the *court of appeals and the* district court, the senators and representatives in Congress from this state, and the county auditors;

(7) One copy to each public school, to be distributed through the superintendent of each school district; and

(8) The remainder may be disposed of as the secretary of state deems best.

Sec. 5. Minnesota Statutes 1982, section 10A.01, subdivision 5, is amended to read:

Subd. 5. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court, *court of appeals*, district court, county court, probate court, or county municipal court judgeships of the state. An individual shall be deemed to seek nomination or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination or election, has received contributions or made expenditures in excess of \$100, or has given his implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about his nomination or election. A candidate remains a candidate until his principal campaign committee is dissolved as provided in section 10A.24.

Sec. 6. Minnesota Statutes 1982, section 10A.01, subdivision 19, is amended to read:

Subd. 19. [OFFICE HOLDER.] "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice ~~or~~, and judges of the *court of appeals*, district court ~~judge~~, county court, probate court, or county municipal court.

Sec. 7. Minnesota Statutes 1982, section 14.45, is amended to read:

14.45 [RULE DECLARED INVALID.]

In proceedings under section 14.44, the court shall declare the rule invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rulemaking procedures. Any party to proceedings under section 14.44, including the agency, may appeal an adverse decision of the district court to

the ~~supreme court~~ *court of appeals as in other civil cases.*

Sec. 8. Minnesota Statutes 1982, section 14.62, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO MAKE DECISION.] Unless otherwise provided by law, if an agency fails to render a decision and order in a contested case within 90 days after the submission of the final hearing examiner report and subsequent exceptions and arguments under section 14.61, if any, any party may petition the ~~district court~~ *court of appeals* for an order requiring the agency to render a decision and order on the contested case within such time as the court determines to be appropriate. The order shall be issued unless the agency shows that further delay is reasonable.

Sec. 9. Minnesota Statutes 1982, section 14.63, is amended to read:

14.63 [APPLICATION.]

Any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under the provisions of sections 14.63 to 14.68, but nothing in sections 14.63 to 14.68 shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo provided by law ~~now or hereafter enacted~~. A petition for a writ of certiorari by an aggrieved person for judicial review under sections 14.63 to 14.68 must be filed with the ~~district court~~ *court of appeals* and served on the agency not more than 30 days after the party receives the final decision and order of the agency.

Sec. 10. Minnesota Statutes 1982, section 14.64, is amended to read:

14.64 [PETITION; SERVICE.]

Proceedings for review under sections 14.63 to 14.68 shall be instituted by serving a petition for a writ of certiorari personally or by certified mail upon the agency and by promptly filing the ~~petition proof of service~~ in the office of the clerk of ~~district court~~ *for the county where the agency has its principal office or the county of residence of the petitioners* ~~the appellate courts and the matter shall proceed in the manner provided by the rules of civil appellate procedure.~~

~~In case~~ If a request for ~~rehearing or reconsideration shall have been~~ *is* made within ten days after the decision and order of the agency, the 30-day period provided in section 14.63 shall not begin to run until service of the order finally disposing of the application for ~~rehearing or reconsideration; but~~. Nothing herein shall be construed as requiring that an application for ~~rehearing or reconsideration~~ be filed with and disposed of by the agency as a prerequisite to the institution of a review proceeding under sections 14.63 to 14.68.

~~The petition shall state the nature of the petitioner's interest, the facts showing the petitioner is aggrieved and is affected by the decision, and the ground or grounds upon which the petitioner contends that the decision should be reversed or modified. The petition may be amended by leave of court although the time for serving the petition has expired. The petition shall be entitled in the name of the person serving the petition as petitioner and the name of the agency whose decision is sought to be reviewed as respondent. Copies of the petition writ shall be served, personally or by certified mail, not later than 30 days~~

~~after the institution of the proceeding, upon all parties who appeared to the proceeding before the agency in the proceeding in which the order sought to be reviewed was made; and . For the purpose of such service, the agency upon request shall certify to the petitioner the names and addresses of all such parties as disclosed by its records; which . The agency's certification shall be conclusive. The agency and all parties to the proceeding before it shall have the right to participate in the proceedings for review. The court in its discretion may permit other interested parties to intervene. A copy of the petition shall be provided to the attorney general at the time of service of the parties.~~

~~Every person served with the petition for review as provided in sections 14.63 to 14.68 and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance stating his position with reference to the affirmance, vacation, reversal or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general and shall be filed, together with proof of service thereof, with the clerk of the reviewing court within ten days after such service. Service of all subsequent papers or notices in such proceedings need be made only upon the petitioner, the named respondent, the attorney general, and such other persons as have served and filed the notice as herein provided, or have been permitted to intervene in said proceedings as parties thereto by order of the reviewing court.~~

Sec. 11. Minnesota Statutes 1982, section 14.65, is amended to read:

14.65 [STAY OF DECISION; STAY OF OTHER APPEALS.]

The filing of the ~~petition~~ writ of certiorari shall not stay the enforcement of the agency decision; but the agency may do so, or the reviewing court of appeals may order a stay upon such terms as it deems proper. When review of or an appeal from a final decision is commenced under sections 14.63 to 14.68 in any district the court of this state appeals, any other later appeal under sections 14.63 to 14.68 from ~~such~~ the final decision involving the same subject matter shall be stayed until final decision of the first appeal.

Sec. 12. Minnesota Statutes 1982, section 14.66, is amended to read:

14.66 [TRANSMITTAL OF RECORD.]

Within 30 days after service of the ~~petition~~ writ of certiorari, or within ~~such~~ a further time as the court may allow allows, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; ~~but, .~~ By stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

Sec. 13. Minnesota Statutes 1982, section 14.67, is amended to read:

14.67 [NEW EVIDENCE, HEARING BY AGENCY.]

If, before the date set for hearing, application is made to the court of appeals for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is

material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

Sec. 14. Minnesota Statutes 1982, section 14.68, is amended to read:

14.68 [PROCEDURE ON REVIEW.]

The review shall be ~~conducted by the court without a jury and shall be~~ confined to the record, except that in cases of alleged irregularities in procedure, not shown in the record, ~~testimony thereon may be taken in the court of appeals may transfer the case to the district court for the county in which the agency has its principal office or the county in which the contested case hearing was held.~~ The district court shall, ~~upon request, hear oral argument and receive written briefs.~~ ~~Except as otherwise provided all proceedings shall be conducted according to the rules of civil procedure~~ *have jurisdiction to hear and determine the alleged irregularities in procedure. Appeal from the district court determination may be taken to the court of appeals as in other civil cases.*

Sec. 15. Minnesota Statutes 1982, section 15A.18, is amended to read:

15A.18 [SUPREME COURT APPELLATE COURTS EMPLOYEES.]

Within the limits of ~~the their~~ appropriations for ~~the salaries thereof~~ and subject to the conditions of ~~such the~~ appropriations, the ~~supreme court appellate courts~~ may employ ~~a supreme court reporter, a marshal, and such additional~~ technical, clerical, stenographic, and other personnel as is necessary.

Sec. 16. Minnesota Statutes 1982, section 16.863, is amended to read:

16.863 [APPEALS.]

Any person aggrieved by the final decision of any municipality as to the application of the code, including any rules promulgated pursuant to sections 471.465 to 471.469, may, within 30 days of ~~said the~~ decision, appeal to the commissioner. Appellant shall submit a fee of \$20, payable to the commissioner, with his request for appeal. The final decision of the involved municipality shall be subject to review de novo by the commissioner or his designee, ~~and~~ . The commissioner shall submit his written findings to the ~~involved parties.~~ Any person aggrieved by any ruling of the commissioner may appeal to ~~the district court in the county in which the dispute arose in accordance with chapter 14.~~ For the purpose of this section "any person aggrieved" ~~shall include~~ *includes* the state council for the handicapped. No fee shall be required when the council for the handicapped is the appellant.

Sec. 17. Minnesota Statutes 1982, section 25.43, subdivision 5, is amended to read:

Subd. 5. [APPEAL.] Any person adversely affected by an act, order, or ruling made pursuant to the provisions of sections 25.31 to 25.44 may ~~bring action in the district court for seek~~ *bring* judicial review of ~~such actions~~ in accor-

dance with ~~sections 14.63 to 14.70~~ *chapter 14*.

Sec. 18. Minnesota Statutes 1982, section 32A.09, subdivision 5, is amended to read:

Subd. 5. [HEARING; ORDER; APPEAL.] (a) Whenever the commissioner ~~shall have~~ *has* reason to believe that any person is violating any of the provisions of sections 32A.01 to 32A.09, ~~and acts amendatory thereof,~~ or any promulgated rule, and it ~~shall appear~~ *appears* to the commissioner that ~~a proceeding in respect thereof~~ *action* is warranted, he shall serve upon ~~such the person or persons~~ a complaint stating his charges ~~in that respect containing~~ . *The complaint shall contain* a notice of hearing upon a day and at a place ~~therein~~ fixed at least twenty days after the service of ~~said the~~ complaint. The person ~~or persons~~ so complained of ~~shall have~~ *has* the right to appear at the place and time ~~so~~ fixed and show cause why an order should not be entered by the commissioner requiring ~~such the person or persons~~ to cease and desist from the violation of the law ~~so~~ charged in ~~said the~~ complaint. Any person may ~~make application~~ *apply*, and upon good cause shown, ~~may~~ be allowed by the commissioner to intervene and appear in ~~said the~~ proceeding by counsel or in person. The testimony in ~~any such the~~ proceeding shall be reduced to writing and filed in the office of the commissioner. If, upon ~~such~~ hearing, the commissioner ~~shall be~~ *is* of the opinion that there has been a violation of any of the provisions of sections 32A.01 to 32A.09, ~~and acts amendatory thereof,~~ or any promulgated rule, he shall make a report in writing in which he shall state his findings as to the facts ~~and~~ . *He* shall issue and cause to be served upon ~~such the person or persons~~ an order requiring ~~them the person~~ to cease and desist from ~~such the~~ violation. The commissioner may at any time after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section, whenever ~~in he believes the opinion of the commissioner~~ conditions ~~so~~ justify it.

(b) Any person required by an order of the commissioner to cease and desist from any act or practice may obtain a review of ~~such the~~ order in the district ~~courts of this state~~ *court* by filing in the court, within twenty days from the date of service of ~~such the~~ order a written petition praying that the order of the commissioner be set aside. A copy of ~~such the~~ petition shall be ~~forthwith~~ served upon the commissioner ~~and thereupon~~ . The commissioner shall ~~then~~ certify and file in the court a transcript of the entire record and order of the commissioner. Upon the filing of the petition and transcript, the court ~~shall have~~ *has* jurisdiction of the proceeding and of the question determined ~~herein and shall have power to~~ . *The court may* (1) make and enter upon the pleadings, evidence and proceedings set forth in ~~such the~~ transcript a decree, affirming, modifying, or setting aside the order of the commissioner or enforcing ~~the same~~ *it* to the extent that ~~such the~~ order is affirmed, and ~~to~~ (2) issue ~~such~~ writs ~~as are~~ ancillary to its jurisdiction or ~~are~~ necessary in its judgment to prevent injury to the public or to competitors *pendente lite*. The findings of the commissioner as to the facts, if supported by the evidence in the proceeding before the commissioner, ~~shall be~~ *are* conclusive. To the extent that the order of the commissioner is affirmed, the court shall ~~thereupon~~ issue its own order commanding obedience to the terms of ~~such the~~ order of the commissioner. If either party ~~shall apply~~ *applies* to the court for leave to adduce additional evidence, and ~~shall show~~ *shows* to the satisfaction of the court that ~~such the~~ additional evidence is material and that there were reasonable grounds for the failure to adduce ~~such the~~ evidence in the proceeding before the commissioner, the court may order ~~such that the~~

additional evidence to be taken before the commissioner and to . *The evidence shall be adduced upon the hearing in such the manner and upon such the terms and conditions as the court may deem deems proper.* The commissioner may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and . He shall file such the modified or new findings which, if supported by the evidence, shall be conclusive and his recommendation, if any, for the modification or setting aside of his original order with the return of such the additional evidence. The judgment and decree of the court shall be final, except that the same shall be it is subject to review by the supreme court of appeals.

(c) Violations of any cease and desist order of the commissioner shall be punished by the district court under existing the laws of contempt. Each day of failure to obey a cease and desist order of the commissioner may be deemed a separate violation and each violation of a particular act enjoined by the court may be deemed a separate violation.

Sec. 19. Minnesota Statutes 1982, section 43A.02, subdivision 25, is amended to read:

Subd. 25. [JUDICIAL BRANCH.] "Judicial branch" means all justices judges of the supreme court appellate courts, all employees of the supreme court appellate courts, 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.

Sec. 20. Minnesota Statutes 1982, section 43A.24, subdivision 2, is amended to read:

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 plans pursuant to section 43A.18, subdivision 6, 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 43A.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;

(c) A judge of the supreme court appellate courts or an officer or employee of the court these courts; a judge of the district court, a judge of county

court, a judge of county municipal court, *or* 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;

(g) An employee of the regents of the University of Minnesota; and

(h) Notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982 who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982 who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982 and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which he was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which he retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored medicare program. ~~The commissioner and the regents of the University of Minnesota shall provide employees who are eligible to retire and receive the benefits provided by this clause with notice of this option no later than 30 days after March 23, 1982.~~

Sec. 21. Minnesota Statutes 1982, section 43A.27, subdivision 4, is amended to read:

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, *the court of appeals*, a district court, a county court, a county municipal court, or a probate court may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (c), provided that the retired judge exercises this option within 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 43A.24, subdivision 2, clause (a).

Sec. 22. Minnesota Statutes 1982, section 44.09, subdivision 3, is amended to read:

Subd. 3. [~~TO SUPREME COURT APPEAL.~~] The employee or the appointing authority may appeal from the district court ~~to the supreme court in the same manner as provided for in other court civil cases.~~

Sec. 23. Minnesota Statutes 1982, section 45.07, is amended to read:

45.07 [CHARTERS ISSUED, CONDITIONS.]

If (1) the applicants are of good moral character and financial integrity, ~~if~~ (2) there is a reasonable public demand for this bank in this location, ~~if~~ (3) the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, ~~if~~ (4) the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and ~~if~~ (5) the department of commerce is satisfied that the proposed bank will be properly and safely managed, the application shall be granted. Otherwise it shall be denied. In case of the denial of the application, the department of commerce shall specify the grounds for the denial ~~and the supreme court, upon petition of.~~ Any person aggrieved, may ~~review by certiorari any such~~ obtain judicial review of the order or determination of the department of commerce in accordance with chapter 14.

Sec. 24. Minnesota Statutes 1982, section 45.17, subdivision 5, is amended to read:

Subd. 5. [STANDING.] The consumer services section ~~shall be deemed to have~~ has an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the ~~trial courts or supreme court~~ of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Sec. 25. Minnesota Statutes 1982, section 47.54, subdivision 5, is amended to read:

Subd. 5. [EXPIRATION AND EXTENSION OF ORDER.] If a facility is not activated within 18 months from the date of the order, the approval order ~~shall automatically expire~~ expires. Upon request of the applicant prior to the automatic expiration date of the order, the commissioner may grant reasonable extensions of time to the applicant to activate the facility as the commissioner deems necessary; ~~but~~. The extensions of time shall not exceed a total of an additional 12 months. If the commissioner's order is the subject of an appeal ~~to the district court in accordance with chapter 14,~~ the time period referred to in this section for activation of the facility and any extensions shall begin when all appeals or rights of appeal from the commissioner's order have concluded or expired.

Sec. 26. Minnesota Statutes 1982, section 49.18, is amended to read:

49.18 [REVIEW OF ORDERS OF COMMISSIONER.]

~~This~~ *The order shall be* is a conclusive determination that the necessity for the levying of the assessment exists; provided, that the corporation, or any stockholder or creditor thereof, may secure a review of the commissioner's order by serving a notice ~~so~~ requesting *review* upon the commissioner within 20 days after the service of the order upon the aggrieved party. This notice, with proof of service ~~thereof~~, shall be filed within ten days after service with the clerk of the district court in the county where the corporation has its principal place of business. The district court ~~shall thereupon have then has~~ jurisdiction to consider the necessity of levying the assessment; ~~and~~ . It shall hear and determine the matter de novo in or out of term at any place in the district. This hearing shall take precedence of all other matters and may be held upon ten days written notice by either party. The judge shall make such order in the premises as is proper, and may affirm, vacate, or modify the commissioner's order; ~~and~~ . An appeal may be taken therefrom ~~to the supreme court as in other civil cases~~. During the pendency of the appeal the commissioner of banks shall remain in charge of the business, property, and assets of the corporation involved.

Sec. 27. Minnesota Statutes 1982, section 56.23, is amended to read:

56.23 [APPEALS.]

Any applicant or licensee may appeal from any decision or order of the commissioner to the ~~district court of the county of appeals in accordance with which his business is to be or is being conducted under this chapter 14 at any time within 20 days after service of the decision or order upon him; by service of a written notice of appeal upon the commissioner. Upon service of the notice of appeal, the commissioner shall forthwith file with the clerk of the court to which appeal is taken a certified copy of the decision or order under appeal, together with the findings of fact upon which it is based. The appellant shall, within five days after serving the notice of appeal, file the same, with proof of service, with the clerk of the court to which appeal is taken; and thereupon the court shall have jurisdiction over the appeal and the same shall be entered upon the records of the court. Within 20 days after filing of the notice of appeal with the clerk of court, the appellant shall serve upon the commissioner a complaint setting forth his cause of action and, within 20 days thereafter, the commissioner shall serve his answer. Thereafter The case shall be tried according to the rules relating to the trial of civil actions so far as the same are applicable.~~

On appeal the certified findings of fact filed by the commissioner shall be prima facie evidence of the matters therein stated and the decision or order shall be prima facie lawful and reasonable. The burden of proof upon all issues raised by the appeal shall be on the appellant.

If the court determines that the decision or order appealed from is lawful and reasonable, it shall be affirmed and the decision or order shall be given effect as in this chapter provided. If the court determines that the decision or order is unlawful or unreasonable, it shall be reversed and the commissioner shall forthwith issue or reinstate the license which is the subject of the decision or order, and in all cases where the issuance or revocation of a license is not the subject of the decision or order, the commissioner shall amend his decision or order to conform to the findings and order of the court.

An appeal hereunder shall not stay or supersede the decision or order appealed from unless the court, upon an examination of the decision or order and the return made on the appeal, and after giving the commissioner notice and opportunity to be heard, so directs.

Any party to an appeal in district court under the provisions of this section may appeal to the supreme court as in ordinary civil actions.

If an appeal is not taken from an order of the commissioner according to the provisions of this section, the decision or order of the commissioner shall be final and the person affected thereby shall be deemed to have waived the right to have the decision or order or the findings of fact upon which it was based reviewed by a court.

Sec. 28. Minnesota Statutes 1982, section 60A.05, is amended to read:

60A.05 [SUSPENSION OF AUTHORITY.]

If the commissioner is of the opinion ~~believes~~, upon examination or other evidence, that a foreign or domestic insurance company is in an unsound condition or, if a life insurance company, that its actual funds are less than its liabilities, or that it is insolvent; or if a foreign or domestic insurance company has failed to comply with the law, or if it, its officers, or agents, refuse to submit to examination, or to perform any legal obligation in relation thereto, and he believes protection of the interests of policyholders, claimants, or the general public requires summary action, he may revoke or suspend all certificates of authority granted to it or its agents, and ~~He~~ shall cause notification ~~thereof of his action~~ to be published in a newspaper authorized to publish annual statements of insurance companies, and no new business shall thereafter be done by it, or its agents, in this state while the default or disability continues, nor until its authority to do business is restored by the commissioner. The revocation or suspension ~~will be~~ is effective ten days after notice to the company unless the ground for revocation or suspension relates only to the financial condition or soundness of the company or to a deficiency in its assets, in which case revocation and suspension ~~will be~~ is effective upon notice to the company. The notice shall specify the particulars of the supposed violation. The district court of any county, upon petition of the company, shall summarily hear and determine the question whether the ground for revocation or suspension exists, and ~~The court~~ shall make any proper order or decree ~~therein~~, and enforce ~~the same~~ it by any appropriate process. If the order or decree is adverse to the petitioning company, an appeal ~~therefrom~~ may be taken to the supreme court, and, ~~as in other civil cases~~. In the case of appeal, the commissioner may issue his order revoking the right of the petitioning company to do business in this state until the final determination of the question by the supreme court. Neither this section nor any proceedings ~~thereunder~~ under it shall affect any criminal prosecutions or proceeding for the enforcement of any fine, penalty, or forfeiture.

Sec. 29. Minnesota Statutes 1982, section 60A.15, subdivision 11, is amended to read:

Subd. 11. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 10 hereof, may ~~remove the judgment to the supreme court by appeal~~, as provided for appeals in other civil cases.

Sec. 30. Minnesota Statutes 1982, section 60A.15, subdivision 12, is amended to read:

Subd. 12. [OVERPAYMENTS, CLAIMS FOR REFUND.] (1) [PROCE-

DURE, TIME LIMIT, APPROPRIATION.] A company who has paid, voluntarily or otherwise, or from whom there has been collected an amount of tax for any year in excess of the amount legally due for that year, may file with the commissioner of insurance a claim for a refund of ~~such the~~ excess. Except as provided in subdivision 11, no ~~such~~ claim shall be entertained unless filed within two years after ~~such the~~ tax was paid or collected, or within three and one-half years from the filing of the return, whichever period is the longer.

Upon the filing of a claim, the commissioner of insurance shall examine ~~the same it~~ and shall make and file written findings ~~thereon~~ denying or allowing the claim in whole or in part ~~and~~. He shall mail a notice thereof to the company at the address stated upon the return. If ~~such the~~ claim is allowed in whole or in part, the commissioner shall issue his certificate for the refundment of the excess paid by the company, with interest at the rate of two percent per annum computed from the date of the payment or collection of the tax until the date the refund is paid to the company, ~~and~~. The commissioner of finance shall ~~cause such pay the~~ refund to be paid out of the proceeds of the taxes imposed by this section, as other state moneys are expended. ~~So~~ As much of the proceeds of ~~such the~~ taxes as may be necessary are hereby appropriated for that purpose.

(2) [DENIAL OF CLAIM, COURT PROCEEDINGS.] If the claim is denied in whole or in part, the company may commence an action against the commissioner to recover any overpayments of taxes claimed to be refundable ~~but~~ for which the commissioner has issued no certificate of refundment. ~~Such~~ The action may be brought in the district court of the district in which lies the county of its principal place of business, or in the district court for Ramsey county. ~~Such~~ The action may be commenced after the expiration of six months after the claim is filed if the commissioner has not then taken final action ~~thereon, and on it~~. The action shall be commenced within 18 months after the notice of the order denying the claim.

(3) [DENIAL OF CLAIM, APPEAL.] Either party to ~~said the~~ action may appeal to the supreme court as in other civil cases.

(4) [CONSENT TO EXTEND TIME.] If the commissioner and the company have, within the periods prescribed in clause (1), consented in writing to any extension of time for the assessment of the tax, the period within which a claim for refund may be filed, or a refund may be made or allowed, if no claim is filed, shall be the period within which the commissioner and the company have consented to an extension for the assessment of the tax and six months thereafter, ~~provided, however, that~~. The period within which a claim for refund may be filed shall not expire prior to two years after the tax was paid.

(5) [OVERPAYMENTS; REFUNDS.] If the amount determined to be an overpayment exceeds the taxes imposed by this section, the amount of ~~such~~ excess shall be considered an overpayment. An amount paid as tax shall ~~constitute constitutes~~ an overpayment even if in fact there was no tax liability with respect to which ~~such the~~ amount was paid.

Notwithstanding any other provision of law to the contrary, in the case of any overpayment, the commissioner of insurance, within the applicable period of limitations, shall refund any balance of more than one dollar to

~~such the company if the company shall so request requests the refund.~~

Sec. 31. Minnesota Statutes 1982, section 62A.02, subdivision 6, is amended to read:

Subd. 6. [~~COURT REVIEW APPEAL.~~] Any order or decision of the commissioner under this section shall be subject to ~~review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval or withdrawal of approval of a form previously in use the court shall determine whether the petition for such writ shall operate as a stay of any such order or decision. The court may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.~~

Sec. 32. Minnesota Statutes 1982, section 62C.14, subdivision 12, is amended to read:

Subd. 12. [~~APPEAL.~~] An order or decision of the commissioner under this section shall be subject to ~~review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval of a form previously in use, the court shall determine whether the petition for the writ shall stay the order or decision. The court may modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.~~

Sec. 33. Minnesota Statutes 1982, section 62G.16, subdivision 11, is amended to read:

Subd. 11. [~~APPEAL.~~] An order or decision of the commissioner under this section shall be subject to ~~review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval of a form previously in use, the court shall determine whether the petition for the writ shall stay the order or decision. The court may modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.~~

Sec. 34. Minnesota Statutes 1982, section 65B.04, subdivision 1, is amended to read:

Subdivision 1. [~~ADOPTION; APPROVAL BY COMMISSIONER.~~] The initial governing committee shall adopt a plan of operation by majority vote of the committee and shall submit it to the commissioner for approval. If the commissioner finds that the plan of operation meets the requirements of ~~Laws 1971, Chapter 813 this chapter,~~ he shall approve it and it will then be in effect. If he finds that the plan fails to meet the requirements of ~~Laws 1971, Chapter 813 this chapter,~~ the commissioner shall disapprove the plan, returning it to the governing committee with his statement on the deficiencies which have caused him to disapprove the plan, and the governing committee shall have ten days within which to correct the deficiencies. If the plan is not returned for approval within ten days or if, on return, the commissioner determines that it *still* does not meet the requirements of ~~Laws 1971, Chapter 813 this chapter,~~ the commissioner shall amend the plan which was submitted by the governing committee to comply with ~~Laws 1971, Chapter 813 this chapter,~~ and shall, by order, effect the plan of operation. The action of the commissioner may be ~~reviewed on a writ of certiorari from the district court for Ramsey county appealed in accordance with chapter 14.~~

Sec. 35. Minnesota Statutes 1982, section 70A.22, subdivision 3, is

amended to read:

Subd. 3. [~~CERTIORARI APPEAL.~~] Any order or decision of the commissioner shall be subject to review by writ of certiorari at the instance of any party ~~appeal~~ in interest. The court shall determine whether the granting of the writ shall operate as a stay of the order or decision of the commissioner. The court may, in disposing of the issue before it, modify, affirm or reverse the order or decision of the commissioner in whole or in part *accordance with chapter 14.*

Sec. 36. Minnesota Statutes 1982, section 72A.24, subdivision 1, is amended to read:

Subdivision 1. [COURT PROCEEDINGS; REVIEW.] Any person required by an order of the commissioner under section 72A.23 to cease and desist from engaging in any unfair method of competition or any unfair or deceptive act or practice defined in section 72A.20 may obtain a review of that order by filing *appeal* in the district court of Ramsey county, within 20 days from the date of the service of such order, a written petition praying that the order of the commissioner be set aside. A copy of the petition shall be forthwith served upon the commissioner, and thereupon the commissioner forthwith shall certify and file in that court a transcript of the entire record in the proceeding, including all the evidence taken and the findings and order of the commissioner. Upon the filing of the petition and transcript, said court shall have jurisdiction of the proceeding and of the questions determined therein, shall determine whether the filing of such petition shall operate as a stay of the order of the commissioner, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in the transcript a decree modifying, affirming, or reversing the order of the commissioner, in whole or in part. The findings and order of the commissioner shall be given the same effect as is given to determinations of administrative bodies on review by certiorari *accordance with chapter 14.*

Sec. 37. Minnesota Statutes 1982, section 72A.27, is amended to read:

72A.27 [APPEAL TO SUPREME COURT.]

Any decree or order of a district court made and entered under section 72A.24 or order of such a court made under section 72A.25 shall be ~~is~~ subject to review by appeal to the supreme court, but any such as in other civil cases. The appeal must be taken within the time prescribed by law for taking appeals from orders of the district courts.

Sec. 38. Minnesota Statutes 1982, section 79.073, is amended to read:

79.073 [JUDICIAL REVIEW.]

Final orders of the commissioner pursuant to sections 79.071 and 79.072 are subject to judicial review by writ of certiorari brought *appeal* in the district court in Ramsey County by an interested party of record adversely affected thereby. The operation of the commissioner's order is not suspended during judicial review; provided that in the event of a judicial determination against the validity of the commissioner's order, the order under review and any subsequent order shall be modified so as to give effect to the court's ruling. For purposes of further judicial review, the commissioner is an aggrieved party to the extent that his orders are modified or set aside by the district court *accor-*

dance with chapter 14.

Sec. 39. Minnesota Statutes 1982, section 84.59, is amended to read:

84.59 [APPEALS TO DISTRICT COURT FROM DETERMINATION OF COMMISSIONER OF NATURAL RESOURCES.]

Any party in interest may appeal from the determination of the commissioner to the ~~district court of the county in which the project is wholly or partly located~~ *appeals* in accordance with the provisions of section 105.47, ~~insofar as the provisions thereof are applicable and may appeal to the supreme court as provided in said section chapter 14.~~

Sec. 40. Minnesota Statutes 1982, section 88.78, is amended to read:

88.78 [APPEALS.]

No appeal shall be allowed from a judgment ~~in any court of a justice of the peace, or a municipal court, or other similar court, to the district court~~ in any prosecution under sections 88.03 to 88.22, unless the person appealing shall, within the time prescribed by law, enter into a recognizance, with sufficient sureties, or deposit cash bail in twice the amount of the fine and costs, ~~to be approved by the justice, conditioned to appear before the district court on the first day of the next general term thereof to be held in and for the same county, and abide the judgment of the court therein.~~

The ~~justice or judge~~ may examine the proposed sureties under oath ~~and, in such case, .~~ He shall make and keep a record of their answers in respect to the kinds and amount of their property not exempt from execution, ~~and .~~ He shall furnish a copy of the ~~same record~~ to the director.

When an arrest ~~shall have been~~ *is* made for violation of any of the provisions of sections 88.03 to 88.22, or when information of ~~such a violation shall have been~~ *is* lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused ~~with diligence and energy.~~

Sec. 41. Minnesota Statutes 1982, section 97.481, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] Before the commissioner acquires lands by purchase or lease pursuant to this section, he shall proceed in accordance with this subdivision.

(a) The commissioner shall notify the board of county commissioners in each county and the town officers in each town where land is to be acquired and shall furnish the board and the town officers a description of the land to be acquired. The county board shall approve or disapprove the proposed acquisition within 90 days after the commissioner has notified the county board and the town officers of the proposed acquisition and furnished the description of the land involved. An extension of time, not to exceed 30 days, may be given by the commissioner to a county board. In a county in which a soil and water conservation district is organized, the supervisors will act as counselors to the county board regarding the best utilization and capability of the land proposed for acquisition, including the questions of drainage and flood control.

(b) If the county board approves an acquisition within the 90-day period or

extension thereof, the commissioner may proceed with the acquisition.

(c) If the county board disapproves an acquisition, it shall, at the time of its decision, set forth valid reasons for disapproval. The landowner or the commissioner may appeal the county board's disapproval to the district court in the county in which any of the lands are situated. If the district court, or ~~the supreme~~ *an appellate court on appeal*, finds that the county board's disapproval is arbitrary or capricious or that the reasons stated for disapproval are invalid, or if the county board fails to give any reasons or fails to act to approve or disapprove of the acquisition within the 90-day period or extension thereof, the commissioner or the owner of the land which the commissioner seeks to acquire may submit the proposed acquisition to the land exchange board which shall consider the interests of the county, the state, and the landowner and determine whether the acquisition will be in the public interest.

(d) The land exchange board shall conduct a hearing upon each acquisition submitted to it after giving notice to all interested parties, including, but not limited to, the board of county commissioners in the county where the land to be acquired is located, the commissioner, and the owner of the land. The land exchange board shall hold its hearing and make its decision within 60 days after submission of the proposed acquisition to it.

If a majority of the members of the land exchange board approves the acquisition, the commissioner may proceed with the acquisition; ~~but~~ . If a majority of the members of the land exchange board disapproves the acquisition, the commissioner shall not acquire the property.

Sec. 42. Minnesota Statutes 1982, section 97.50, subdivision 6, is amended to read:

Subd. 6. [VIOLATION; PERMITS.] The commissioner, director, game refuge patrolmen, and conservation officers shall seize all motor vehicles, trailers, and airplanes, used in violation of section 100.29, subdivisions 10 or 11, or section 97.45, subdivision 15, and all boats, motors and motor boats used or possessed in violation of section 98.45 with respect to the licenses, operations, or species of fish specified in section 98.46, subdivisions 10, 11, 12 and 13, or in violation of sections 102.26, 102.27, or 102.28, or in violation of any order ~~or rule, or regulation~~ of the commissioner relating ~~thereto~~ *to those sections*, and hold them, subject to the order of the district court of the county in which the offense was committed. ~~Such~~ *The* property ~~so~~ held shall be confiscated after conviction of the person from whom ~~the same~~ *it* was seized, upon compliance with the following procedure:

The commissioner, director, or his agents, shall file with the court a separate complaint against the property, describing ~~the same~~ *it* and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person ~~so~~ arrested ~~shall be~~ *is* acquitted, the court shall dismiss the complaint against the property and order ~~the same~~ *it* returned to the persons legally entitled ~~thereto~~ *to it*. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of ~~such~~ *the* property, and to

persons unknown claiming any ~~such~~ right, title, interest or lien, describing the property and stating that ~~the same~~ it was seized and that a complaint against ~~the same~~ it, charging the specified violation, has been filed with the court, and requiring ~~such those~~ persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon ~~any such the~~ property, within ten days after the service of ~~such the~~ order as ~~herein provided~~, and notifying them in substance that if they fail to ~~so~~ file their answer within that time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to have any right, title, interest or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed ~~as and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth ~~such that~~ fact, order the property sold by the commissioner or his agents; ~~and~~ . The proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, ~~shall be~~ paid into the state treasury, to be credited to the game and fish fund. If ~~an~~ answer is filed ~~as and~~ within the time ~~herein~~ provided, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time ~~so~~ fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil ~~actions cases~~. If the court ~~shall find~~ ~~finds~~ that the property, or any part ~~thereof of it~~, was used in any ~~such~~ violation as specified in the complaint, he shall order the property ~~so~~ unlawfully used, sold as ~~herein provided~~, unless the owner ~~shall show~~ ~~shows~~ to the satisfaction of the court that he had no notice ~~or~~ , knowledge, or reason to believe that the property was used or intended to be used in ~~any such the~~ violation. The officer making ~~any such the~~ sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that ~~such the~~ property was being used or was intended to be used for or in connection with ~~any such the~~ violation as specified in the order of the court; ~~and~~ . He shall pay the balance of the proceeds into the state treasury, to ~~the credit of~~ be credited to the game and fish fund. Any sale under the provisions of this section shall operate to free the property sold from any ~~and all~~ liens ~~thereon; and on it~~. Appeal from ~~such the~~ order of the district court will lie to the supreme court as in other civil ~~actions cases~~. At any time after seizure of the articles specified in this subdivision, and before the hearing ~~herein~~ provided for, the property shall be returned to the owner or person having a legal right to possession ~~thereof of it~~, upon execution by him of a good and valid bond to the state of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge thereof, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure.

Sec. 43. Minnesota Statutes 1982, section 105.462, is amended to read:

105.462 [INVESTIGATIONS; ORDERS WITHOUT A PERMIT APPLICATION.]

When the commissioner determines that the public interest ~~so~~ requires it,

he may investigate on his own motion any activities being conducted in relation to public waters without a permit as required by sections 105.37 to 105.55. With or without a public hearing, the commissioner may make findings and issue orders as otherwise may be issued pursuant to sections 105.37 to 105.55. A copy of his findings and order shall be served upon the person to whom the order is issued. If the commissioner issues his findings and order without a hearing, the person to whom the order is issued may file with the commissioner a demand for a hearing, together with the bond required by section 105.44, subdivision 6, within 30 days after being served with a copy of the commissioner's order. ~~Thereafter~~ The matter shall be heard in the same manner and pursuant to the same laws as an application is heard following a demand made under section 105.44, subdivision 3, insofar as applicable. ~~However,~~ If no demand for hearing is made by the person to whom the order is issued under this section, or if that person demands a hearing but fails to file the required bond, the commissioner's order becomes final at the expiration of 30 days after the person is served with the order and no appeal of the order may be taken to the district court.

Sec. 44. Minnesota Statutes 1982, section 106.631, subdivision 5, is amended to read:

Subd. 5. ~~[APPEAL TO SUPREME COURT.]~~ Any party aggrieved by a final order or judgment rendered on appeal to the district court, or by the order made in any judicial ditch proceeding dismissing the petition ~~therefor~~ or establishing or refusing to establish any judicial ditch, may appeal ~~therefrom to the supreme court in the manner provided as in other civil actions cases.~~ ~~Such~~ The appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. ~~The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.~~

Sec. 45. Minnesota Statutes 1982, section 106.631, subdivision 6, is amended to read:

Subd. 6. ~~[APPEAL; REPAIR, IMPROVEMENT OR IMPROVEMENT OF OUTLET.]~~ In any proceeding before the board or court for the repair pursuant to petition, or for the improvement of any drainage system, or for public laterals thereto, or for the improvement of an outlet under section 106.511 or for the abandonment of any ditch, the same right of appeal to the ~~district or supreme court~~ shall be had as from a similar order made in a proceeding to establish a drainage system as herein provided; ~~and on like grounds and with similar procedure.~~

Sec. 46. Minnesota Statutes 1982, section 110A.36, is amended to read:

110A.36 [APPEALS.]

Any party aggrieved by a final order issued pursuant to section 110A.12 which approves or dismisses a petition or which refuses or establishes a project or a district, may appeal ~~therefrom to the supreme court in the manner provided as in other civil actions cases.~~ The appeal shall be made and perfected within 30 days after the filing of the order. ~~The notice of appeal shall be served on the clerk of district court and the members of the district's board of directors.~~

Sec. 47. Minnesota Statutes 1982, section 111.42, is amended to read:

111.42 ~~[MAY APPEAL TO SUPREME COURT.]~~

All persons or public corporations affected by any order of the district court, establishing or refusing to establish a drainage and conservancy district, or affected by any order approving or refusing to approve the plans and directing the construction of the improvement, or affected by the determination of any district court of any assessment of benefits or damages including the board and the petitioners, may appeal to the supreme court on any question involved in such the determination, as in other civil actions cases. The notice of appeal shall be served on the clerk and need not be served on any other person or corporation.

Sec. 48. Minnesota Statutes 1982, section 112.82, is amended to read:

Subdivision 1. [ESTABLISHMENT; APPEAL.] Any party aggrieved by a final order or judgment rendered on appeal to the district court or by the original order of the court made in any proceedings heard and tried before the court as in this chapter provided, may appeal therefrom to the supreme court in the manner provided as in other civil actions cases. Such appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.

Subd. 2. [REPAIR; APPEAL.] In any proceeding before the managers for the repair, improvement, maintenance, consolidation, or abandonment of any of the works of the district, the same right of appeal to the district or supreme court shall be had as from a similar order made in a proceeding to establish the improvement as herein provided and upon like grounds and with similar procedure other civil cases.

Sec. 49. Minnesota Statutes 1982, section 114.13, subdivision 4, is amended to read:

Subd. 4. [APPEALS.] Any party aggrieved by any order or any determination of the commission pursuant to this section may appeal to the district court or to the circuit court, as the case may be, of any county in either state in which the subject matter of the order or the determination is wholly or partially located, or to the district court of the county in either state where the its capitol thereof is located. Notice of appeal must be served upon the commission within 30 days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the district court or the circuit court as the case may be to the supreme court appellate courts of its their respective states as in other civil cases.

Sec. 50. Minnesota Statutes 1982, section 115.49, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] Any party to the contract aggrieved by a decision or order shall be entitled to judicial review thereof by serving a petition therefor for review upon the municipality making the decision or order, and filing the same it with proof of service in the office of the clerk of such court, and within 30 days after the decision or order has been made and the parties notified thereof of it. The petition shall state the nature of the petitioner's interest, and the ground or grounds upon which the petitioner contends the decision or order should be reversed or modified. The petition may be amended by leave of court, though the time for serving the same it has expired.

Within 20 days after service of such the petition for review, the municipi-

pality shall serve upon the petitioner an answer stating its position with reference to the reversal or modification of the order or decision under review. ~~Such~~ The answer, with proof of service ~~thereof~~, shall be filed with the clerk of the district court within ten days after ~~such~~ service. No further pleadings shall be necessary. The review shall be noticed for trial as in the case of a civil action and shall take precedence over other civil cases for trial.

The institution of the proceeding for review shall not stay enforcement of the order or decision, but the court may order a stay upon such terms as it deems proper.

Within 30 days after service of the petition for review upon the municipality, or within such further time as the court may allow, the municipality shall transmit to the court the original or a certified copy of the entire record of the proceedings in which ~~such~~ the order or decision under review was made, ~~but~~. By stipulation of the parties to the review proceeding, the record may be shortened by eliminating any portion ~~thereof~~ of it. The record may be typewritten or printed and the exhibits may be typewritten, photostated or otherwise reproduced, or upon motion of any party, or by order of the court, the original exhibits shall accompany the record. The court may require or permit substantial corrections or additions to the record when deemed desirable.

If, before the date set for trial, an application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material, the court may order that ~~such~~ the additional evidence be taken upon ~~such~~ terms as the court ~~may deem~~ deems proper.

The review shall be conducted by the court without a jury ~~and~~. The court may affirm, reverse or modify the order or decision if the substantial rights of the petitioner have been prejudiced as a result of ~~such~~ the order or decision being:

- (a) Contrary to constitutional rights or privileges; ~~or~~
- (b) In excess of the statutory authority or jurisdiction of the agency, or affected by other error of law; ~~or~~
- (c) Made or promulgated upon unlawful procedure; ~~or~~
- (d) Unsupported by substantial evidence in view of the entire record as submitted; or
- (e) Arbitrary or capricious.

Any party may appeal from the final judgment of the district court ~~to the supreme court as in the manner provided by law for other appeals in civil actions cases.~~

No party to the review in any court is entitled to recover ~~therein~~ costs ~~or~~, attorney's fees ~~or~~, witness fees, or any other disbursement.

Sec. 51. Minnesota Statutes 1982, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANI-

MAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for ~~such~~ permits ~~as may be~~ required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for ~~such~~ permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

For the purposes of this subdivision, the term "processing" ~~shall include~~ includes:

(a) The distribution to applicants of forms provided by the pollution control agency;

(b) The receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable ~~regulations~~ rules and standards, or, if ~~such~~ the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(c) Rendering to applicants, upon request, ~~such~~ assistance ~~as may be~~ necessary for the proper completion of an application.

For the purposes of this subdivision, the term "processing" may include, at the option of the county board:

(d) Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or ~~regulations~~ rules promulgated ~~hereunder pursuant to it~~, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board ~~shall be~~ is final, subject to appeal to the district court as provided in section ~~115.05~~ chapter 14.

The pollution control agency, ~~by January 1, 1974, and in the manner provided by chapter 14,~~ shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. These rules ~~shall~~ apply both to permits issued by counties and to permits issued by the pollution control agency directly.

The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

Sec. 52. Minnesota Statutes 1982, section 116.11, is amended to read:

116.11 [EMERGENCY POWERS.]

~~In the event that~~ If there is imminent and substantial danger to the health and welfare of the people of the state, or of any ~~part thereof~~ of them, as a result of the pollution of air, land, or water; ~~upon such finding,~~ the agency may by emergency order direct the immediate discontinuance or abatement of ~~such~~ the pollution without notice and without a hearing or at the request of the agency, the attorney general ~~of the state~~ may bring an action in the name of the state in the appropriate district court for a temporary restraining order to immediately abate or prevent ~~such~~ the pollution. ~~Such~~ The agency order or

temporary restraining order shall remain effective until notice, hearing, and determination are effected pursuant to other provisions of law, or, in the interim, as otherwise ordered. ~~Such agency order shall be appealable to the appropriate district court and the provisions of chapter 14 shall govern the procedure and scope of review on such appeal. A final order of the agency in these cases shall be appealable in accordance with chapter 14.~~

Sec. 53. Minnesota Statutes 1982, section 116A.19, subdivision 4, is amended to read:

Subd. 4. [~~APPEAL TO SUPREME COURT.~~] Any party aggrieved by a final order or judgment rendered on appeal to the district court, or by the order made in any judicial improvement proceeding dismissing the petition ~~therefor~~ or establishing or refusing to establish any judicial improvement or assessing benefits, may appeal ~~therefrom to the supreme court in the manner provided as in other civil actions cases.~~ Such appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. ~~The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.~~

Sec. 54. Minnesota Statutes 1982, section 116C.65, is amended to read:

116C.65 [JUDICIAL REVIEW.]

Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the board or a certification of continuing suitability filed by a utility with the board or by a final order in accordance with any rules promulgated by the board, may appeal ~~therefrom to any district the court where such a site or route is to be located of appeals in accordance with chapter 14.~~ The appeal shall be filed within 60 days after the publication in the state register of notice of the issuance of the certificate or permit by the board or certification filed with the board or the filing of any final order by the board. ~~The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the board and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. The scope of judicial review shall be as prescribed in sections 14.63 to 14.68.~~

Sec. 55. Minnesota Statutes 1982, section 120.17, subdivision 3b, is amended to read:

Subd. 3b. [PROCEDURES FOR DECISIONS.] Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

(a) Parents and guardians shall receive prior written notice of: (1) any proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) a proposed placement of their child in, transfer from or to, or denial of placement in a special education program; or (3) the proposed provision, addition, denial or removal of special education services for their child;

(b) The district shall not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program or the

initial provision of special education services for a child without the prior written consent of the child's parent or guardian; ~~provided~~. The refusal of a parent or guardian to ~~provide~~ this consent may be overridden by the decision in a hearing held pursuant to clause (d) at the district's initiative after at least one attempt to obtain this consent through a conciliation conference held pursuant to clause (c);

(c) Parents and guardians shall have an opportunity to meet with appropriate district staff in at least one conciliation conference if they object to any proposal of which they are notified pursuant to clause (a);

(d) Parents, guardians and the district shall have an opportunity to obtain an impartial due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to: (1) a proposed formal educational assessment or proposed denial of a formal educational assessment of their child; (2) the proposed placement of their child in, or transfer of their child to a special education program; (3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program; (4) the proposed provision or addition of special education services for their child; or (5) the proposed denial or removal of special education services for their child. At least five calendar days before the hearing, the objecting party shall provide the other party with a brief written statement of the objection and the reasons for the objection.

The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent or guardian. If the school board and the parent or guardian are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If the hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at district expense. The proceedings shall be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.

(e) The decision of the hearing officer pursuant to clause (d) shall be rendered not more than 45 calendar days from the date of the receipt of the request for the hearing. A hearing officer may grant specific extensions of time beyond the 45 day period at the request of either party. The decision of the hearing officer shall be binding on all parties unless appealed to the commissioner by the parent, guardian, or the school board of the district where the child resides pursuant to clause (f).

The local decision shall:

(1) be in writing;

(2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the commissioner of the basis and reason for

the decision;

(3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts;

(4) state the amount and source of any additional district expenditure necessary to implement the decision; and

(5) be based on the standards set forth in subdivision 3a and the rules of the state board.

(f) Any local decision issued pursuant to clauses (d) and (e) may be appealed to the commissioner within 15 calendar days of receipt of that written decision, by the parent, guardian, or the school board of the district where the child resides.

If the decision is appealed, a written transcript of the hearing shall be made by the school district and shall be accessible to the parties involved within five calendar days of the filing of the appeal. The commissioner shall issue a final decision based on an impartial review of the local decision and the entire record within 30 calendar days after the filing of the appeal. The commissioner shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; provided any hearing held to seek additional evidence shall be an impartial due process hearing but shall be deemed not to be a contested case hearing for purposes of chapter 14. The commissioner may grant specific extensions of time beyond the 30 day period at the request of any party.

The final decision shall:

(1) be in writing;

(2) include findings and conclusions; and

(3) be based upon the standards set forth in subdivision 3a and in the rules of the state board.

(g) The decision of the commissioner shall be final unless appealed by the parent or guardian or school board to the district court of the county in which the school district in whole or in part is located *appeals*. The scope of judicial review shall be ~~as provided~~ *in accordance with* chapter 14.

(h) Pending the completion of proceedings pursuant to this subdivision, unless the district and the parent or guardian of the child agree otherwise, the child shall remain in his current educational placement and shall not be denied initial admission to school.

(i) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of and may be a party to any hearings or appeals pursuant to this subdivision.

Sec. 56. Minnesota Statutes 1982, section 122.23, subdivision 16c, is amended to read:

Subd. 16c. [BONDS; ELECTION.] The board of the newly created district, when constituted as provided in subdivision 17, may provide for an election of that district on the issuance of bonds; ~~and~~ . It may issue and sell bonds authorized at ~~such an~~ *the* election, or bonds authorized at an election

previously held in any pre-existing district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. ~~Such~~ The actions may be taken at any time after the date of the county auditor's order issued under subdivision 13, and before or after the date upon which the consolidation becomes effective for other purposes, and taxes for the payment of ~~any such~~ the bonds shall be levied upon all taxable property in the newly created district; ~~except that~~ . No bonds shall be delivered to purchasers until 30 days after the date of the county auditor's order. If within this period a notice of appeal from the county auditor's order to the district court is filed in accordance with section 127.25, no bonds shall be delivered by the newly created district to purchasers ~~until and~~ unless the county auditor's order is affirmed by final order of the district court in ~~such the~~ special proceeding, and a period of 30 days from the service of ~~such the~~ final order expires without an appeal to the ~~supreme court~~ being commenced or, if an appeal is taken, the order is affirmed by the ~~supreme court and the time for petitioning for further review has expired~~; except that if all of the territory of one and only one independent district maintaining a secondary school is included in the newly created district, and if the assessed valuation of taxable property in ~~such the~~ territory comprises 90 percent or more of the assessed valuation of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the pre-existing independent district and any bonds voted or otherwise authorized by the newly created district, notwithstanding the pendency of ~~any such the~~ appeal, and ~~such the~~ bonds shall be paid by the levy of taxes upon the property within the territory of the pre-existing independent district and within ~~such the~~ other areas, if any, ~~as may be that are~~ finally determined to be properly included within the newly created district. In any election held in the newly created district as authorized in the preceding sentence, all qualified electors residing within the area of that district as defined in the county auditor's order shall be entitled to vote, but the votes cast by residents of former districts or portions of former districts included in ~~such the~~ area, other than the independent district maintaining the secondary school, shall be received and counted separately; ~~and~~ . The bonds shall not be issued and sold unless authorized by a majority of the votes cast thereon by electors of the independent district maintaining the secondary school, and also by a majority of the votes cast thereon by electors residing within the entire area of the newly created district.

Sec. 57. Minnesota Statutes 1982, section 123.32, subdivision 25, is amended to read:

Subd. 25. [CONTESTS.] (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within ten days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

(1) If the contest ~~be is~~ upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue

the certificate of election;

(2) If the contest ~~be~~ *is* upon the question of consolidation or reorganization, then upon the county auditor authorized by law to issue the order;

(3) If the contest ~~be~~ upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant ~~a notice thereof specifying such the~~ additional points. ~~Such~~ *The* notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in ~~such the~~ manner and within ~~such the~~ times as the court ~~may by order direct orders~~. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after ~~such the~~ canvass. So far as consistent with this section, the ~~Rules of Civil Procedure~~ *rules of civil procedure* shall apply.

(b) ~~When~~ An appeal is taken to the supreme court from the determination of the district court in any contest instituted under this code, the party appealing shall file in the district court a bond in ~~such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The notice of appeal shall be served and filed no later than ten days after the entry of the determination of the district court in the contest. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court~~ *be in accordance with the rules of civil appellate procedure*.

Sec. 58. Minnesota Statutes 1982, section 124.15, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] A decision of the state board under this section may be reviewed on certiorari by the district court of the county ~~wherein the district, or any part thereof, is located~~ *appealed in accordance with chapter 14*.

Sec. 59. Minnesota Statutes 1982, section 127.25, subdivision 3, is amended to read:

Subd. 3. [APPEAL.] An appeal lies from the district court to ~~the supreme court~~ in accordance with the rules of civil appellate procedure.

Sec. 60. Minnesota Statutes 1982, section 127.33, is amended to read:

127.33 [JUDICIAL REVIEW.]

The decision of the commissioner of education made pursuant to sections 127.26 to 127.39 shall be subject to ~~direct~~ judicial review ~~in the district court of the county in which the school district or any part thereof is located. The scope of the judicial review shall be as provided by Minnesota Statutes 1971, Section 15.0425~~ *in accordance with chapter 14*.

Sec. 61. Minnesota Statutes 1982, section 141.29, subdivision 2, is amended to read:

Subd. 2. [APPEAL.] Any order refusing, revoking, or suspending a

school's license or a solicitor's permit is appealable to the district court as provided in accordance with chapter 14. Where a school has been operating and its license has been revoked, suspended, or refused by the commissioner such, the order shall is not become effective until the final determination of such the appeal unless immediate effect shall be is ordered by the court.

Sec. 62. Minnesota Statutes 1982, section 145.698, subdivision 2, is amended to read:

Subd. 2. [STAY; COMMITMENT.] Upon conviction of a defendant for any crime in district court or any municipal court from which an appeal lies directly to the supreme court, or following revocation of probation previously granted whether or not sentence has been imposed, if it appears to the court that the defendant may be a drug dependent person, or by reason of the repeated use of drugs may be in imminent danger of becoming addicted, the court may adjourn the proceedings or suspend imposition or execution of sentence and order the county attorney to file a petition for commitment of the defendant pursuant to the Minnesota hospitalization and Commitment Act for confinement in a hospital, a mental health center, the Willmar state hospital, or other drug treatment facility chapter 253B until such time as the court feels that such the person is no longer in need of institutional care and treatment.

Sec. 63. Minnesota Statutes 1982, section 149.05, subdivision 3, is amended to read:

Subd. 3. [REVIEW.] Any action of the commissioner in refusing to grant or renew a license or in suspending or revoking a license may be is subject to review by a writ of certiorari issued by the district court of any county in accordance with chapter 14.

Sec. 64. Minnesota Statutes 1983, section 155A.11, subdivision 2, is amended to read:

Subd. 2. [APPEAL FROM ORDER.] Any order refusing, revoking, or suspending a license is appealable to the district court where the licensee conducts business as provided in accordance with chapter 14. If a person has been operating and the person's license has been revoked, suspended, or refused by the director, the order is not effective until final determination of the appeal unless the court orders it to take effect immediately.

Sec. 65. Minnesota Statutes 1982, section 156A.071, subdivision 9, is amended to read:

Subd. 9. [SUBMISSION OF DATA FROM EXPLORATORY BORINGS.] Data obtained from exploratory borings shall be submitted by the explorer to the commissioner of natural resources as follows:

(a) Upon application for a state permit required for activities relating to mineral deposit evaluation, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. The explorer may identify portions of the data which, if released, would impair the competitive position of the explorer submitting the data. Data so identified shall be considered to be not public data. If the commissioner is requested to disclose the data, he shall mail notice of the request to the ex-

plorer, and shall determine whether release of the data would impair the competitive position of the explorer submitting the data. If the commissioner determines that release of the data would impair the competitive position of the explorer submitting the data, the commissioner shall not release the data to any person other than parties to the proceedings relating to the permit under consideration. Parties to the proceedings shall maintain the confidentiality of data. Further, ~~no not public data which are classified as not public~~ shall not be released by the commissioner until 30 days after mailed notice to the explorer of the commissioner's intention to do so. Under no circumstances shall the commissioner release data to any person, ~~company, or organization~~ engaged in exploration, mining, milling, or related industry pertaining to any mineral. If the commissioner determines to release data, the explorer may demand a contested case hearing on the commissioner's determination or may withdraw the permit application and the data shall not be released. Any person aggrieved by the decision of the commissioner may appeal the decision ~~to the district court pursuant to~~ *in accordance with* chapter 14;

(b) Upon application for a state permit required for mine development, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. This data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others;

(c) Within six months after termination by the explorer of its lease or any other type of exploration agreement on a property all data shall be submitted. ~~For a lease or any other type of exploration agreement terminated prior to May 1, 1980, on which exploratory borings were made on or after January 1, 1977, the data as required herein shall be submitted within six months of May 1, 1980.~~ The data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others. Data submitted to the commissioner of natural resources prior to May 1, 1980 need not be submitted under this section. The commissioner of natural resources shall designate which samples shall be submitted, and shall specify the location to which the sample shall be delivered. In the event that the explorer requires certain samples in their entirety, the commissioner of natural resources may waive the requirement for a one-quarter portion of the samples. Samples submitted become property of the state.

(d) As used in this subdivision, "mineral deposit evaluation" means examining an area to determine the quality and quantity of minerals, excluding exploratory boring but including obtaining a bulk sample, by such means as excavating, trenching, constructing shafts, ramps, tunnels, pits and producing refuse and other associated activities. "Mineral deposit evaluation" shall not include activities intended, by themselves, for commercial exploitation of the ore body. "Mine development" means those activities undertaken after mineral deposit evaluation for commercial exploitation of the ore body.

Sec. 66. Minnesota Statutes 1982, section 161.34, subdivision 4, is amended to read:

Subd. 4. ~~[APPEAL TO SUPREME COURT.]~~ An appeal from any final order of judgment in ~~such the~~ action shall lie ~~to the supreme court of the state~~

in the same manner as appeals in ordinary other civil actions cases.

Sec. 67. Minnesota Statutes 1982, section 168.65, subdivision 2, is amended to read:

Subd. 2. [APPEAL.] If after a public hearing, upon due notice, the registrar of motor vehicles determines that any owner or operator of intercity buses has violated any term or provisions of sections 168.61 to 168.65 or ~~wilfully~~ *wilfully* furnished false information or reports, ~~such the~~ registrar shall cancel all number plates and all special identification plates or certificates issued to ~~such the~~ owner or operator of intercity buses ~~and such~~. *The* intercity buses, during such calendar year, shall not operate upon the streets and highways of the state unless the owner's or operator's entire fleet of intercity buses is then registered in the state of Minnesota and the motor vehicle taxes paid ~~thereon~~ *on them* for the full calendar year in which the offense occurs. Any ~~such~~ determination by the registrar of motor vehicles ~~shall be~~ *is* subject to ~~judicial review by certiorari as provided by law~~ *appeal in accordance with chapter 14*.

Sec. 68. Minnesota Statutes 1982, section 168.68, is amended to read:

168.68 [SUSPENSION OR REVOCATION OF LICENSE.]

(a) A license may be suspended or revoked by the administrator on the following grounds:

(1) Material misstatement in application for license;

(2) Intentional failure to comply with any provision of sections 168.66 to 168.77 relating to retail installment contract;

(3) Defrauding any retail buyer to the buyer's damage;

(4) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under sections 168.66 to 168.77.

(b) If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such part as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if ~~such the~~ licensee after actual knowledge of his act retained the benefits, proceeds, profits or advantages accruing from ~~said the~~ acts or otherwise ratified ~~such the~~ acts.

(c) No license shall be suspended or revoked except after hearing ~~thereon~~. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of ~~such the~~ hearing by certified mail addressed to the principal place of business in this state of ~~such the~~ licensee. The ~~said~~ notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking ~~such the~~ license shall recite the grounds upon which ~~the same~~ *it* is based. The order shall be entered upon the records of the administrator and shall not be effective until after 30 days' written notice thereof given after such entry forwarded by

certified mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(d) Within 30 days after ~~such~~ *the* service of notice of any order of suspension or revocation of a license, the licensee aggrieved may appeal from ~~such~~ *the* order to the district court for the county in which the principal place of business of ~~such~~ *the* licensee in this state is located, by service of a written notice of appeal upon the administrator, and filing ~~the same~~ *it* with proof of ~~such~~ service with the clerk of the court to which the appeal is taken, within five days. The district court ~~shall thereupon have~~ *has* jurisdiction over the appeal; ~~and the same~~ . *It* shall be entered upon the records of the court and tried according to the rules ~~relating to the trial~~ of civil actions *procedure* in so far as ~~the same~~ *they* are applicable. Upon service of ~~such~~ a notice of appeal upon him, the administrator shall ~~forthwith~~ file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from and of the order to show cause upon which ~~the same~~ *it* was based; ~~and~~ . Unless otherwise ordered by the court, the documents ~~so~~ filed shall frame the issues to be determined upon the appeal. The court shall determine, de novo, all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Pending final judgment on ~~such~~ *the* appeal, the order appealed from shall be stayed. Upon motion of the licensee or the administrator, the appeal shall be tried ahead of all other actions pending before the court except criminal cases. Appeals ~~to the supreme court~~ may be taken as in other civil ~~proceedings~~ *cases*.

Sec. 69. Minnesota Statutes 1982, section 169.073, is amended to read:

169.073 [RED LIGHTS FORBIDDEN.]

No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain ~~the same~~ *it* in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of transportation ~~such~~ . *a* person or corporation maintaining or owning or displaying ~~said~~ *a* prohibited light shall promptly remove ~~the same~~ *it*, or change the color ~~thereof~~ *of it* to some other color than red. Where ~~such~~ *a* prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the department of public service ~~shall have authority to~~ *may* cause the removal of ~~the same~~ *it* and the department ~~shall have authority to~~ *may* issue notices and orders for ~~such~~ *its* removal. The department shall proceed as provided in sections 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party as ~~provided in section 216.25~~ *accordance with chapter 14*.

No person or corporation shall maintain or display any ~~such~~ light after written notice ~~thereof~~ from the commissioner of transportation or the department of public service that ~~such~~ *the* light constitutes a traffic hazard and *that it has ordered the removal thereof*.

Sec. 70. Minnesota Statutes 1982, section 169.123, subdivision 7, is amended to read:

Subd. 7. [REVIEW BY DISTRICT COURT APPEAL.] Any party ag-

grieved by the decision of the reviewing court may appeal the decision to the ~~district court~~ as provided in sections 484.63 and section 487.39.

Sec. 71. Minnesota Statutes 1982, section 174A.05, is amended to read:

174A.05 [APPEALS.]

An appeal from an order of the board shall be as provided in sections ~~216.24 and 216.25~~ accordance with chapter 14.

Sec. 72. Minnesota Statutes 1982, 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 administrator of the workers' compensation court of appeals, the bond has been filed, and the filing fee has been paid, the administrator shall immediately transmit to the clerk of the ~~supreme court~~ *appellate courts* that filing fee and the return to the writ of certiorari and bond.

Sec. 73. Minnesota Statutes 1982, 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 administrator of the workers' compensation court of appeals, the administrator shall transmit to the clerk of the ~~supreme court~~ *appellate courts* a true and complete return of the proceedings of the workers' compensation court of appeals under review, or ~~such the~~ part of those proceedings as is necessary to allow the supreme court to review properly the questions presented.

The workers' compensation court of appeals shall certify the return of the proceedings under its seal. The petitioner or relator shall pay to the administrator of the workers' compensation court of appeals the reasonable expense of preparing the return.

Sec. 74. Minnesota Statutes 1982, section 176.471, subdivision 9, is amended to read:

Subd. 9. [APPLICATION OF RULES GOVERNING APPEALS IN CIVIL ACTIONS.] When the return of the proceedings before the workers' compensation court of appeals has been filed with the clerk of the ~~supreme court~~ *appellate courts*, the supreme court shall hear and dispose of the matter in accordance with the laws and court rules governing appeals as in *other civil actions cases*.

Sec. 75. Minnesota Statutes 1982, section 177.29, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] Any person ~~who may be~~ aggrieved by any administrative rule issued pursuant to section 177.28 may ~~obtain a review thereof in the district court for Ramsey county, by filing in the court a written petition for declaratory judgment praying that the rule be modified or set aside. A copy of the petition shall be served upon the department. The department's findings of fact, if any, shall be conclusive upon the court if supported by substantial evidence. The court shall determine whether the rule is in accordance with law.~~

If the court determines that the rule is not in accordance with law, it shall remand the case to the department with directions to modify or revoke the rule. If application is made to the court by any aggrieved party for leave to adduce additional evidence, the party shall show to the satisfaction of the court that the additional evidence is material, and that there were reasonable grounds for the failure to adduce the evidence before the department. If the court finds that the evidence is material and that reasonable grounds exist for the failure of the aggrieved party to adduce the evidence in prior proceedings, the court may remand the case to the department with directions that the additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of the additional evidence *appeal in accordance with chapter 14.*

Sec. 76. Minnesota Statutes 1982, section 178.09, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION; APPEAL.] The determination of the director shall be filed with the commissioner and written notice shall be served on all parties affected ~~thereby~~ *by it*. Any person aggrieved by any determination or action of the director may appeal to the commissioner. If no appeal is filed with the commissioner within ten days of the date of service, the director's determination shall become the order of the commissioner. If an appeal is filed, the commissioner shall appoint and convene a hearing board to be composed of three members of the council, one member being a representative of an employer organization, one representative being a member of an employee organization, and one member representing the general public. ~~Such~~ *The* board shall hold a hearing on the appeal after due notice to the interested parties and shall submit to the commissioner findings of fact and a recommended decision accompanied by a memorandum of the reasons ~~therefor~~ *for it*. Within 30 days after submission, the commissioner may adopt as his own the recommended decision of the board, or disregard the recommended decision of the board and prepare his own decision based on the findings of fact and accompanied by his memorandum of reasons for that decision. Written notice of the commissioner's determination and order shall be served on all parties affected ~~thereby~~ *by it*. Any person aggrieved or affected by any determination or order of the commissioner may appeal ~~therefrom~~ *from it* to the district court having jurisdiction at any time within 30 days after the date of ~~such~~ *the* order by service of a written notice of appeal on the commissioner. Upon service of the notice of appeal, the commissioner shall file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from, together with findings of fact on which it is based. The person serving a notice of appeal shall, within five days after ~~the~~ *its* service ~~thereof~~, file it, with proof of service, with the clerk of the court to which the appeal is taken; ~~and thereupon~~. The district court shall *then* have jurisdiction over the appeal and it shall be entered in the records of the district court and tried de novo according to the applicable rules. Any person aggrieved or affected by any determination, order, or decision of the district court may appeal ~~to the supreme court~~ *as in other civil cases.*

Sec. 77. Minnesota Statutes 1982, section 179.64, subdivision 5, is amended to read:

Subd. 5. [REVIEW; APPEAL.] Any public employee ~~shall be~~ *is* entitled to request the opportunity to establish that he did not violate the provisions of this section. The request shall be filed in writing with the officer or body having the power to remove the employee, within ten days after notice of

termination is served upon him. The employing officer or body shall within ten days commence a proceeding at which the employee shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by the public employee. If there are contractual grievance procedures, laws or rules establishing proceedings to remove the public employee, the hearing shall be conducted in accordance with whichever procedure the employee elects ~~provided that~~. The election shall be binding and shall terminate any right to the alternative procedures. The same proceeding may include more than one employee's employment status if the employees' defenses are identical, analogous or reasonably similar. The proceedings shall be undertaken without unnecessary delay. Any person whose termination is sustained in the administrative or grievance proceeding may ~~secure a review of his removal by serving a notice of appeal upon the employer removing him within 20 days after the results of the hearing have been announced. This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall have jurisdiction to review the matter in the same manner as on appeal from administrative orders and decisions. This hearing shall take precedence over all matters before the court and may be held upon ten days written notice by either party. The court shall make such order as it deems proper. An employer may obtain review of a decision to reinstate an employee in the same manner as provided for appeals by employees in this subdivision. An appeal may be taken from the district court order to the supreme court in accordance with chapter 14.~~

Sec. 78. Minnesota Statutes 1982, section 179.741, subdivision 3, is amended to read:

Subd. 3. [UNIVERSITY OF MINNESOTA.] Subject to the provisions of section 179.742, subdivision 5 ~~all appropriate units of University of Minnesota employees certified as of April 25, 1980 are abolished.~~, the following shall be the appropriate units of University of Minnesota employees for the purposes of sections 179.61 to 179.76. All units shall exclude managerial and confidential employees and supervisory employees shall only be assigned to unit 12. No additional units of University of Minnesota employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of the positions of all employees with the power of arrest.

(2) Craft and trades unit. This unit shall consist of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.

(3) Service, maintenance and labor unit. This unit shall consist of the positions of all employees whose work is typically that of maintenance, service or labor and which does not require extensive previous training or experience, except as provided in unit 4.

(4) Health care non-professional and service unit. This unit shall consist of the positions of all non-professional employees of the University of Minnesota hospitals, dental school and health service whose work is unique to

those settings, excluding labor and maintenance employees as defined in unit 3.

(5) Nursing professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.

(6) Clerical and office unit. This unit shall consist of the positions of all employees whose work is typically clerical or secretarial, including non-technical data recording and retrieval and general office work, except as provided in unit 4.

(7) Technical unit. This unit shall consist of the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two year academic programs or equivalent experience or on-the-job training, except as provided in unit 4.

(8) Twin Cities instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located on the Twin Cities campuses.

(9) Outstate instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located at the Duluth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston or Waseca campuses shall be included within this unit if a majority of the eligible employees voting at a campus so vote during an election conducted by the director, provided that ~~such an~~ the election shall not be held ~~unless and~~ until the Duluth campus has voted in favor of representation. The election shall be held when an employee organization or group of employees petitions the director stating that a majority of the eligible employees at one of these campuses wishes to join the unit and this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed within 60 days of April 25, 1980 or, after January 1, 1981, during the period between September 1 and November 1.

(10) Graduate assistant unit. This unit shall consist of the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, or administrative fellow I or II.

(11) Non-instructional professional unit. This unit shall consist of the positions of all employees meeting the requirements of either clause (a) or (b) of section 179.63, subdivision 10, which are not defined as included within the instructional unit.

(12) Supervisory employees unit. This unit shall consist of the positions of all supervisory employees.

The employer shall petition the director within 90 days of April 25, 1980 indicating his position with respect to the allocation of all positions to the units provided in this subdivision. The employer shall serve a copy of the petition on the exclusive representatives of the affected employees. When the employer's position with respect to the positions to be included within a unit established by this subdivision is challenged by an employee organiza-

tion petitioning under section 179.67, the director shall make a determination as to the allocation of the challenged positions under the language of subdivision 3. His determination shall be made within 60 days of receipt of the petitioning organization's challenge and may be appealed ~~only to the supreme court which shall hear the matter on an expedited basis to the court of appeals.~~ Should both units 8 and 9 each elect exclusive bargaining representatives, those representatives may by mutual agreement jointly negotiate a contract with the regents, or may negotiate separate contracts with the regents. If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract shall be ratified by each unit.

Sec. 79. Minnesota Statutes 1982, section 181A.10, subdivision 2, is amended to read:

Subd. 2. [HEARINGS; REVIEW.] Hearings in the district court on all appeals taken under subdivision 1 shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its ~~judgement~~ judgment and decree shall be final except that the same shall be subject to review on appeal ~~to the supreme court as in other civil cases.~~

Sec. 80. Minnesota Statutes 1982, section 185.15, is amended to read:

185.15 [COURT TO CERTIFY PROCEEDINGS ~~TO SUPREME COURT ON APPEAL.~~]

When any court of the state shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on his filing the usual bond for costs, forthwith certify, as in ordinary cases, the record of the case ~~to the supreme court for its review for appeal. Upon the filing of such record in the supreme court, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside, with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.~~

Sec. 81. Minnesota Statutes 1982, section 192A.255, subdivision 1, is amended to read:

Subdivision 1. [REFUSAL TO APPEAR.] Any person not subject to this code who:

(1) Has been duly subpoenaed to appear as a witness or to produce books and records before a military court or before any military or civil officer designated to take a deposition to be read in evidence before ~~such~~ a court;

(2) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the ~~supreme~~ district court of the state; and

(3) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person ~~may have~~ has been legally subpoenaed to produce;

is guilty of an offense against the state and a military court may punish him in the same manner as the civil courts of the state.

Sec. 82. Minnesota Statutes 1982, section 197.481, subdivision 6, is

amended to read:

Subd. 6. [APPEALS.] Appeals of orders issued under this section shall be to the Ramsey county district court in accord *accordance* with sections 14.63 to 14.68 and to the supreme court as provided in section 14.70; the scope of judicial review shall be as prescribed by section 14.69. The commissioner may appeal to the supreme court as provided by the rules of civil appellate procedure from an order of the district court issued pursuant to this subdivision chapter 14.

Sec. 83. Minnesota Statutes 1982, section 204B.06, subdivision 4, is amended to read:

Subd. 4. [PARTICULAR OFFICES.] Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) For United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) For United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) For governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) For supreme court justice, *court of appeals judge*, or district court judge, that the candidate is learned in the law;

(e) For county or county municipal court judge or other judicial officer, that the candidate is qualified as prescribed by law;

(f) For senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

Sec. 84. Minnesota Statutes 1982, section 204B.06, subdivision 6, is amended to read:

Subd. 6. [JUDICIAL CANDIDATES; DESIGNATION OF TERM.] An individual who files as a candidate for the office of associate justice of the supreme court, *judge of the court of appeals*, judge of the district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each *court of appeals*, district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

Sec. 85. Minnesota Statutes 1982, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] Except as provided by subdivision 2, a filing

fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) For the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, *judge of the court of appeals*, judge of the district court, or judge of the county municipal court of Hennepin County, \$150;

(b) For the office of senator in congress, \$200;

(c) For office of senator or representative in the legislature, \$50; and

(d) For a county office, \$50.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded.

Sec. 86. Minnesota Statutes 1982, section 204B.34, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges *of the court of appeals* or of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Sec. 87. Minnesota Statutes 1982, section 204B.36, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL CANDIDATES.] The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

“For the office of associate (or chief) justice of the supreme court to which (name of justice)..... was elected for the regular term” or “to which (name of justice)..... was appointed”;

(b) In the case of the court of appeals:

“For the office of judge of the court of appeals to which (name of judge) was elected for the regular term” or “to which (name of judge) was appointed”;

~~(b)~~ (c) In the case of the district court:

“For the office of judge of the district court of the (number)..... judicial district to which (name of judge)..... was elected for the regular

term” or “to which (name of judge)..... was appointed”); or

(e) (d) In the case of the county court:

“For the office of judge of the county court of the county (or counties) of to which (name of judge)..... was elected for the regular term” or “to which (name of judge)..... was appointed”.

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

“Successor to (name)....., elected (or appointed)”.

Sec. 88. Minnesota Statutes 1982, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS.] All elective state and county officers, justices of the supreme court, judges of the *court of appeals*, district, county and county municipal courts, state senators and state representatives, and senators and representatives in congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Sec. 89. Minnesota Statutes 1982, section 204D.08, subdivision 6, is amended to read:

Subd. 6. [STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.] The state and county nonpartisan primary ballot shall be headed “State and County Nonpartisan Primary Ballot”. It shall be printed on canary paper. The names of candidates for nomination to the supreme court, *court of appeals*, district, county and county municipal courts and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 90. Minnesota Statutes 1982, section 204D.11, subdivision 1, is amended to read:

Subdivision 1. [WHITE BALLOT; RULES; REIMBURSEMENT.] The names of the candidates for all partisan offices voted on at the state general election and candidates for the office of justice and chief justice of the supreme court and the office of judge of the *court of appeals* shall be placed on a single ballot printed on white paper which shall be known as the “white ballot”. This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The state shall reimburse the counties for the cost of preparing the white ballot and the envelopes required for the returns of that ballot. The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for reimbursement of the counties’ costs.

Sec. 91. Minnesota Statutes 1982, section 209.09, is amended to read:

209.09 [APPEAL TO SUPREME COURT APPEALS.]

When an appeal is taken to the supreme court from the determination of the

district court in any contest instituted under this chapter, the party appealing shall file in the district court a bond in ~~such~~ a sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The notice of appeal shall be served and filed no later than ten days in case of a general election and no later than five days in case of a primary after the entry of the determination of the district court in the contest. The return of ~~such~~ the appeal shall be made, certified, and filed in the ~~supreme~~ court of *appeals or, in the case of a contest relating to the office of state representative or senator, in the supreme court* as soon as practicable and in any event within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon such notice from either party, as the court may determine ~~which~~. The notice may be served during term time or in vacation; and it may be heard and determined summarily by the court. The appeal from a determination of an election contest relating to the office of state senator or representative shall take precedence over all other business on the supreme court docket, and shall be disposed of with all convenient dispatch. A copy of the decision shall be forwarded to the chief clerk of the house of representatives or the secretary of the senate, as appropriate.

Sec. 92. Minnesota Statutes 1982, section 210A.01, subdivision 3, is amended to read:

Subd. 3. [CANDIDATE.] "Candidate" means any individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. In sections 210A.22 to 210A.28, 210A.32 and 210A.33, "candidate" does not mean an individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered for constitutional office, member of the legislature, justice of the supreme court, *court of appeals*, or district court, county court, probate court, or county municipal court judge.

Sec. 93. Minnesota Statutes 1982, section 216.25, is amended to read:

216.25 [APPEALS; ORDERS NOT APPEALED; PROCEEDINGS; REVIEW BY SUPREME COURT.]

The person serving such notice of appeal shall, within such 30 day period, file the same with proof of service, with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and shall be tried therein according to the rules relating to the trial of civil actions so far as the same are applicable. The complainant before the commission, if there was one (otherwise the state of Minnesota), shall be designated as complainant in the district court. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the commission, not shown on the record, testimony thereon may be taken by

the court. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable, it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the commission so orders or unless the court upon examination of the order and the return made on the appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. If such appeal is not taken such order shall become final, and it shall thereupon be the duty of the regulated persons affected to adopt and perform the acts therein prescribed. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the rights to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits or reexamination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same. Any party to a proceeding in the district court or contested case before the commission may appeal to the supreme court of Minnesota from the decision and order or judgment of such district court within the time and in the manner and under the procedure provided in rules of civil appellate procedure; provided that if the commission be the appellant, no bond upon such appeal shall be required in accordance with chapter 14.

Sec. 94. Minnesota Statutes 1982, section 216.27, is amended to read:

216.27 [FILING PAPERS; EFFECT.]

When in any such case an appeal is taken or such question certified, the commission shall forthwith file with the clerk of the proper district court all papers, pleadings, evidence, and orders in the proceeding and thereupon such court appellate courts the documents described by the rules of civil appellate procedure. The court of appeals shall have full jurisdiction to hear and determine the question of the jurisdiction of the commission in reference to the matter appealed from or certified. Such The proceeding may shall be brought on for hearing by either party on ten days' notice, either at a term or in vacation, and shall be heard upon the evidence taken before the commission and such further evidence as may be offered by either party governed by the rules of civil appellate procedure. If the order of the commission is reversed, upon filing a copy of the order of reversal with the commission, it shall forthwith proceed to determine the reasonableness of such the rates, fares, charges, and classification on the merits.

Sec. 95. Minnesota Statutes 1982, section 216B.16, subdivision 3, is amended to read:

Subd. 3. [INTERIM RATES.] Notwithstanding any order of suspension of a proposed increase in rates, the commission shall order an interim rate schedule into effect not later than 60 days after the initial filing date. The commission shall order the interim rate schedule ex parte without a public hearing. Notwithstanding the provisions of sections 216-24, 216.25, 216B.27 and 216B.52, no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the utility equal to that authorized by the commission in the utility's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective

order of the commission in the utility's most recent rate proceeding; and (3) no change in the existing rate design. In the case of a utility which has not been subject to a prior commission determination, the commission shall base the interim rate schedule on its most recent determination concerning a similar utility.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the utility to refund the excess amount collected under the interim rate schedule, including interest ~~thereon~~ *on it* which shall be at the rate of interest determined by the commission. The utility shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method ~~whereby~~ *by which* the utility will recover the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the public utility fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled ~~thereto~~ *to it*. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. The commission shall not order an interim rate schedule into effect as provided by this subdivision until at least four months after it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a four month delay would unreasonably burden the utility, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 96. Minnesota Statutes 1982, section 216B.52, subdivision 1, is amended to read:

Subdivision 1. [APPEALS.] Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected ~~thereby~~ *by it*, shall be entitled to ~~may~~ appeal from ~~such~~ *the* decision and order of the commission. ~~The proceedings shall be instituted by serving a notice of appeal personally or by certified mail upon the commission or one of its members or upon its secretary, and by filing the notice in the office of the clerk of the district court of the county of Ramsey or of the county in which the appellant resides or maintains his principal place of business, all within 30 days after the service of the order and decision of the commission or in cases where a rehearing is requested within 30 days after service of the order finally disposing of the application for the rehearing, or within 30 days after the final disposition by operation of law of the application for rehearing. The notice shall state the nature of the appellant's interest, the facts showing that the appellant is aggrieved and directly affected by the decision, and the grounds upon which the appellant contends that the decision should be reversed or modified. Copies of the notice shall be served, personally or by certified mail, not later than 30 days after the institution of the appeal, upon all parties who appeared before the commission in the proceeding in which the order sought to be reviewed was made. The commission and all parties to the proceeding before it, shall have the right to participate in the appeal. The court, in its discretion, may permit~~

other interested parties to intervene in accordance with chapter 14.

Sec. 97. Minnesota Statutes 1982, section 231.33, is amended to read:

231.33 [APPEAL TO THE SUPREME COURT.]

Any party to an appeal or other proceeding in district court under the provisions of this chapter may appeal from the final judgment or from any final order ~~therein in the same cases and manner as in other civil actions cases.~~ The appeal may be filed in the supreme court before or during any term thereof and shall be immediately entered on the calendar and heard upon such notice as the court may prescribe.

Sec. 98. Minnesota Statutes 1982, section 237.075, subdivision 3, is amended to read:

Subd. 3. [INTERIM RATES.] Notwithstanding any order of suspension of a proposed increase in rates, the commission shall order an interim rate schedule into effect not later than 60 days after the initial filing date. The commission shall order the interim rate schedule *ex parte* without a public hearing. Notwithstanding the provisions of sections ~~216.24, 216.25, and 237.25,~~ no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the company equal to that authorized by the commission in the company's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective order of the commission in the company's most recent rate proceeding; and (3) no change in the existing rate design, except for products and services offered by nonregulated competitors. In the case of a company which has not been subject to a prior commission determination or has not had a general rate adjustment in the preceding three years, the commission shall base the interim rate schedule on its most recent determination concerning a similar company.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the company to refund the excess amount collected under the interim rate schedule, including interest ~~thereon~~ *on it* which shall be at the rate of interest determined by the commission. The company shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method ~~whereby~~ *by which* the company will recover the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the telephone company fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to

recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. The commission shall not order an interim rate schedule into effect as provided by this subdivision until at least four months after it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a four month delay would unreasonably burden the company, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 99. Minnesota Statutes 1982, section 237.20, is amended to read:

237.20 [NOTICE TO COMMISSION AND PROCEDURE.]

When a municipality decides in the manner above provided to acquire an existing plant by condemnation, it shall give notice to the commission ~~whose duty it shall be thereupon to which shall~~ determine the just compensation which the owner of the plant is entitled to receive ~~therefor~~ from the municipality. Before deciding upon ~~such the~~ compensation, the commission shall, at a public meeting which may be adjourned from time to time, hear all interested parties on the question involved. The commission shall by order fix the compensation and furnish a copy of its order to the municipality and to the telephone company concerned. An appeal may be taken to the district court of the county ~~wherein such in which the~~ plant is situated from that part of the order fixing the compensation to be paid, within 30 days, by either party; ~~which~~. The appeal shall be tried the same as other appeals hereunder; . If no ~~such~~ appeal is taken, the order of the commission shall become final at the end of 30 days; ~~and when appeal is taken the decision of the district court or of the supreme court, if taken there from the district court, shall be final.~~

Sec. 100. Minnesota Statutes 1982, section 237.25, is amended to read:

237.25 [APPEALS FROM DECISIONS OF COMMISSION.]

Any party to a proceeding before the commission or the attorney general may make and perfect an appeal from ~~such the~~ order as provided in sections ~~216-24 and 216-25~~ *accordance with chapter 14.*

~~Upon such appeal being so perfected it may be brought on for trial at any time by either party upon ten days' notice to the other and shall then be tried by the court without the intervention of a jury, and determined upon the pleadings, evidence, and exhibits introduced before the commission and so certified by it. At such trial the findings of fact made by the commission shall be prima facie evidence of the matters therein stated, and the order shall be deemed prima facie reasonable, and if the court finds that the order appealed from is unjust, unreasonable, and not supported by the evidence, it shall make such order to take the place of the order appealed from as is justified by the record before it. If the court finds from an examination of the record that the commission erroneously rejected evidence which should have been admitted, it shall remand the proceedings to the commission with instructions to receive ~~such the~~ evidence ~~so~~ rejected and any rebutting evidence and make new findings and return the ~~same them~~ to the court for further ~~proceedings~~ review. In such~~

case the commission, after notice to the parties in interest, shall proceed to rehear the matter in controversy, and receive ~~such the~~ wrongfully rejected evidence and any rebutting evidence offered and make new findings, as upon the original hearing, and transmit ~~the same it and such the~~ new record, properly certified, to the court ~~wherein the appeal is pending of appeals,~~ whereupon the matter shall be again considered in the court in the same manner as in an original appeal. ~~Either party may appeal to the supreme court from the judgment of the district court, as in other civil actions; except that the appeal must be taken within 30 days from the date of notice of the entry of such judgment.~~

Where an appeal is taken to the supreme court the appellant shall cause a return to be made to the court within 30 days from the date of appeal; otherwise the appeal shall be deemed abandoned and may be dismissed upon motion of the respondent. When the return on the appeal is received by the clerk of the supreme court, the cause shall be placed on the calendar of the term then pending, or if none is then pending then of the one next ensuing and it shall be assigned and brought on for hearing as other causes on such calendar.

Sec. 101. Minnesota Statutes 1982, section 237.27, is amended to read:

237.27 [ATTORNEY GENERAL TO COMPEL OBEDIENCE.]

When any telephone company fails to comply with any law of the state or any order of the commission after it has become final, or any order or judgment of the district court, *the court of appeals*, or the supreme court in any cases taken to *any of the courts, or either of them,* on appeal, after ~~such the~~ judgment or order has become final, ~~it shall be the duty of the attorney general to~~ shall apply to the district court in the name of the state in any county in which the plant of the telephone company, or any part ~~thereof of it,~~ is situated, for a mandatory injunction or other appropriate writ to compel obedience to the law, order, or judgment ~~and~~. The district court shall punish any disobedience of its orders in ~~such the~~ enforcement proceedings as for contempt of court.

Sec. 102. Minnesota Statutes 1982, section 237.39, is amended to read:

237.39 [PRIVATE TELEPHONE LINES SOLD TO TOWN.]

When, under the provisions of sections 237.33 to 237.40, a township telephone system ~~shall be~~ is established in any township ~~wherein in which~~ any of the inhabitants of ~~such the~~ town are already provided with telephone service furnished by any other telephone company or person, ~~such the~~ town shall, when so requested by the telephone company or person, acquire from the telephone company all telephone equipment used by the telephone company or person in furnishing telephone service to the inhabitants of ~~such the~~ town exclusively. For the purpose of determining the purchase price of ~~such the~~ equipment, application shall be made to the department ~~whose duty it which shall be thereupon to~~ determine the just compensation which the owner of ~~such the~~ telephone equipment is entitled to receive ~~therefor for it~~ from the town. Before deciding upon ~~such the~~ compensation, the department shall, at a public meeting, which may be adjourned from time to time, hear all interested persons of the question involved. The department shall by order fix the compensation and furnish a copy of its order to the town, and to the telephone company or person concerned. An appeal may be taken to the district court of the county ~~wherein such in which the town is situated from that part of the order fixing the compensation to be paid, within 30 days, by either party; which~~. The appeal shall be tried in the same manner as other

appeals hereunder; . If no ~~such~~ appeal is taken, the order of the department shall become final at the end of 30 days; ~~and when appeal is taken the decision of the district court or of the supreme court, if taken there from the district court, shall be final.~~

When, under the provisions of sections 237.33 to 237.40 a township telephone system has been established in any town, and it has been determined by the board of supervisors of the town to be for the best interest of public service and all persons concerned, to sell and transfer the township telephone system to any telephone company or person giving service organized for that purpose and qualified to purchase the system and operate ~~the same~~ it, the board of supervisors ~~shall have authority to~~ may sell, transfer, and convey the township telephone system upon such reasonable price and terms as it may determine; provided, that there shall be presented to the board of supervisors by a petition signed by at least 25 percent of the freeholders of the town asking for the sale ~~thereof~~; and; . If ~~such~~ the sale and agreed sale price ~~be~~ are approved at an annual or special town meeting, it being stated in the notice of ~~such~~ the annual and special meeting that the proposition will be considered ~~thereat at it~~, by 66 percent of the legal voters attending ~~such~~ the meeting.

If any township telephone lines are sold under the provisions of sections 237.33 to 237.40, and the town has ~~heretofore~~ previously issued bonds for ~~the~~ their construction ~~thereof~~, and any part of the bonds are then outstanding and unpaid, the entire consideration received from the sale, or such part as may be necessary, shall be held and applied only for the payment and retirement of ~~such~~ the bonds.

Sec. 103. Minnesota Statutes 1982, section 244.11, is amended to read:

244.11 [APPELLATE REVIEW OF SENTENCE.]

An appeal to the ~~supreme~~ court of appeals may be taken by the defendant or the state from any sentence imposed or stayed by the district court according to the rules of criminal procedure for the district court of Minnesota. A dismissal of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.

When an appeal taken under this section is filed, the clerk of the district court shall certify ~~to the supreme court~~ the transcript of the proceedings and any files or records relating to the defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.

On an appeal pursuant to this section, the ~~supreme~~ court may review the sentence imposed or stayed to determine whether the sentence is inconsistent with statutory requirements, unreasonable, inappropriate, excessive, unjustifiably disparate, or not warranted by the findings of fact issued by the district court. This review shall be in addition to all other powers of review presently existing. The ~~supreme~~ court may dismiss or affirm the appeal, vacate or set aside the sentence imposed or stayed and direct entry of an appropriate sentence or order further proceedings to be had as the ~~supreme~~ court may direct.

This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal.

Sec. 104. Minnesota Statutes 1982, section 246.55, is amended to read:

246.55 [APPEAL FROM ORDER OF COMMISSIONER.]

Any patient or relative aggrieved by an order of the commissioner under sections 246.50 to 246.55 may appeal from ~~such the~~ order to the district court of the county in which he resides by serving notice of ~~such the~~ appeal on the commissioner and filing the notice, with proof of service ~~thereof~~, in the office of the clerk of the district court of ~~such the~~ county within 30 days from the date the order was mailed, or ~~such a later date not exceeding one year from the date of mailing as permitted by order of such the court.~~ ~~Such~~ The appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear ~~such~~ evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under sections 246.50 to 246.55 is brought in question on ~~such~~ appeal, ~~such the~~ order or determination shall be determined de novo. Appeal to the ~~supreme court~~ from the order of the district court may be taken ~~in the same manner as appeals are taken from appealable orders in other civil actions cases.~~

Sec. 105. Minnesota Statutes 1982, section 252A.21, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner may appeal from an order of the court entered under sections 252A.01 to 252A.21 to the ~~district court of appeals~~ in the manner prescribed by sections 525.71 to 525.731, for appeals by the state. Any persons, other than the commissioner, aggrieved by an order of the court entered under sections 252A.01 to 252A.21, may appeal to the ~~district court of appeals~~ in the manner prescribed by sections 525.71 to 525.731.

Sec. 106. Minnesota Statutes 1982, section 253B.19, subdivision 5, is amended to read:

Subd. 5. [APPEAL TO SUPREME COURT.] An interested party ~~panel~~ may appeal from the decision of the appeal panel to the ~~supreme court in the same manner of appeals as other appeals in other civil actions cases.~~ The filing of an appeal shall immediately suspend the operation of any order granting transfer, discharge or provisional discharge, pending the determination of the appeal.

Sec. 107. Minnesota Statutes 1982, section 253B.23, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] The commissioner or any other aggrieved party may appeal to the ~~district court of appeals~~ from any order entered under this chapter as in the ~~manner prescribed in section 487.39~~ other civil cases.

Upon perfection of the appeal, the return shall be filed forthwith. The ~~district court of appeals~~ shall hear the appeal within 45 days after service of the notice of appeal. This appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the ~~district court of appeals.~~ ~~Notwithstanding any contrary provision in section 487.39, an appeal may be taken from the determination of a district court judge to the supreme court without leave of the supreme court.~~

Sec. 108. Minnesota Statutes 1982, section 256.045, subdivision 9, is

amended to read:

Subd. 9. [APPEAL TO THE SUPREME COURT.] Any party ~~who is~~ aggrieved by the order of the district court may appeal ~~to the supreme court in the same manner as appeals from other orders in other civil actions cases.~~ No costs or disbursements shall be taxed against any party ~~on an appeal to the district court or the supreme court~~ nor shall any filing fee or bond be required of any party.

Sec. 109. Minnesota Statutes 1982, section 256.045, subdivision 10, is amended to read:

Subd. 10. [PAYMENTS PENDING APPEAL.] If the commissioner of welfare, local welfare referee, or district court orders monthly assistance or aid or services paid or provided in any proceeding under this section, it shall be paid or provided pending appeal to the commissioner of welfare, district court, *court of appeals*, or supreme court.

Sec. 110. Minnesota Statutes 1982, section 259.32, is amended to read:

259.32 [APPEALS.]

Any order, judgment, or decree of a court pursuant to the provisions of sections 259.21 to 259.32 may be appealed ~~to the supreme court~~ by any person against whom ~~any such~~ the order, judgment, or decree is made or who is affected ~~thereby by it as are appeals from said court~~ in other ~~matters civil cases.~~

Sec. 111. Minnesota Statutes 1982, section 260.291, subdivision 2, is amended to read:

Subd. 2. [COURT HEARING APPEAL.] (a) The appeal from a ~~district court~~ juvenile court is taken ~~directly~~ to the ~~supreme court of appeals in the same manner in which appeals are taken as~~ in other civil actions cases.

(b) ~~The appeal from a probate juvenile court is taken to the district court which shall try the case de novo. An appeal in the district court de novo action may be taken to the supreme court in the same manner as an appeal is taken from a district court juvenile court.~~

Sec. 112. Minnesota Statutes 1982, section 268.06, subdivision 20, is amended to read:

Subd. 20. [PROTEST, REVIEW, REDETERMINATION, APPEAL.] A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by ~~such the~~ employer if he files with the commissioner a written protest setting forth his reasons therefor within 30 days from the date of the mailing of the notice of charges or contribution rate to him; ~~which~~. The date shall appear on ~~such the~~ notice. Upon receipt of ~~such the~~ protest, the commissioner shall refer the matter to an official designated by him to review the charges appearing on ~~such the~~ notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case; ~~and he~~. The official shall either affirm or make a re-determination rectifying ~~said the~~ charges or rate as the case may be, and a

notice of ~~such the~~ affirmation or redetermination shall immediately be mailed to ~~said the~~ employer. If the employer is not satisfied with ~~such the~~ affirmation or redetermination, he may appeal ~~therefrom~~ by filing a notice ~~thereof~~ with the department within ten days after the date of mailing appearing upon ~~said the~~ redetermination. Upon the receipt of ~~such the~~ appeal, the commissioner shall refer the matter to a referee for a hearing and after opportunity for a fair hearing, the referee shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The referee may order the consolidation of two or more appeals whenever, in his judgment, ~~such~~ consolidation will not be prejudicial to any interested party. At any ~~such~~ hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the referee shall be made in the same manner as appeals from the decision of an appeal tribunal. Decisions of the commissioner made upon appeal from a decision of the referee shall be reviewed by the ~~supreme~~ court of appeals upon certiorari in accordance with the procedure outlined ~~therefor~~ with respect to benefit decisions.

Sec. 113. Minnesota Statutes 1982, section 268.10, subdivision 8, is amended to read:

Subd. 8. [CERTIORARI.] Any ~~such~~ decision of the commissioner may be reviewed on certiorari by the ~~supreme~~ court of appeals provided ~~such a~~ petition for the writ is ~~issued~~ filed and served upon the adverse party or parties within 30 days after the date of mailing notice of any decision to him at his last known address.

Any party in interest, except a claimant for benefits, upon the service of ~~such the~~ writ shall furnish a cost bond to be approved by the commissioner and pay to the department of economic security 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. 114. Minnesota Statutes 1982, section 268.12, subdivision 13, is amended to read:

Subd. 13. [DETERMINATIONS.] (1) An official, designated by the commissioner, upon his own motion or upon application of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of ~~such the~~ determination. ~~Such~~ The determination shall be final unless the employing unit ~~shall~~, within 30 days after the mailing of notice of the determination to the employing unit's last known address ~~file~~, files a written appeal ~~therefrom~~ from it.

(2) The commissioner shall designate one or more ~~representatives, herein referred to as~~ referees, to conduct hearings on appeals. The employing unit and any claimant whose filed claim for benefits may be affected by a determination issued under clause (1) shall be interested parties to an appeal. The referee shall fix a time and place within this state for ~~such the~~ hearing and

shall give interested parties written notice thereof of it, by mail, not less than ten days prior to the time of such the hearing. In the discharge of the duties imposed by this subdivision, the referee shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of such the hearing. The written report of any employee of the department of economic security, made in the regular course of the performance of such the employee's duties, shall be competent evidence of the facts therein contained in it and shall be prima facie correct, unless refuted by other credible evidence.

(3) Upon the conclusion of such the hearing, the referee shall serve upon the interested parties by mail findings of fact and decision in respect thereto. The decision of the referee, together with his findings of fact and reasons in support thereof of them, shall be is final unless an interested party shall, within 30 days after the mailing of a copy thereof of it to the interested parties' last known addresses, file files an appeal with the commissioner, or unless the commissioner, within 30 days after mailing of such the decision, on his own motion orders the matter certified to him for review. Appeal from and review by the commissioner of the decision of the referee shall be had in the manner provided by regulation rule. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the referee on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the referee and examine the testimony taken and make such any findings of fact as the evidence taken before the referee may, in the judgment of the commissioner, require, and make such any decision as the facts so found by him may require. The commissioner shall notify the employing unit of his findings and decision by mail, mailed to the interested parties' last known addresses, and notice of such decision shall contain a statement setting forth the cost of certification of the record in the matter. The decision of the commissioner shall become is final unless judicial review thereof of it is sought as provided by this subdivision. Any interested party to a proceeding before a referee or the commissioner may obtain a transcript of the testimony taken before the referee upon payment to the commissioner of the cost of such the transcript to be computed at the rate of ten cents per 100 words.

(4) The district court of the county wherein the hearing before the referee was held shall appeals may, by writ of certiorari to the commissioner, have power to review all questions of law and fact presented by the record in accordance with chapter 14. The court shall not accept any new or additional evidence and shall not try the matter de novo. Such action shall be commenced within 30 days of the mailing of notice of the findings and decision of the commissioner to the interested parties affected thereby mailed to their last known addresses. The commissioner shall not be required to certify the record to the district court unless the party commencing such the proceedings for review, as provided above, shall pay pays to the commissioner the cost of certification of the record computed at the rate of ten cents per 100 words less such any amount as may have been previously paid by such the party for a transcript. It shall be the duty of The commissioner shall, upon receipt of such the payment, to prepare and certify to the court a true and correct typewritten copy of all matters contained in such the record. The costs so collected by the commissioner shall be deposited by him in the employment

services administration fund provided for in section 268.15.

~~The party commencing proceedings for review shall file his brief with the court and serve it upon the commissioner within 60 days of commencing proceedings. The commissioner shall file his brief with the court and serve it upon the party within 45 days of the service of the party's brief upon the commissioner. The party may file a reply brief with the court and serve it upon the commissioner within 15 days of the service of the commissioner's brief upon him. The proceedings shall be given precedence over all other civil cases before the court.~~

The court may confirm or set aside the decision and determination of the commissioner. If the decision and determination is set aside and the facts found in the proceedings before the referee are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the commissioner for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper.

Any decision of the district court may be reviewed on certiorari by the supreme court provided the writ is issued and served upon the adverse party or parties within 30 days after the mailing of the notice of the decision.

(5) A final decision of the commissioner or referee, in the absence of appeal ~~therefrom~~, shall be ~~is~~ conclusive for all the purposes of sections 268.03 to 268.24 except as ~~herein~~ otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or referee determines the amount of contributions due under sections 268.03 to 268.24, then, if ~~such the~~ amount, together with interest and penalties, is not paid within 30 days after ~~such the~~ decision, the provisions of section 268.161 shall apply ~~and~~ . The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report ~~therein provided~~.

Sec. 115. Minnesota Statutes 1982, section 270.22, is amended to read:

270.22 [FINDINGS OF FACT.]

The commissioner of revenue shall determine the controversy upon the evidence produced at ~~such the~~ hearing and shall make and file written findings of fact and his order determining the controversy. In the equalization and determination of valuations, the findings and values as given by the assessor of the local assessment district shall be considered as prima facie correct. Copies of ~~such the~~ order and findings shall be mailed to all parties appearing at ~~such the~~ hearing, and to the auditor of the county in which the property is located. Any municipality which has appeared in ~~such the~~ proceedings, and which is aggrieved by the order of the commissioner of revenue reducing the assessed valuation of any ~~such the~~ property, or failing to increase ~~such the~~ assessed valuation, may have the order of the commissioner of revenue reviewed by appeal to the ~~supreme~~ court of appeals, on either of the following grounds: (a) that the determination of the commissioner of revenue was not in accordance with the laws relating to the as-

assessment of property, or that the commissioner of revenue committed any other error of law; or (b) that the findings of fact and determination of value were unwarranted by or were contrary to the weight of the evidence.

Any owner of property who has appeared in ~~such the~~ proceedings and who is aggrieved by the order of the commissioner of revenue raising the assessed valuation of ~~any such the~~ property, or failing to reduce ~~such the~~ assessed valuation, may have the order of the commissioner of revenue reviewed on appeal to the ~~supreme court of appeals~~ in like manner and upon the same grounds as ~~hereinabove~~ provided for review on the appeal of any municipality; as ~~hereinafter~~ provided.

Sec. 116. Minnesota Statutes 1982, section 270.23, is amended to read:

270.23 [NOTICE OF APPEAL.]

To secure ~~such~~ review, the municipality shall, within 30 days after mailing of notice of ~~such the~~ determination by the commissioner of revenue, serve upon the commissioner of revenue a notice of appeal to the ~~supreme court of appeals~~ from the order of the commissioner of revenue and file the original ~~thereof~~, with proof of service, with the clerk of the ~~supreme court appellate courts~~, paying the filing fee provided by law for appeals in civil actions. The filing of ~~such the~~ notice of appeal shall vest the ~~supreme court~~ with jurisdiction ~~thereof~~ and ~~such the~~ appeal shall be heard and disposed of as in ~~the case of appeals from other civil actions from the district court cases~~. Records and briefs shall be served and filed as provided by law or rule of court in ~~such appeals~~.

The ~~supreme court~~ shall reverse or affirm the order of the commissioner of revenue or remand the cause to the commissioner of revenue for a new hearing or further proceedings or for other disposition ~~thereof~~, with ~~such further~~ directions as the court ~~may deem~~ *deems* proper.

Sec. 117. Minnesota Statutes 1982, section 270.26, is amended to read:

270.26 [PROCEEDINGS TO DETERMINE ASSESSED VALUATION.]

The proceedings provided ~~hereby in this section~~ are for ~~the purpose~~ of determining the assessed valuation upon the basis of which taxes are spread against property, or ~~the its owner thereof~~, in the first instance. The order of the commissioner of revenue, or the final order for judgment of the ~~supreme court thereon of appeals on it~~, shall not be a bar to any defense against ~~such the~~ taxes interposed at the time of the proceedings for judgment ~~thereon, and on them~~. All defenses which may be set up against the proceedings for judgment upon ~~such the~~ taxes ~~under existing laws~~ may be asserted notwithstanding the determination of the commissioner of revenue or the ~~supreme court hereunder~~. ~~In If the event that~~ taxes are levied or extended pending review of the order of the commissioner of revenue by the ~~supreme court, as hereinbefore provided~~, a judgment entered upon ~~such the~~ taxes in the tax delinquency proceedings shall not be a bar to the spreading of further taxes against ~~such the~~ property for ~~such that~~ year, in the event the assessed valuation of ~~such the~~ property is raised as herein provided. In the proceedings for the collection of any taxes which include an additional levy because of the raising of the assessed valuation of any property ~~hereunder~~, the owner may answer separately to the proceedings to obtain judgment for ~~such the~~ excess levy.

Sec. 118. Minnesota Statutes 1982, section 270.68, subdivision 2, is amended to read:

Subd. 2. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 1 may ~~remove appeal the judgment to the supreme court by appeal,~~ as provided for appeals in other civil cases.

Sec. 119. Minnesota Statutes 1982, section 273.16, is amended to read:

273.16 [DETERMINATION OF CLASSIFICATION.]

The classification of iron-bearing formations under the provisions of sections 273.14 to 273.16 shall be determined in the manner ~~hereinafter set forth provided.~~ Any person engaged in the business of mining, whose tonnage recovery of iron ore concentrates for a taxable year in producing concentrates from the iron-bearing material entering the beneficiating plant has been less than 50 percent, may file a petition with the commissioner of revenue requesting classification of ~~such the~~ deposit under the provisions of sections 273.14 to 273.16. The taxpayer shall furnish ~~such any~~ available data and information concerning the operation of ~~such the~~ deposit as the commissioner of revenue ~~may require, and who requires.~~ The commissioner shall, upon receipt ~~thereof of it,~~ submit ~~such the~~ petition and data to the University of Minnesota mines experiment station. The mines experiment station shall consider the deposit referred to in the petition as a unified commercial operation; ~~and,~~ . Based on all engineering data and information furnished, ~~it shall file a written report thereon with the commissioner of revenue, who, after hearing duly had,~~ shall approve or disapprove ~~such the~~ report. If a classification is made covering ~~such the~~ deposit and property, the commissioner of revenue shall give appropriate notice ~~thereof of it~~ to the taxing districts affected ~~thereby by it.~~ If the commissioner of revenue ~~disapprove such disapproves of the classification,~~ his findings and order ~~thereon on it~~ may be reviewed by a writ of certiorari issued out of the supreme court of appeals on petition of the party aggrieved presented to the court within 30 days after the date of the order. ~~Such~~ The classifications shall also be subject to further review by the mines experiment station, from time to time, upon request of the commissioner of revenue or upon further petition by the taxpayer. Valuations determined hereunder shall be subject to the provisions of sections 270.19 to 270.26.

Sec. 120. Minnesota Statutes 1982, section 279.21, is amended to read:

279.21 [APPEAL TO SUPREME COURT.]

The orders and judgment of the district court ~~shall be~~ are subject to review ~~by the supreme court~~ as in other civil ~~actions cases.~~ As soon as the appeal is decided, the clerk of the ~~supreme court appellate courts~~ shall enter the proper order and ~~forthwith~~ transmit a certified copy ~~thereof of it~~ to the clerk of the district court. ~~Such~~ The appeal shall not prevent the entry of judgment in the district court, or the sale of any parcel of land pursuant to ~~such the~~ judgment, unless at the time of taking the appeal ~~there be a bond is~~ filed with the clerk of the district court a bond, with sureties, in an amount to be approved by the judge ~~thereof,~~ conditioned for the payment of the amount for which ~~such the~~ judgment shall be rendered, and the penalties and costs allowed by law, if the decision of the district court ~~shall be~~ is affirmed.

Sec. 121. Minnesota Statutes 1982, section 282.01, subdivision 3, is amended to read:

Subd. 3. [SALE OF NON-CONSERVATION LANDS.] All parcels of land classified as non-conservation, except those which may be reserved, shall be sold as ~~hereinafter~~ provided, if it ~~shall be~~ is determined, by the county

board of the county ~~wherein such in which the~~ parcels lie, that it is advisable to do so, having in mind their accessibility, their proximity to existing public improvements, and the effect of their sale and occupancy on the public burdens. Any parcels of land proposed to be sold shall be first appraised by the county board of the county ~~wherein such in which the~~ parcels lie, and ~~such~~. The parcels may be reappraised whenever the county board deems it necessary to carry out the intent of sections 282.01 to 282.13. In ~~such an~~ appraisal the value of the land and any standing timber ~~thereon on it~~ shall be separately determined. No parcel of land containing any standing timber may be sold until the appraised value of the timber ~~thereon on it~~ and the sale of the land have been approved by the commissioner of natural resources. The commissioner of ~~natural resources~~ shall base his review of a proposed sale on the policy and considerations specified in subdivision 1. The decision of the commissioner of ~~natural resources~~ shall be in writing and shall state the reasons ~~therefor for it~~. The county may appeal the decision of the commissioner of ~~natural resources~~ to the district court in the manner provided by sections 14.63 to 14.68 or judicial review of ~~contested case decisions~~ accordance with chapter 14.

In any county ~~wherein in which~~ a state forest or any part ~~thereof of it~~ is located, the county auditor shall submit to the commissioner of ~~natural resources~~ at least 30 days before the first publication of the list of lands to be offered for sale a list of all lands included ~~therein on the list~~ which are situated outside of any incorporated municipality. If, at any time before the opening of the sale, the commissioner notifies the county auditor in writing that he finds standing timber on any parcel of such land, ~~such the~~ parcel shall not be sold unless the requirements of this section respecting the separate appraisal of ~~such the~~ timber and the approval ~~thereof of the appraisal~~ by the commissioner shall have been complied with. The commissioner may waive the requirement of the ~~aforsaid~~ 30 day notice as to any parcel of land which has been examined and the timber value approved as required by this section.

If any public improvement is made by a municipality after any parcel of land has been forfeited to the state for the non-payment of taxes, and ~~such the~~ improvement is assessed in whole or in part against the property benefited ~~thereby by it~~, the clerk of ~~such the~~ municipality shall certify to the county auditor, immediately upon the determination of the assessments for ~~such the~~ improvement, the total amount that would have been assessed against ~~such the~~ parcel of land if it had been subject to assessment; or if ~~any such the~~ public improvement is made, as ~~aforsaid~~, or is petitioned for, ordered in or assessed, whether ~~such the~~ improvement is completed in whole or in part, at any time between the appraisal and the sale of ~~any such the~~ parcel of land, the cost of ~~such the~~ improvement shall be included as a separate item and added to the appraised value of ~~any such the~~ parcel of land at the time it is sold; and . No sale of ~~any such a~~ parcel of land shall have ~~any effect whatever~~ to discharge or free ~~such the~~ parcel of land from lien for the special benefit conferred upon it by reason of ~~such the~~ public improvement until the cost ~~thereof of it~~, including penalties, if any, shall be is paid. The county board shall determine the amount, if any, by which the value of ~~such the~~ parcel was enhanced by ~~such the~~ improvement and shall include ~~such the~~ amount as a separate item in fixing the appraised value for the purpose of sale. In classifying, appraising, and selling ~~such the~~ lands, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of ~~such the~~ tracts into smaller units or for the grouping of several ~~such~~ tracts into one tract when ~~such the~~ subdivision or

grouping is deemed advantageous for the purpose of sale; ~~but~~. Each such smaller tract or larger tract must be classified and appraised as such before being offered for sale. If any such lands have once been classified, the board of county commissioners, in its discretion, may, by resolution, authorize the sale of ~~such~~ *the* smaller tract or larger tract without reclassification.

Sec. 122. Minnesota Statutes 1982, section 290.48, subdivision 6, is amended to read:

Subd. 6. [APPEALS.] Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 5 may ~~remove appeal~~ the judgment to the ~~supreme~~ court by ~~appeal of appeals~~, as ~~provided for appeals~~ in *other* civil cases.

Sec. 123. Minnesota Statutes 1982, section 290.92, subdivision 6, is amended to read:

Subd. 6. [RETURNS, DEPOSITS.] (1) (a) [RETURNS.] Every employer who is required to deduct and withhold tax under subdivision 2a or 3 shall file a return with the commissioner for each quarterly period, on or before the last day of the month following the close of each quarterly period, unless otherwise prescribed by the commissioner. Any tax required to be deducted and withheld during the quarterly period shall be paid with the return unless an earlier time for payment is provided ~~herein~~. However, any ~~such~~ return may be filed on or before the tenth day of the second calendar month following ~~such~~ *the* period if ~~such~~ *the* return shows timely deposits in full payment of ~~such~~ *the* taxes due for ~~such~~ *that* period. For the purpose of the preceding sentence, a deposit which is not required to be made within ~~such~~ *the* return period, may be made on or before the last day of the first calendar month following the close of ~~such~~ *the* period. Every employer, in preparing ~~said~~ a quarterly return, shall take credit for monthly deposits previously made in accordance with this subdivision.

The return shall be in the form and contain the information prescribed by the commissioner. The commissioner may grant a reasonable extension of time for filing the return and paying the tax, but no extension shall be granted for more than six months.

(b) [ADVANCE DEPOSITS REQUIRED IN CERTAIN CASES.] (i) Unless clause (ii) is applicable, if during any calendar month, other than the last month of the calendar quarter, the aggregate amount of the tax withheld during that quarter under subdivision 2a or 3 exceeds ~~\$200~~, ~~or beginning January 1, 1982, \$500~~, the employer shall deposit the aggregate amount with the commissioner within 15 days after the close of the calendar month. (ii) If at the close of any eighth-monthly period the aggregate amount of undeposited taxes is \$3,000 or more, the employer shall deposit the undeposited taxes with the commissioner within three banking days after the close of the eighth-monthly period. For purposes of this subparagraph, the term "eighth-monthly period" means the first three days of a calendar month, the fourth day through the seventh day of a calendar month, the eighth day through the 11th day of a calendar month, the 12th day through the 15th day of a calendar month, the 16th day through the 19th day of a calendar month, the 20th day through the 22nd day of a calendar month, the 23rd day through the 25th day of a calendar month, or the portion of a calendar month following the 25th day of ~~such~~ *the* month.

(c) [OTHER METHODS.] The commissioner ~~shall have the power~~ *may* by rule ~~to~~ prescribe other return periods or deposit requirements. In prescribing the reporting period, the commissioner may classify employers according to the amount of their tax liability and may adopt an appropriate reporting period for each class which he deems to be consistent with efficient tax collection. In no event shall the duration of the reporting period be more than one year, provided that for employers with annual withholding tax liabilities of less than \$1,200 the reporting period shall be no more frequent than quarterly.

(2) If less than the correct amount of ~~such~~ tax is paid to the commissioner, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in ~~such the~~ manner and at ~~such the~~ times as the commissioner ~~may prescribe~~ *prescribes*. If ~~such the~~ underpayment cannot be ~~so~~ adjusted, the amount of the underpayment shall be assessed and collected in ~~such the~~ manner and at ~~such the~~ times as the commissioner ~~may prescribe~~ *prescribes*.

(3) If any employer fails to make and file any return required by paragraph (1) at the time prescribed ~~therefor~~, or makes and files a false or fraudulent return, the commissioner shall make for him a return from his own knowledge and from ~~such~~ information as he ~~can obtain~~ *obtains* through testimony, or otherwise, and assess a tax on the basis ~~thereof of it~~. The amount of tax shown ~~thereon~~ *on it* shall be paid to the commissioner at ~~such the~~ times as the commissioner ~~may prescribe~~ *prescribes*. Any ~~such~~ return or assessment ~~so~~ made by the commissioner shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect ~~thereto~~ *to it*.

(4) If the commissioner, in any case, has reason to believe that the collection of the tax provided for in paragraph (1) of this subdivision, and any added penalties and interest, if any, will be jeopardized by delay, he may immediately assess ~~such the~~ tax, whether or not the time otherwise prescribed by law for making and filing the return and paying ~~such the~~ tax has expired.

(5) Any assessment under this subdivision shall be made by recording the liability of the employer in the office of the commissioner in accordance with ~~regulations~~ *rules* prescribed by the commissioner. Upon request of the employer, the commissioner shall furnish the employer a copy of the record of assessment.

(6) Any assessment of tax under this subdivision shall be made within three and one-half years after the due date of the return required by paragraph (1), or the date the return was filed, whichever is later; ~~except that~~. In the case of a false or fraudulent return or failure to file a return, the tax may be assessed at any time.

(7) (a) Except as provided in (b) of this paragraph, every employer who fails to pay to or deposit with the commissioner any sum or sums required by this section to be deducted, withheld and paid, shall be personally and individually liable to the state of Minnesota for ~~such the~~ sum or sums (and any added penalties and interest); ~~and~~. Any sum or sums deducted and withheld in accordance with the provisions of subdivision 2a or subdivision 3 shall be held to be a special fund in trust for the state of Minnesota.

(b) If the employer, in violation of the provision of this section, fails to deduct and withhold the tax under this section, and thereafter the taxes against which ~~such~~ the tax may be credited are paid, the tax ~~so~~ required to be deducted and withheld shall not be collected from the employer; but this ~~shall~~ ~~in no case~~ does not relieve the employer from liability for any penalties and interest otherwise applicable ~~in respect of such~~ for failure to deduct and withhold.

(8) Upon the failure of any employer to pay to or deposit with the commissioner, within the time provided by paragraphs (1), (2), or (3) of this subdivision, any tax required to be withheld in accordance with the provisions of subdivision 2a or subdivision 3, or if the commissioner has assessed a tax pursuant to paragraph (4), ~~such~~ the tax shall become immediately due and payable, and the commissioner may deliver to the attorney general a certified statement of the tax, penalties and interest due from ~~such~~ the employer. The statement shall also give the address of the employer owing ~~such~~ the tax, the period for which the tax is due, the date of the delinquency, and ~~such~~ any other information as may be required by the attorney general. ~~It shall be the duty of~~ The attorney general ~~to~~ shall institute legal action in the name of the state to recover the amount of ~~such~~ the tax, penalties, interest and costs. The commissioner's certified statement to the attorney general shall for all purposes and in all courts be prima facie evidence of the facts ~~therein~~ stated *in it* and that the amount shown ~~therein~~ *in it* is due from the employer named in the statement. ~~In event~~ If an action is instituted as ~~herein~~ provided, the court shall, upon application of the attorney general, appoint a receiver of the property and business of the delinquent employer for the purpose of impounding ~~the same~~ *it* as security for any judgment which has been or may be recovered. Any ~~such~~ action shall be brought within four years and three months after the due date of the return or deposit required by paragraph (1), or the date the return was filed, or deposit made whichever is later; ~~except that~~. In the case of failure to make and file ~~such~~ the return or if ~~such~~ the return is false or fraudulent, or ~~such~~ the deposit is not made ~~such~~, the action may be brought at any time.

(8a) The period of time during which a tax must be assessed or collection proceedings commenced under this subdivision shall be suspended during the period from the date of filing of a petition in bankruptcy until 30 days after the commissioner of revenue receives notice that the bankruptcy proceedings have been closed or dismissed or the automatic stay has been terminated or has expired.

The suspension of the statute of limitations under this subdivision shall apply to the person against whom the petition in bankruptcy is filed and all other persons who may also be wholly or partially liable for the tax under this chapter.

(9) Either party to an action for the recovery of any tax, interest or penalties under this subdivision may ~~remove~~ appeal the judgment ~~to the supreme court by appeal~~, as provided for appeals in other civil cases.

(10) No suit shall lie to enjoin the assessment or collection of any tax imposed by this section, or the interest and penalties added ~~thereto~~ to it.

Sec. 124. Minnesota Statutes, section 294.09, subdivision 3, is amended to read:

Subd. 3. [DENIAL OF CLAIM, APPEAL.] Either party to ~~said~~ the civil

action may appeal to the ~~supreme~~ court of appeals as in other civil cases.

Sec. 125. Minnesota Statutes 1982, section 297.08, subdivision 3, is amended to read:

Subd. 3. [INVENTORY; JUDICIAL DETERMINATION; APPEAL; DISPOSITION OF SEIZED PROPERTY.] Within two days after the seizure of any alleged contraband, the person making the seizure shall deliver an inventory of the property seized to the person from whom the seizure was made, if known, and file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the property was seized or any person claiming an interest in the property may file with the commissioner a demand for a judicial determination of the question as to whether the property was lawfully subject to seizure and forfeiture, ~~and thereupon~~. The commissioner, within 30 days, shall institute an action in the district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal to the ~~supreme court~~, either (1) deliver the forfeited property to the commissioner of public welfare for use by patients in state institutions or; (2) cause ~~the same~~ it to be destroyed; or (3) cause ~~the forfeited property~~ it to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. Whenever the commissioner is satisfied that any person from whom property is seized under sections 297.01 to 297.13 was acting in good faith and without intent to evade the tax imposed by sections 297.01 to 297.13, he shall release the property seized, without further legal proceedings.

Sec. 126. Minnesota Statutes 1982, section 297.08, subdivision 4, is amended to read:

Subd. 4. [DISPOSAL.] The property described in subdivision 1, clause 5 shall be confiscated after conviction of the person from whom it was seized, upon compliance with the following procedure: the commissioner or his agents, shall file with the court a separate complaint against the property, describing it and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person arrested is acquitted, the court shall dismiss the complaint against the property and order it returned to the persons legally entitled to it. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of the property, and to persons unknown claiming any right, title, interest or lien in it, describing the property and (1) stating that it was seized and that a complaint against it, charging the specified violation, has been filed with the court, ~~and~~ (2) requiring the persons to file with the clerk of the court their answer to the complaint.

setting forth any claim they may have to any right or title to, interest in, or lien upon the property, within thirty days after the service of the order ~~as herein provided~~, and (3) notifying them in substance that if they fail to file their answer within the time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to have any right, title, interest or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed ~~as and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth the fact, order the property sold by the commissioner or his agents; ~~and~~. The proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury; *to be credited to the general fund*. If answer is filed ~~as and~~ within the time provided, the court shall fix a time for hearing, which shall be not less than ten nor more than 30 days after the time for filing answer expires. At the time fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil actions. If the court ~~shall find~~ *finds* that the property, or any part ~~thereof of it~~, was used in the violation specified in the complaint, he shall order the property unlawfully used, sold as ~~herein provided by law~~, unless the owner ~~shall show~~ *shows* to the satisfaction of the court that he had no notice or knowledge or reason to believe that the property was used or intended to be used in the violation. The officer making a sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that the property was being used or was intended to be used for or in connection with the violation specified in the order of the court, ~~and~~ shall pay the balance of the proceeds into the state treasury *to be credited to the general fund*. Any sale under the provisions of this section shall operate to free the property sold from any and all liens ~~thereon on it~~. Appeal from the order of the district court will lie ~~to the supreme court~~ as in other civil ~~actions cases~~. At any time after seizure of the articles specified in this subdivision, and before the hearing ~~herein provided for~~, the property shall be returned to the owner or person having a legal right to *its* possession ~~thereof~~, upon execution by him of a good and valid bond to the state of ~~Minnesota~~, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge ~~thereof of it~~, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure. The proceedings outlined in this subdivision may be dismissed by the commissioner when he deems it to be in the best interests of the state to do so.

Sec. 127. Minnesota Statutes 1982, section 297.37, subdivision 5, is amended to read:

Subd. 5. [REVIEW.] Any person aggrieved by an order of the commissioner fixing a tax, penalty, or interest under section 297.35 may, within 60 days from the date of notice of the order, appeal to the tax court in the manner provided by law. Any other order of the commissioner under sections 297.31 to 297.39 shall be subject to review by certiorari *to the court of appeals*.

Sec. 128. Minnesota Statutes 1982, section 297A.15, subdivision 4, is amended to read:

Subd. 4. [SEIZURE; COURT REVIEW.] The commissioner of revenue or his duly authorized agents are hereby authorized and empowered to seize and confiscate in the name of the state any truck, automobile or means of transportation not owned or operated by a common carrier, used in the illegal importation and transportation of any article or articles of tangible personal property by a retailer or his agent or employee who does not have a sales or use tax permit and has been engaging in transporting personal property into the state without payment of the tax. The commissioner may demand the forfeiture and sale of the truck, automobile or other means of transportation together with the property being transported illegally, unless the owner can establish establishes to the satisfaction of the commissioner or the court that he had no notice or knowledge or reason to believe that the vehicle was used or intended to be used in any such violation. Within two days after the seizure, the person making the seizure shall deliver an inventory of the vehicle and property seized to the person from whom the seizure was made, if known, and to any person known or believed to have any right, title, interest or lien on the vehicle or property, and shall also file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the vehicle and property was seized or any person claiming an interest in the vehicle or property may file with the commissioner a demand for a judicial determination of the question as to whether the vehicle or property was lawfully subject to seizure and forfeiture; and thereupon . The commissioner, within 30 days, shall institute an action in the district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal to the supreme court, cause the forfeited vehicle and property to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the vehicle and property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the vehicle and property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. The forfeiture and sale of the automobile, truck or other means of transportation, and of the property being transported illegally therein in it, shall be and operate as is a penalty for the violation of this chapter. After deducting the expense of keeping the vehicle and property, the fee for seizure, and the costs of the sale, the commissioner shall pay from the funds collected all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that the vehicle or property was being used or was intended to be used for or in connection with any such violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury to be credited to the general fund. The state shall not be liable for any liens in excess of the proceeds from the sale after deductions provided herein. Any sale under the provisions of this section shall operate to free the vehicle and property sold from any and all liens thereon on it, and appeal from such the order of the district court will lie to the supreme court as in other civil actions cases.

For the purposes of this section, "common carrier" means any person engaged in transportation for hire of tangible personal property by motor

vehicle, limited to (1) a person possessing a certificate or permit authorizing for-hire transportation of property from the interstate commerce commission or the Minnesota public utilities commission; or (2) any person transporting commodities defined as "exempt" in for-hire transportation; or (3) any person who pursuant to a contract with a person described in (1) or (2) above transports tangible personal property.

Sec. 129. Minnesota Statutes 1982, section 298.09, subdivision 3, is amended to read:

Subd. 3. [ORDER; APPEAL.] After ~~such the~~ hearing the commissioner of revenue shall make his order either affirming his determination of the tax due from the person so appearing or modifying ~~such the~~ determination as he ~~shall deem deems~~ just and equitable; ~~and~~ . Upon the making and filing of ~~such the~~ order, ~~said the~~ determination shall, except as ~~hereinafter otherwise~~ provided, become final and conclusive. The determination of the amount of tax due from any person not appearing at ~~such the~~ hearing shall, except as ~~hereinafter otherwise~~ provided, become final and conclusive on the second secular day following the fourteenth day of May without further order. The determination by the commissioner of revenue of the amount of any tax due ~~hereunder~~ shall, except as ~~hereinafter otherwise~~ provided, be subject to review only on a writ of certiorari issued out of the ~~supreme court of appeals~~ on petition ~~therefor for it~~ presented to ~~said the~~ court by the person subject to the tax on or before July first next following the determination of the tax.

Sec. 130. Minnesota Statutes 1982, section 299D.03, subdivision 11, is amended to read:

Subd. 11. [REVIEW BY CERTIORARI STATE TROOPER; APPEAL.] Any state trooper who is so suspended, demoted, or dismissed may ~~have such~~ appeal the decision or determination of the commissioner reviewed by a writ of certiorari in the district court of the county where such trooper resides. If ~~such decision or determination of the commissioner shall be finally rejected or modified by the court, the trooper shall be reinstated in his position; and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court in accordance with chapter 14.~~

Sec. 131. Minnesota Statutes 1982, section 299F.25, is amended to read:

299F.25 [APPEALS.]

Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under section 299F.24 may ~~remove the action or judgment~~ appeal to the ~~supreme court by appeal, of appeals~~ as provided for appeals in other civil cases.

Sec. 132. Minnesota Statutes 1982, section 299F.26, subdivision 3, is amended to read:

Subd. 3. [DENIAL OF CLAIM, APPEAL.] Either party to ~~said the~~ action may appeal to the ~~supreme court of appeals~~ as in other civil cases.

Sec. 133. Minnesota Statutes 1982, section 327B.05, subdivision 2, is amended to read:

Subd. 2. [DENIAL; APPEAL; RECONSIDERATION.] If the commis-

sioner denies an application for a license, he shall inform the applicant and summarize in writing the reasons for the denial. Within 15 days of receiving the commissioner's notice, the applicant may request in writing that the commissioner reconsider. The request for reconsideration shall explain why the commissioner's previous decision was wrong and shall specifically address each reason given by the commissioner for the denial. Within 20 days of receiving the request for reconsideration, the commissioner shall decide whether to withdraw the denial and grant a license. If the commissioner reaffirms the denial, the applicant may appeal ~~in the manner provided in subdivision 7~~ *in accordance with chapter 14*. An applicant whose application is denied may also cure the defects in the application cited by the commissioner and resubmit the application at no extra charge.

Sec. 134. Minnesota Statutes 1982, section 340.404, subdivision 7, is amended to read:

Subd. 7. [~~APPEAL TO SUPREME COURT.~~] Either party may appeal from the final judgment of the district court, or from any final order ~~therein in it, in the same manner as in a other civil action cases,~~ within ten days after service of notice of the filing of ~~such the~~ judgment or final order. No bond on appeal shall be required. The perfecting of an appeal ~~to the supreme court~~ operates to stay all proceedings until the final determination of the appeal. The commissioner shall not refuse to issue a license to any licensee during the time that an appeal from an order of suspension or revocation of license is pending.

Sec. 135. Minnesota Statutes 1982, section 340.54, subdivision 2, is amended to read:

Subd. 2. [~~SEIZURE OF CONVEYANCES; COMPLAINTS; PROCEDURE IN DISTRICT COURT.~~] The commissioner of public safety and his designated inspectors and employees shall seize all vehicles and conveyances used in the manufacture, sale, possession, storage or transportation of liquor in violation of sections 340.07 to 340.961, and hold them subject to the order of the district court of the county in which they are seized. The confiscation of any vehicle or conveyance seized ~~hereunder~~ shall be complete upon compliance with the following procedure:

The commissioner of public safety and his designated inspectors and employees shall file with the court a separate complaint against the vehicle or conveyance, describing ~~the same it~~ and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the vehicle or conveyance at the time of seizure, if any. The court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, ~~any such the~~ vehicle or conveyance, and to persons unknown claiming any such right, title, interest or lien, describing the vehicle or conveyance and stating that ~~the same (1)~~ it was seized and that a complaint against ~~the same it~~, charging the specified violation, has been filed with the court, ~~and (2)~~ requiring ~~such the~~ persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon ~~any such the~~ vehicle or conveyance, within ten days after the service of ~~such the~~ order ~~as herein provided~~, and ~~(3)~~ notifying them in substance that if they fail to ~~so~~ file their

answer within that time, the vehicle or conveyance will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon the registered owner and upon any person who has duly filed a conditional sales contract, mortgage or other lien instrument covering the property unless ~~the same~~ *it* has been released or satisfied, and upon any other person known or believed to have any right, title, interest in, or lien upon, ~~any such~~ *the* vehicle or conveyance as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed ~~as and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth ~~such~~ *that* fact, order the vehicle or conveyance sold by the commissioner or his agents, ~~and~~ . The proceeds of the sale, after deducting the expense of keeping the vehicle or conveyance and fees and costs of sale, *shall be* paid into the state treasury. If answer is filed ~~as and~~ within the time ~~herein~~ provided, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time so fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil ~~actions~~ *cases*. If the court ~~shall find~~ *finds* that the vehicle or conveyance, or any part ~~thereof~~ *of it*, was used in ~~any such~~ *the* violation as specified in the complaint, he shall order the vehicle or conveyance so unlawfully used, sold as ~~herein~~ provided by law, unless the owner ~~shall show~~ *shows* to the satisfaction of the court that the vehicle was being used without his consent or that at the time of giving ~~such~~ consent he had no notice or knowledge or reason to believe that the vehicle or conveyance was intended to be used in any such violation. The officer making ~~any such~~ *the* sale, after deducting the expense of keeping the vehicle or conveyance, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge at the time the lien was created that ~~such~~ *the* vehicle or conveyance was being used or was intended to be used for or in connection with any ~~such~~ violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury. Any sale under the provisions of this section shall operate to free the vehicle or conveyance sold from any and all liens ~~thereon~~ *on it*, and appeal from ~~such~~ *the* order of the district court will lie to the ~~supreme court~~ as in other civil ~~actions~~ *cases*. At any time after seizure ~~thereof~~, and before the hearing ~~herein~~ provided for, the vehicle or conveyance shall be returned to the owner or person having a legal right to possession ~~thereof~~ *of it*, upon execution by him of a good and valid bond to the state of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the vehicle or conveyance seized, to be approved by the court in which the case is triable, or a judge ~~thereof~~ *of it*, conditioned to abide any order and the judgment of the court, and to pay the full value of the vehicle or conveyance at the time of seizure.

Sec. 136. Minnesota Statutes 1982, section 351.03, is amended to read:

351.03 [REMOVAL BY GOVERNOR.]

The governor may remove from office any clerk of the ~~supreme court~~ *appellate courts* or a district court, judge of probate, judge of any municipal court, ~~justice of the peace~~, court commissioner, sheriff, constable, coroner, auditor, county recorder, county attorney, ~~county superintendent of schools~~, county commissioner, county treasurer, or any collector, receiver, or custodian of public moneys, when it appears to him by competent evidence,

that ~~either~~ *the officer* has been guilty of malfeasance or nonfeasance in the performance of his official duties; ~~first giving~~. *Prior to removal, he shall give to ~~such~~ the officer a copy of the charges against him and an opportunity to be heard in his defense.*

Sec. 137. Minnesota Statutes 1982, section 352.01, subdivision 2B, is amended to read:

Subd. 2B. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of state employee:

(1) Elective state officers;

(2) Students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;

(3) Employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;

(4) Employees of the University of Minnesota who are excluded from coverage by action of the board of regents;

(5) Officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;

(6) Election officers;

(7) Persons engaged in public work for the state but employed by contractors when the performance of ~~such~~ *the* contract is authorized by the legislature or other competent authority;

(8) Officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;

(9) All courts and ~~all court~~ employees ~~thereof~~, referees, receivers, jurors, and notaries public, except employees of the ~~supreme court~~ *appellate courts* and referees and adjusters employed by the department of labor and industry;

(10) Patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

(11) Persons employed for professional services where ~~such~~ *the* service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) Employees of the Sibley House Association;

(13) Employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) Operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) The members of any state board or commission who serve the state

intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of ~~such~~ those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) State troopers;

(17) Temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; ~~also~~ and persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) Emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis. shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) Persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) All temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the unclassified service employed by the department of revenue;

(21) Trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A, clause (10);

(22) Persons whose compensation is paid on a fee basis;

(23) State employees who in any year have credit for 12 months service as teachers in the public schools of the state and as ~~such~~ teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) Employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) Chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) Labor service employees employed as a laborer 1 on an hourly basis;

(27) Examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) Members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) Persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) Temporary employees employed for limited periods of time under

any state or federal program for the purpose of training or rehabilitation including persons employed ~~thereunder~~ for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) Full time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) Temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) Persons employed in positions designated by the department of employee relations as student workers;

(34) Any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless ~~such~~ *the* employee gives notice to the director within 60 days following his appointment that he desires coverage;

(35) Tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) 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 system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the 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 employment and training act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution.

Sec. 138. Minnesota Statutes 1982, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERED EMPLOYEES.] The following employees, if they are in the unclassified service of the state and are eligible for coverage under the Minnesota state retirement system, shall participate in the unclassified program unless an employee gives notice to the executive director of the state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file notice with the executive director shall be deemed to have exercised the option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed

to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43A.08, subdivision 1, clause (c), or subdivision 1a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.

(7) The clerk of the ~~Minnesota supreme court~~ *appellate courts* appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota,

(8) The chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of welfare, and

(9) Any employee whose principal employment is at the state ceremonial house.

Sec. 139. Minnesota Statutes 1982, section 357.07, is amended to read:

357.07 [DEPOSIT FOR FEES.]

No civil action, appeal, or proceeding shall be entered with the clerk of the district court until the person desiring ~~such the~~ entry ~~shall deposit deposits~~ with ~~such the~~ clerk the sum of \$5 on account of fees in the case and out of which the clerk shall satisfy the fees ~~in such case~~ as they accrue, ~~and~~ . Whenever the sum, or any further deposit, is exhausted the clerk may require as a condition for further entries or fees an additional deposit of \$1. Any balance remaining with the clerk after determination of the case shall be returned to the depositor, his agent or attorney. Fees and charges for a transcript of the minutes of any trial, or of any papers on file, ~~to the supreme court~~ shall be at the rate of 75 cents for the first three folios, 15 cents for each

additional folio, and 50 cents for the certificate.

Sec. 140. Minnesota Statutes 1982, section 357.08, is amended to read:

357.08 [PAID BY APPELLANT IN APPEAL TO SUPREME COURT.]

~~In lieu of all charges now provided by law as fees of the clerk of the supreme court,~~ There shall be paid *to the clerk of the appellate courts* by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, the sum of \$20.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment ~~therefor shall have~~ *has* been made, ~~and when made for it.~~ He shall pay ~~such the~~ sum into the state treasury as provided for by section 15A.01.

The charges provided for ~~herein~~ shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or ~~so~~ furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 141. Minnesota Statutes 1982, section 360.019, subdivision 2, is amended to read:

Subd. 2. [~~HEARINGS BEFORE COMMISSIONER; REVIEW BY CERTIORARI ; APPEAL.~~] Any person aggrieved by an order of the commissioner or by the granting or denial of any license, permit, certificate, or registration may request a hearing before the commissioner. The commissioner shall hold a public hearing and may stay the order until after the hearing. Orders of the commissioner reached after a public hearing may be reviewed by *certiorari appeal* in the district court of Ramsey county or the district court of the county in which the person resides, or (in the case of orders relating to obstructions to air navigation) of the county in which the structure exists or is to be erected *accordance with chapter 14.*

Sec. 142. Minnesota Statutes 1982, section 360.072, subdivision 1, is amended to read:

Subdivision 1. [~~PETITION APPEAL.~~] Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or of any action of the commissioner taken under section 360.063, subdivisions 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which ~~is of the opinion~~ *believes* that a decision of a board of adjustment or action of the commissioner is illegal may ~~present to the district court of the county in which the airport involved, or the major portion thereof, is located a verified petition setting forth that the decision or action is illegal, appeal in whole or in part, and specifying the grounds of the illegality.~~ Such petition shall be presented to the court within 30 days after the decision is filed in the office of the board, or the action taken by the commissioner *accordance with chapter 14.*

Sec. 143. Minnesota Statutes 1982, section 363.072, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner or ~~any~~ a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial review pursuant to sections 14.63 to 14.68 in accordance with chapter 14.

Sec. 144. Minnesota Statutes 1982, section 363.072, subdivision 2, is amended to read:

Subd. 2. [REVIEW PROCEDURE.] The ~~district court~~ judicial review proceedings shall conform to sections 14.63 to 14.68; judicial review of agency decisions; and section 14.69; scope of judicial review be in accordance with chapter 14.

Sec. 145. Minnesota Statutes 1982, section 373.11, is amended to read:

373.11 [APPEAL TO SUPREME COURT APPEALS; COUNTER-CLAIM.]

An appeal from the judgment of the district court may be taken to the ~~supreme court~~ as in other civil actions cases within 30 days after the actual entry of the judgment. If no appeal is taken, a certified copy of the judgment shall be filed in the office of the auditor; ~~and~~ . If an appeal is taken, the determination of the ~~supreme court~~ of appeals shall be certified to the district court and judgment entered in accordance ~~therewith~~ with it, and that judgment certified to and filed in the office of the county auditor. In either case, after ~~such the~~ certified copy is filed, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; ~~and~~ . Execution may issue out of the district court for the collection of any costs against a claimant; ~~provided that~~ . In any case where costs are awarded against a claimant and there is any allowance on the claim in his favor, the amount of ~~such the~~ costs shall be deducted from ~~such the~~ allowance; ~~and~~ . In any case of an appeal, the county may; ~~interpose~~ in the district court; ~~interpose~~, as a counter-claim; any demand which it has against ~~such the~~ claimant, and have execution for the collection of any judgment in its favor.

Sec. 146. Minnesota Statutes 1982, section 375.67, subdivision 1, is amended to read:

Subdivision 1. [NOTICE APPEAL.] The employee or the appointing authority may appeal to the ~~district court~~ from an order of the board of appeals concerning the employee's termination or suspension without pay for more than 30 days by serving written notice of the appeal upon the board of appeals within ten days after he has received written notice of the board's order in accordance with chapter 14.

Sec. 147. Minnesota Statutes 1982, section 387.41, is amended to read:

387.41 [REMOVAL AFTER HEARING.]

If, after investigation and trial by civil service commission, as ~~herein provided~~, an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board ~~shall determine~~ determines that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings ~~and~~, determinations ~~hereunder~~, and orders of *of the commission*

for suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of ~~such~~ the hearing with the secretary of the commission and it shall be the duty of . The secretary ~~to~~ shall notify ~~such~~ the employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided in accordance with chapter 14.

Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county, or upon special term set by a judge of said court. The court may hear such additional evidence as it deems relevant to the matter.

The question to be determined by the court shall be:

“Upon the evidence, was the order of the commission reasonable?”

After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other civil cases.

Whenever the sheriff or county attorney deems the civil service commissioners, or any one of them, to be failing their duties as outlined in sections 387.31 to 387.45, ~~said~~ the sheriff or county attorney, shall request the county board to hold a hearing regarding the matter. The county board shall then determine this question: “Is the sheriff’s civil service commission or any member thereof failing in the duties prescribed by sections 387.31 to 387.45?” Upon an affirmative finding by resolution, the commission or member shall be deemed removed. The county board shall thereafter fill the vacancy by appointment for the balance of the term.

An applicant for examination, appointment or promotion in the sheriff’s department of the county who shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other thing to any person, for or on account of or in connection with his examination, appointment or proposed appointment or promotion shall be guilty of a misdemeanor and shall also be subject to suspension or removal.

Any officer or employee of the sheriff’s department, when operating under civil service in accordance with the provisions of this chapter, who shall participate in any manner ~~participate~~ in activities in support of any candidate or party, directly or indirectly ~~solicit, receive~~ *solicits, receives*, or ~~pay~~ *pays*, or ~~be participates~~ in any manner ~~concerned~~ in soliciting, receiving, or paying any assessment, subscription or contribution for any candidate, party or political purpose, shall be is guilty of a misdemeanor and shall be subject to suspension or removal.

Sec. 148. Minnesota Statutes 1982, section 412.092, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION OF PROPERTY.] Except where otherwise

provided by law, any property, assets, or money held in the name of a city whose incorporation has been set aside by the ~~supreme~~ court of ~~Minnesota~~ *appeals* is the property, assets, or money of the town from which the territory sought to be incorporated as a city belongs.

Sec. 149. Minnesota Statutes 1982, section 414.07, subdivision 2, is amended to read:

Subd. 2. [GROUNDS FOR APPEAL.] Any person aggrieved by any order of the board may appeal to the district court upon the following grounds:

- (a) That the board had no jurisdiction to act;
- (b) That the board exceeded its jurisdiction;
- (c) That the order of the board is arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interests of the territory affected; *or*
- (d) That the order is based upon an erroneous theory of law.

The appeal shall be taken in the district court in the county in which the majority of the area affected is located. The appeal shall not stay the effect of the order. All notices and other documents shall be served on both the executive director and the attorney general's assistant assigned to the board.

If the court ~~shall determine~~ *determines* that the action of the board involved is unlawful or unreasonable or is not warranted by the evidence in case an issue of fact is involved, the court may vacate or suspend the action of the board involved, in whole or in part, as the case ~~may require, and thereupon requires~~. The matter shall *then* be remanded to the board for further action in conformity with the decision of the court.

To render a review of a board order effectual, the aggrieved person shall file with the clerk of the district court of the county ~~wherein~~ *in which* the majority of the area is located, within 30 days of ~~such~~ *the* order, an application for review together with the grounds upon which the review is sought.

An appeal lies from the district court ~~to the supreme court~~ *as in accordance with the provisions of the rules of other civil appellate procedure cases*.

Sec. 150. Minnesota Statutes 1982, section 414.08, is amended to read:

414.08 [APPEAL TO SUPREME COURT APPEALS.]

An appeal may be taken under the ~~provisions of rule 103.03 of the rules of civil appellate procedure, to the supreme court~~ by the Minnesota municipal board ~~created by Minnesota Statutes 1961, Section 414.01, Subdivision 1,~~ from a final order or judgment made or rendered by the district court ~~upon an appeal under Minnesota Statutes 1961, Section 414.07,~~ when the ~~Minnesota municipal~~ board determines that the final order or judgment adversely affects the public interest.

Sec. 151. Minnesota Statutes 1982, section 419.12, is amended to read:

419.12 [SUSPENSION AND REMOVAL; REINSTATEMENT.]

If, after investigation and trial by civil service commission, ~~as herein provided,~~ an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be

stricken from the service register. If the board ~~shall determine~~ *determines* that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings ~~and~~ , determinations ~~hereunder~~ , and orders of *the commission* for suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of ~~such~~ *the* hearing with the secretary of the commission ~~and it shall be the duty of~~ . The secretary ~~to~~ *shall* notify ~~such~~ *the* employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal ~~from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided in accordance with chapter 14.~~

~~Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where the city is located at the place nearest the city. The question to be determined by the court shall be:~~

~~“Upon the evidence, was the order of the commission reasonable?” After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other court cases.~~

Sec. 152. Minnesota Statutes 1982, section 420.13, is amended to read:

420.13 [SUSPENSION OR REMOVAL.]

If, after investigation and trial by the civil service commission as ~~herein provided~~ , an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board ~~shall determine~~ *determines* that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and paid all back pay due for the period of suspension.

Findings ~~and~~ , determinations ~~hereunder~~ , and orders of *the commission* for suspension, reduction, or removal shall be in writing and filed within three days after the completion of ~~such~~ *the* hearing with the secretary of the commission ~~and it shall be the duty of~~ . The secretary ~~to~~ *shall* notify ~~such~~ *the* employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal ~~from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided in accordance with chapter 14.~~

~~Within five days thereafter, the secretary shall certify to the clerk of the district court the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where the city is located at the place nearest the city. The question to be determined by the court shall be:~~

~~“Upon the evidence was the order of the commission reasonable?” After trial in the district court an appeal may be taken from the decision thereof to the~~

supreme court by the employee of the commission in the same manner as provided for other court cases.

Sec. 153. Minnesota Statutes 1982, section 430.03, is amended to read:

430.03 [OBJECTIONS TO CONFIRMATION; APPEAL TO DISTRICT COURT; REAPPRAISAL; APPEAL TO SUPREME COURT COURT OF APPEALS.]

Any person whose property is proposed to be taken, interfered with, or assessed for benefits under any of the provisions of this chapter, who deems that there is any irregularity in the proceedings of the council or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property or with the amount of the assessment for benefits to any property affected by the proceedings, specifically ~~shall have~~ *has* the right to appeal from the order of confirmation of the city council, to the district court of the county at any time within 20 days after the order. This appeal shall be made by serving a written notice of the appeal upon the clerk of the city; ~~which~~ . *The appeal shall specify the property of the appellant affected by the award and assessment, and refer to the objection filed, as aforesaid, and* . *The appellant shall also by delivering deliver* to the city clerk a bond to the city, executed by the appellant, or by someone on his behalf, with two sureties, who shall justify in the penal sum of \$50 conditioned to pay all costs that may be awarded against the appellant. ~~Thereupon~~ The city clerk shall *then* make out and transmit to the clerk of the district court a copy of the award of the commissioners, as confirmed by the council, and of the order of the council confirming ~~the same~~ *it*, and of the objection filed by the appellant, all certified by the clerk to be true copies, within ten days after the taking of the appeal. If more than one appeal ~~be is~~ taken from any award, it shall not be necessary that the clerk, in ~~appeals~~ *subsequent to the first, shall appeals*, send up anything except a certified copy of the appellant's objections. There shall be no pleading on the appeal, but the court shall determine, in the first instance, whether there was in the proceedings any irregularity or omission of duty prejudicial to the appellant and specified in his written objections, that, as to him, the award or assessment of the commissioners ought not to stand, and whether the commissioners had jurisdiction to take action in the premises. If any ~~such~~ person ~~shall claim~~ *claims* that any pedestrian mall ordinance proposed in connection with ~~such~~ *the* improvement pursuant to section 430.011, and adopted by the city council, ~~shall be~~ *is* invalid, he shall perfect an appeal pursuant to the provisions of section 430.031, subject to the right of the court to consolidate for hearing any appeal taken pursuant to ~~such~~ *that* section with an appeal taken pursuant to this section.

The case may be brought on for hearing on eight days' notice, at any general or special term of the court; ~~and~~ . *It shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings only as the same affects they affect* the property of the appellant proposed to be taken, damaged, or assessed for benefits and described in the written objection. From this determination no appeal or writ of error shall lie.

In case the amount of damages awarded or assessment made for benefits is

complained of by the appellant, the court shall, if the proceedings ~~be~~ *are* confirmed in other respects, upon ~~such~~ confirmation, appoint three disinterested freeholders, residents of the city, commissioners to reappraise ~~such~~ *the* damages or benefits. The parties to the appeal shall be heard by the court upon the appointment of these commissioners; ~~and~~ . The court shall fix the time and place of the meeting of the commissioners. They shall be sworn to the faithful discharge of their duties as ~~such~~ commissioners, proceed to view the premises, and hear the parties interested, with their allegations and proofs pertinent to the question of the amount of the damages or assessments. These commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and the offset thereto of benefits to other property of the same owners, and in all other material respects, as *are provided in this chapter* ~~made~~ for the government of commissioners appointed by the city council. They shall, after the hearing and view of the premises, ~~make~~ report to the court of their appraisal of damages or assessments of benefits in respect to the appellant. The award or assessment of these commissioners shall be final unless set aside by the court for good cause shown. ~~In case this~~ *If the* report is set aside, the court may, in its discretion, recommit ~~the same~~ *it* to the same commissioners or appoint a new board as it ~~shall deem~~ *deems* best. The court shall allow a reasonable compensation to these commissioners for their services, and make such award of costs on the appeal, including the compensation of commissioners, as it ~~shall deem~~ *deems* just in the premises.

~~In case~~ *If* the court ~~shall be~~ *is* of the opinion that the appeal was frivolous or vexatious, it may adjudge double costs against the appellant.

An appeal may be taken from the court's final order to the ~~supreme~~ court of *appeals* by the city or any party ~~thereto~~.

In case of proceedings conducted by the city council, all reports and other papers shall be filed in the office of the city clerk; ~~and~~ . Notices of appeal and other notices to the city shall be served upon the city clerk. In case of proceedings conducted by the board of park commissioners, all papers shall be filed in the office of the secretary or other recording officer of the board; ~~and~~ . All notices of appeal and other notices to the city shall be served upon the secretary or other recording officer of the board.

Sec. 154. Minnesota Statutes 1982, section 430.031, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF APPEAL; ~~APPEAL TO SUPREME COURT.~~] An appeal taken pursuant to this section shall suspend the effectiveness of the ordinance until the determination of the action by a final order of the court. The court shall advance the case on its calendar for trial at the earliest feasible date. An appeal from any judgment entered in the district court in ~~any~~ *such* the action shall be taken to the ~~supreme court~~ within 30 days after notice of entry of judgment; ~~notwithstanding rule 104 of the rules of civil appellate procedure.~~ *The* A party appealing; ~~or the respondent,~~ may apply to the ~~supreme court of appeals~~ for an order fixing the time and manner of the hearing of the appeal, whereupon the ~~supreme court~~ may provide for a speedy hearing in the manner provided by rule 103.03 of the rules of civil appellate procedure.

Sec. 155. Minnesota Statutes 1982, section 458A.06, subdivision 4, is

amended to read:

Subd. 4. [PROCEEDINGS FOR CHANGES BEFORE PUBLIC UTILITIES COMMISSION.] If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the public utilities commission and serve copies ~~thereof of it~~ on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving ~~such a~~ the petition, the public utilities commission shall set a hearing ~~thereon on it~~ at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the public utilities commission an answer stating the grounds of ~~such~~ opposition and serve a copy ~~thereof of it~~ on the secretary of the transit commission. If no ~~such~~ answers are ~~so~~ filed and ~~serviced~~ served within ~~such the~~ 30 day period, the public utilities commission shall, upon finding that the change proposed in the petition is in the public interest, order ~~such the~~ change. If any answer opposing the petition is received by the public utilities commission within ~~such the~~ 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and ~~regulations~~ rules. An appeal from the action of the public utilities commission in ~~any such the~~ matter may be taken as ~~provided by sections 216.24 and 216.25 in accordance with chapter 14.~~

Sec. 156. Minnesota Statutes 1982, section 462.14, subdivision 12, is amended to read:

Subd. 12. [COURT PROCEEDINGS.] The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as ~~the proceedings~~ they affect the property of the appellant proposed to be included in the district or damaged or assessed, and described in the written objection. ~~In case~~ If the amount of damages or benefits assessed is complained of by ~~such the~~ appellant, the court shall, if the proceedings ~~be~~ are confirmed in other respects, appoint three disinterested qualified voters, ~~as~~ appraisers to reappraise the damages, and reassess benefits as to the property of appellant. The parties to ~~such the~~ appeal shall be heard by the court upon the appointment of ~~such the~~ appraisers, ~~and~~ . The court shall fix the time and place of meeting of ~~such the~~ appraisers, . They shall be sworn to the faithful discharge of their duties as ~~such~~ appraisers, and ~~shall~~ proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits; ~~such~~ . The appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages or benefits and in all other material respects as are ~~provided~~ in sections 462.12 to 462.17 ~~made~~ for the government of appraisers appointed by the council. They shall, after the hearing and view of the premises, ~~make~~ a report to the court ~~of~~ their award of damages and assessment of benefits in respect to the property of ~~such the~~ appellant. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. ~~In case~~ ~~such~~ If the report is set aside, the court may, in its discretion, recommit ~~the same~~ it to the same appraisers, or appoint new appraisers as it ~~shall deem~~ deems best; . The court shall allow to the appraisers a reasonable compensation for their services, and make such award of costs on ~~such the~~ appeal, including the compensation of ~~such~~ appraisers as it ~~shall deem~~ deems just in the premises, and en-

force ~~the same~~ *the award* by execution. ~~In case~~ *If* the court ~~shall be~~ *is* of the opinion that ~~such~~ *the* appeal was frivolous or vexatious, it may adjudge double costs against ~~such~~ *the* appellant. An appeal may be taken ~~to the supreme court of the state~~ from any final decision of the district court ~~as in the proceedings other civil cases.~~

Sec. 157. Minnesota Statutes 1982, section 462.715, is amended to read:

462.715 [ADVANCE OF LITIGATION ON CALENDAR.]

In any litigation ~~as~~ described in sections 462.713 and 462.714, ~~wherein~~ *in which* a bond has been required and given or the court has denied a motion to require ~~such~~ *a* bond, the court shall advance the case on its calendar for trial at the earliest feasible date; ~~and in such litigation~~ . An appeal ~~to the supreme court~~ from an appealable order made, or from a judgment entered in a district court may be taken after 30 days from entry of ~~such~~ *the* judgment or after written notice of ~~such~~ *the* order from the adverse party.

Sec. 158. Minnesota Statutes 1982, section 465.43, is amended to read:

465.43 [HEARING; APPRAISERS; AWARD; APPEAL TO SUPREME COURT.]

The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in the written objection. In case the amount of damages or benefits assessed is complained of by ~~such~~ *the* appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested freeholders, residents of the county, appraisers, to reappraise the damages, and reassess benefits as to the property of appellant. The parties to ~~such~~ *the* appeal shall be heard by the court upon the appointment of ~~such~~ *the* appraisers; ~~and~~ . The court shall fix the time and place of meeting of ~~such~~ *the* appraisers; . They shall be sworn to the faithful discharge of their duties as ~~such~~ appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits, and proceed in all other material respects as are provided in sections 465.26 to 465.48 for the government of appraisers appointed by the city council. They shall, after the hearing and view of the premises, ~~make a~~ report to the court of their award of damages and assessments of benefits in respect to the property of ~~such~~ *the* appellant. The appellant shall, within five days of notice of filing the award, file his written election to remove the buildings if he so elect. ~~Such~~ *The* election shall not affect his right to a review. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. ~~In case~~ *such* ~~If~~ the report is set aside, the court may, in its discretion, recommit ~~the same~~ *it* to the same appraisers, or appoint new appraisers, as it ~~shall deem~~ *deems* best; . The court shall allow to the appraisers a reasonable compensation for their services, and make such awards of costs on ~~such~~ *the* appeal, including the compensation of ~~such~~ appraisers, as it ~~shall deem~~ *deems* just in the premises, and enforce ~~the same~~ *them* by execution. ~~In case~~ *If* the court ~~shall be~~ *is* of the opinion that ~~such~~ *the* appeal was frivolous or vexatious, it may adjudge double costs against ~~such~~ *the* appellant. An appeal may be taken to the ~~supreme court of the state~~ *of appeals* from any final ~~decision~~ *order* of the district court in the proceedings.

Sec. 159. Minnesota Statutes 1982, section 473.413, subdivision 4, is

amended to read:

Subd. 4. [COMMISSION; PROCEEDINGS FOR CHANGES BEFORE DEPARTMENT OF PUBLIC SERVICE.] If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the department of public service and serve copies ~~thereof~~ *of it* on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving ~~such~~ a petition, the department of public service shall set a hearing ~~thereon~~ *on it* at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the department of public service an answer stating the grounds of ~~such~~ opposition and serve a copy ~~thereof~~ *of it* on the secretary of the transit commission. If no ~~such~~ answers are ~~so~~ filed and served within ~~such~~ *the* 30 day period, the department of public service shall, upon finding that the change proposed in the petition is in the public interest, order ~~such~~ *the* change. If any answer opposing the petition is received by the department of public service within ~~such~~ *the* 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and ~~regulations~~ *rules*. An appeal from the action of the department of public service in ~~any such~~ *the* matter may be taken ~~as provided by sections 216.24 and 216.25 and acts amendatory thereof or supplementary thereto~~ *in accordance with chapter 14*.

Sec. 160. Minnesota Statutes 1982, section 473.675, subdivision 4, is amended to read:

Subd. 4. [APPEALS.] In ~~any such~~ *litigation wherein* ~~where~~ a bond has been required and given under subdivision 3 ~~hereof~~ or the court has denied a motion to require ~~such~~ *a* bond, the court shall advance the case on its calendar for trial at the earliest feasible date; ~~and in such litigation~~ . An appeal ~~to the supreme court~~ from an appealable order made, or from a judgment entered, in a district court may be taken only within thirty days after entry of ~~such~~ *judgment* or after written notice of ~~such~~ *the* order from the adverse party.

Sec. 161. Minnesota Statutes 1982, section 480.054, is amended to read:

480.054 [DISTRIBUTION OF PROPOSED RULES; HEARING.]

Before any rule for the *court of appeals* or for the district, county, or county municipal courts is adopted, the supreme court shall distribute copies of the proposed rule to the bench and bar of the state for their consideration and suggestions and give due consideration to ~~such~~ *any* suggestions ~~as they may~~ submit to the court. The *court of appeals judges*, the District Court Judges Association, the Minnesota County Court Judges Association, or the Municipal Court Judges Association may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing ~~thereon~~ *on it*. The court shall grant a hearing within six months after the filing of the petition. The court may grant a hearing upon the petition of any other person.

Sec. 162. Minnesota Statutes 1982, section 480.055, subdivision 1, is

amended to read:

Subdivision 1. [OTHER COURTS.] Any court, other than the supreme court, may adopt rules of court governing its practice; *the judges of the court of appeals, pursuant to section 480A.11, the judges of district courts, pursuant to sections 484.33 and 484.52, the judges of county courts, pursuant to section 487.23, and the judges of municipal courts, pursuant to chapter 488A,* may adopt rules not in conflict with the rules promulgated by the supreme court.

Sec. 163. Minnesota Statutes 1982, section 480.061, subdivision 8, is amended to read:

Subd. 8. [POWER TO CERTIFY.] The supreme court ~~of this state or the court of appeals,~~ on its own motion or the motion of any party, may order certification of questions of law to the highest court of any state when it appears to the certifying court that there are involved in any proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

Sec. 164. Minnesota Statutes 1982, section 480.062, is amended to read:

480.062 [PUBLIC EMPLOYEES CLAIMS REGARDING EMPLOYMENT, COSTS AND DISBURSEMENTS.]

~~Notwithstanding any rule promulgated by the supreme court to the contrary, The supreme court appellate courts shall allow costs and disbursements in any appeal to the supreme court to any public employee who prevails in an action for wrongfully denied or withheld employment benefits or rights in the same manner as the court allows costs and disbursements to any prevailing party.~~

Sec. 165. Minnesota Statutes 1982, section 480.07, is amended to read:

480.07 [CLERK; BOND, ASSISTANTS, RECORDS.]

~~The clerk of the supreme court shall give bond to the state in the sum of \$1,000, to be approved by the governor, conditioned for the faithful discharge of his official duties. He appellate courts may employ, from time to time, necessary stenographic and other clerical office help for whose compensation legislative appropriation shall have has been made. The justices of the supreme court He may appoint a deputy clerk for the discharge of the duties of the office in the his absence of the clerk or his inability to act, and such other duties as shall be assigned to him by the clerk or the court. The deputy so appointed shall take the usual oath of office and give bond to the state in the sum of \$1,000, to be approved by the court, and conditioned for the faithful discharge of his duties. He shall serve during the pleasure of the court clerk.~~

~~The clerk shall keep such dockets, journals, and other records; and perform such duties appropriate to his office as the supreme court may by its rules judges of the appellate courts prescribe. He shall provide, at the cost of the state, all books, stationery, furniture, postage, and supplies necessary for the proper transaction of the business of the court courts.~~

Sec. 166. Minnesota Statutes 1982, section 480.19, is amended to read:

480.19 [APPLICATION TO SUPREME, ~~DISTRICT, INFERIOR AND OTHER COURTS.~~]

Sections 480.13 to 480.20 ~~shall~~ apply to the following courts: The supreme court, *the court of appeals*, the district courts, ~~and, when and to the extent so ordered by the supreme court county, to the probate, and county municipal- and justice courts.~~

Sec. 167. Minnesota Statutes 1982, section 480A.02, is amended by adding a subdivision to read:

Subd. 7. [COMPENSATION; TRAVEL EXPENSES.] The salary of a judge of the court of appeals shall be as provided by section 15A.083. Travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 168. Minnesota Statutes 1982, section 480A.04, is amended to read:

480A.04 [CLERK OF COURT.]

The clerk of the ~~supreme court~~ *appellate courts* shall serve as clerk of the *supreme court and the court of appeals*. The state court administrator may direct the district administrators and clerks of court to provide facilities and support services for the court of appeals.

Sec. 169. Minnesota Statutes 1982, section 480A.06, subdivision 1, is amended to read:

Subdivision 1. [FINAL DECISIONS.] The court of appeals ~~shall have~~ *has* jurisdiction of appeals from all final decisions of the trial courts, other than the conciliation courts, of the state of Minnesota, except that it shall not have jurisdiction of *appeals in legislative contests or criminal appeals* in cases in which the defendant has been convicted of murder in the first degree.

Sec. 170. Minnesota Statutes 1982, section 480A.08, subdivision 3, is amended to read:

Subd. 3. [DECISIONS.] A decision shall be rendered in every case within 90 days after oral argument or after the final submission of briefs or memoranda by the parties, whichever is later. *The chief justice or the chief judge may waive the 90 day limitation for any proceeding before the court of appeals for good cause shown.* In every case, the decision of the court, including any written opinion containing a summary of the case and a statement of the reasons for its decision, shall be indexed and made readily available.

Sec. 171. Minnesota Statutes 1982, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any one from drawing, without charge, any document to which he, a person whose employee he is, a firm of which 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;

(2) a person from drawing a will for another in an emergency ~~wherein~~ *if* the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney at law;

(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, papers incident to the sale, trade, lease, or loan;

(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 the policies;

(5) a licensed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(6) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(7) any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(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~~ *in which* 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 the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(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;

(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 the services;

(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 the work;

(12) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers ~~thereto~~ *to them*, made by a licensed attorney at law, if no answer is accompanied or at any time preceded or followed by any charge for 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 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 the property, except that the provision of this clause does 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 *court of appeals* or supreme court pursuant to an appeal; and

(14) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or municipal court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or *county* 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 provision of this clause does 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 *court of appeals* or 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. 172. Minnesota Statutes 1982, section 481.02, subdivision 6, is amended to read:

Subd. 6. [ATTORNEYS OF OTHER STATES.] Any attorney or counselor at law residing in any other state or territory ~~wherein~~ *in which* he has been admitted to practice law, who ~~shall attend~~ *attends* any term of the supreme court, *court of appeals*, or district court of this state for the purpose of trying or participating in the trial or proceedings of any action or proceedings there pending, may, in the discretion of the court before which he appears in ~~such~~ *the* action or proceeding, be permitted to try, or participate in the trial or proceedings in, ~~such~~ *the* action or proceeding, without being subject to the provisions of this section, other than those set forth in subdivision 2, providing the state in which he is licensed to practice law likewise grants permission to members of the state bar of Minnesota to act as an attorney for a client in ~~such~~ *that* state under the same terms.

Sec. 173. Minnesota Statutes 1982, section 481.15, subdivision 2, is amended to read:

Subd. 2. [PROCEEDINGS.] Proceedings in ~~such~~ *the* cases may be taken by the supreme court on its own motion, for matter within its knowledge, or upon accusation. Accusations may be made to the clerk of the ~~supreme court~~ *appellate courts* and shall be investigated, prosecuted, heard and determined in accordance with rules ~~which may be made; from time to time;~~ by the supreme court. The supreme court may refer any accusation to any person, and ~~such~~ *the* person shall have all the powers of a referee under the rules of civil procedure; . Objections to ~~such~~ *the* referee may be filed within ten

days of the appointment and shall be heard and determined by the supreme court. The referee shall report the evidence and, if directed by the supreme court, shall make findings ~~thereon~~ *on it*. Persons designated by the supreme court under the authority of this section shall be paid their necessary expenses and ~~such~~ compensation as shall be fixed by the supreme court. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law ~~and~~. The supreme court shall fix a reasonable compensation for the reporter. All expenses, fees and compensation ~~herein~~ authorized shall be paid upon itemized vouchers approved by one of the justices of the supreme court.

Sec. 174. Minnesota Statutes 1982, section 482.07, subdivision 8, is amended to read:

Subd. 8. [COPIES OF LAWS.] ~~During such time as~~ *When* session laws and resolutions are not available in printed and bound form pursuant to subdivision 1, the revisor of statutes shall upon request furnish one copy of any law or resolution without cost to any member of the legislature, ~~such~~ legislative staff members as ~~may be~~ designated by the legislative coordinating commission, a constitutional officer ~~or~~, justice of the supreme court, *or judge of the court of appeals*.

Sec. 175. Minnesota Statutes 1982, section 485.16, is amended to read:

485.16 [RECORD ALL ACTIONS FILED.]

The clerks of the district courts of the several counties shall keep a record of all actions and proceedings, civil and criminal, filed in the court, and shall furnish to the state ~~Supreme Court~~ *appellate courts* any information concerning ~~said~~ the actions as ~~shall be~~ *is* prescribed by rule of civil procedure.

Sec. 176. Minnesota Statutes 1982, section 487.39, is amended to read:

487.39 [APPEALS.]

Subdivision 1. [TO COURT OF APPEALS.] An aggrieved party may appeal to the ~~district~~ *court of appeals* from a determination of a county court or a county municipal court. The provisions of this section govern all appeals from the county court and the county municipal court; ~~appeal provisions of all other statutes are inapplicable except as stated in section 484.63.~~

(a) Except as provided in clause (b), the appeal in a civil case shall be ~~taken by filing written notice thereof in accordance with the clerk of court of the county in which the action was heard not more than 30 days after written notice of the court's determination has been served upon the aggrieved party or the party's attorney. Written notice of the court's determination shall be served by the clerk of court upon the aggrieved party or the party's attorney within 45 days after the determination in a civil case~~ *rules of civil appellate procedure*.

(b) In the appeal of petty misdemeanor, ordinance or criminal cases, the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing ~~thereon~~, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days

after filing. A written notice of appeal and proof of service shall be filed with the clerk of county court or county municipal court in the county in which the action was heard not more than three days after the service of notice on the opposite party or the party's attorney. ~~The appeal shall be heard and determined by a district court appellate panel pursuant to section 484.63.~~

Subd. 2. [RECORD.] The appeal shall be confined to the typewritten record. By stipulation of all parties, the record may be shortened. ~~The district court shall, upon request, hear oral argument and receive written briefs. The district court of appeals may affirm, reverse or modify the judgment or order appealed from, or take any other action as the interests of justice may require. On appeal from an order, the district court of appeals may review any order affecting the order from which the appeal is taken and an appeal from a judgment may review any order involving the merits or affecting the judgment. The supreme court shall formulate rules of appellate procedure applicable to a district court panel hearing appeals from a county court or county municipal court. Until otherwise provided, the rules of appellate procedure applicable to appeals to the supreme court shall apply to the district court hearing appeals from a county court or a county municipal court, except as provided in this section. An appeal may be taken from the determination of a district court to the supreme court with leave of the supreme court.~~

Sec. 177. Minnesota Statutes 1982, section 488A.01, subdivision 14, is amended to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the district court of appeals shall be subject to the provisions of sections 484.63 and section 487.39 and the rules of appellate procedure.

Sec. 178. Minnesota Statutes 1982, section 488A.17, subdivision 12, is amended to read:

Subd. 12. [APPEAL TO SUPREME COURT APPEALS.] Causes removed to municipal court from conciliation court may be removed from municipal court to the supreme court of Minnesota in the same manner, upon like proceedings and with the same effect as causes originally brought in the municipal court appealed to the court of appeals as in other civil cases.

Sec. 179. Minnesota Statutes 1982, section 488A.18, subdivision 14, is amended to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the district court of appeals shall be subject to the provisions of sections 484.63 and section 487.39 and the rules of appellate procedure.

Sec. 180. Minnesota Statutes 1982, section 488A.34, subdivision 11, is amended to read:

Subd. 11. [APPEAL TO SUPREME COURT APPEALS.] Causes removed to municipal court from conciliation court may be removed from municipal court to the supreme court of Minnesota in the same manner, upon like proceedings and with the same effect as causes originally brought in the municipal court appealed to the court of appeals as in other civil cases.

Sec. 181. Minnesota Statutes 1982, section 501.35, is amended to read:

501.35 [MAY APPLY TO COURT FOR INSTRUCTIONS.]

Any trustee of an express trust by will or other written instrument whose appointment has been confirmed, or any beneficiary of that trust, may petition the court then having jurisdiction of the trust as a proceeding in rem, and any trustee of an express trust by will or other written instrument whose appointment has not been confirmed, or any beneficiary of that trust, may petition the district or county court of the county ~~wherein~~ *in which* the unconfirmed trustee resides or has his place of business, for instructions in the administration of the trust, for the confirmation of any action taken by the trustee, for a construction of the trust instrument, or upon or after the filing of any account, for the settlement and allowance thereof. Upon the filing of ~~such the~~ petition, the court shall make an order fixing a time and place for hearing ~~thereof~~ *it*, unless hearing has been waived in writing by the beneficiaries of ~~such the~~ trust ~~than~~ *then* in being. Notice of ~~such~~ hearing shall be given by publishing a copy of ~~such the~~ order one time in a legal newspaper of ~~such the~~ county at least 20 days before the date of ~~such the~~ hearing, and by mailing a copy ~~thereof~~ *of it* to each beneficiary of the trust then in being, at his last known address, at least ten days before the date of ~~such the~~ hearing or in ~~such any other~~ manner as the court ~~shall order and orders~~. If ~~such the~~ court ~~shall deem~~ *deems* further notice necessary, it shall be given in ~~such the~~ manner as ~~may be~~ specified in ~~such the~~ order. ~~Upon such~~ *At the* hearing the court shall make such order as it deems appropriate, ~~which~~. *The* order shall be final and conclusive as to all matters ~~thereby~~ *determined by it* and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, even though unascertained or not in being, except that appeal to the supreme court may be taken from ~~such an order of a district court within 30 days from the entry thereof by filing notice of appeal with the clerk of the district court, who shall mail a copy of such notice to each adverse party who has appeared of record in the manner provided in section 487.39. Appeal may be taken from an order of a county court in the manner provided in section 487.39. The appeal shall be taken within 30 days from the entry of the order, notwithstanding the provisions of section 487.39, subdivision 1, clause (a).~~

Sec. 182, Minnesota Statutes 1982, section 508.29, is amended to read:

508.29 [APPEALS.]

An appeal may be taken to the ~~supreme~~ *court of appeals* from any order or judgment of the district court under this chapter as follows:

(1) From any final decree, within 90 days from ~~the its~~ *its* date ~~thereof~~ except that the appeal period for those parties who were not personally served shall be six months from the date of the final decree; upon appeal from ~~such the~~ decree, the ~~supreme~~ *court of appeals* may review any intermediate order involving the merits or necessarily affecting the decree;

(2) From any order granting or denying an application to open, vacate, or set aside ~~such the~~ decree, within 30 days from the date of the filing of ~~such the~~ order;

(3) From any order granting or refusing a new trial, or from any order involving the merits of the proceeding, or some part ~~thereof~~ *of them*, within 30 days from the filing of ~~such the~~ order;

(4) From any order relating to registered land after ~~the its~~ *its* original registration ~~thereof~~, within 90 days after the entry of ~~such the~~ order.

All appeals from any order or decree in any proceeding under this chapter shall be ~~taken upon such notice, terms, and conditions as are provided by law for the taking of appeals in other civil actions cases.~~

Sec. 183. Minnesota Statutes 1982, section 508A.29, is amended to read:

508A.29 [APPEALS.]

An appeal may be taken to the ~~supreme~~ court *of appeals* from any order of the district court relating to land registered under sections 508A.01 to 508A.85 within 90 days after the entry of the order. The appeal shall be ~~taken upon the notice, terms, and conditions as are provided by law for the taking of appeal in other civil actions cases.~~

Sec. 184. Minnesota Statutes 1982, section 525.71, is amended to read:

525.71 [APPEALABLE ORDERS.]

Appeals to the ~~district~~ court *of appeals* may be taken from any of the following orders, judgments, and decrees issued by a judge of the court under chapters 524 or 525:

(1) An order admitting, or refusing to admit, a will to probate;

(2) An order appointing, or refusing to appoint, or removing, or refusing to remove, a representative other than a special administrator or special guardian;

(3) An order authorizing, or refusing to authorize, the sale, mortgage, or lease of real estate, or confirming, or refusing to confirm, the sale or lease of real estate;

(4) An order directing, or refusing to direct, a conveyance or lease of real estate under contract;

(5) An order permitting, or refusing to permit, the filing of a claim, or allowing or disallowing a claim or counterclaim, in whole or in part, when the amount in controversy exceeds \$100;

(6) An order setting apart, or refusing to set apart, property, or making, or refusing to make, an allowance for the spouse or children;

(7) An order determining, or refusing to determine, venue; an order transferring, or refusing to transfer, venue;

(8) An order directing, or refusing to direct, the payment of a bequest or distributive share when the amount in controversy exceeds \$100;

(9) An order allowing, or refusing to allow, an account of a representative or any part ~~thereof of it~~ when the amount in controversy exceeds \$100;

(10) An order adjudging a person in contempt;

(11) An order vacating, *or refusing to vacate*, a previous appealable order, judgment, or decree; ~~an order refusing to vacate a previous appealable order, judgment, or decree~~ alleged to have been procured by fraud or misrepresentation, or through surprise or excusable inadvertence or neglect;

(12) A judgment or decree of partial or final distribution or an order determining or confirming distribution or any order of general protection;

(13) An order entered pursuant to section 576.142;

(14) An order granting or denying restoration to capacity;

(15) An order made directing, or refusing to direct, the payment of repre-

sentative's fees or attorneys' fees, and in such case the representative and the attorney shall each be deemed an aggrieved party and entitled to ~~take such~~ appeal;

(16) An order, judgment, or decree relating to or affecting estate taxes or refusing to amend, modify, or vacate such an order, judgment, or decree; ~~but nothing herein contained shall abridge the right of direct review by the supreme court; and~~

(17) An order extending the time for the settlement of the estate beyond five years from the date of the appointment of the representative.

Sec. 185. Minnesota Statutes 1982, section 525.714, is amended to read:

525.714 [SUSPENSION BY APPEAL.]

~~Such~~ *The* appeal shall suspend the operation of the order, judgment, or decree appealed from until the appeal is determined or the ~~district court shall of appeals orders otherwise order~~. The ~~district court of appeals~~ may require the appellant to give additional bond for the payment of damages which may be awarded against him in consequence of ~~such the~~ suspension, in case he fails to obtain a reversal of the order, judgment, or decree ~~so~~ appealed from. Nothing herein contained shall prevent the probate court from appointing special representatives nor prevent special representatives from continuing to act as such.

Sec. 186. Minnesota Statutes 1982, section 525.73, is amended to read:

525.73 [AFFIRMANCE; REVERSAL.]

When the appellant fails to prosecute his appeal, or the order, judgment, or decree appealed from or reviewed ~~on certiorari~~ is sustained, judgment shall be entered in the ~~district court of appeals~~ affirming the decision of the probate court. Upon the filing in the probate court of a certified transcript of ~~such the~~ judgment, the probate court shall proceed as if no appeal had been taken. If the order, judgment, or decree reviewed is reversed or modified, the ~~district court of appeals~~ shall remand the case to the probate court with directions to proceed in conformity with its decision. Upon the filing in the probate court of a certified transcript of ~~such the~~ judgment, it shall proceed as directed by the ~~district court of appeals~~.

Sec. 187. Minnesota Statutes 1982, section 548.29, subdivision 2, is amended to read:

Subd. 2. [STAY OF ENFORCEMENT.] If the judgment debtor at any time shows the district court any ground upon which enforcement of a judgment of any district court or the *court of appeals* or supreme court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

Sec. 188. Minnesota Statutes 1982, section 558.215, is amended to read:

558.215 [ORDERS, INTERLOCUTORY JUDGMENTS; APPEALS ~~TO~~ SUPREME COURT.]

Any party to any partition proceedings may appeal from any order or interlocutory judgment made and entered pursuant to sections 558.04,

558.07, 558.14, or 558.21, to the ~~supreme~~ court of appeals within 30 days after the making and filing of any ~~such~~ the order or interlocutory judgment. Any appeal taken pursuant to the provisions hereof shall be governed by the rules and laws applicable to appeals taken as in other civil cases.

All matters determined by any ~~such~~ order or interlocutory judgment shall be conclusive and binding upon all parties to ~~such~~ the proceedings and shall never thereafter be subject to review by the court unless appealed from as provided for herein.

Sec. 189. Minnesota Statutes 1982, section 562.04, is amended to read:

562.04 [EARLY TRIAL OF ACTION, APPEAL TO SUPREME COURT.]

Whenever a bond has been required in any action under section 562.02, the court shall advance the case on its calendar for trial at the earliest feasible date, or the court may ~~so~~ advance for trial only the issues ~~therein~~ which affect the public body. If any appeal is taken from an order granting or denying the motion for filing of ~~such~~ the bond, it shall not stay further proceedings in ~~such~~ the litigation. An appeal from any judgment entered in any district court in any litigation ~~wherein~~ in which a bond has been required hereunder shall be taken to the ~~supreme~~ court of appeals within 30 days after notice of entry of judgment, notwithstanding ~~Rule 104.01~~ of the rules of civil appellate procedure. The party appealing, or the respondent, may apply to the ~~supreme~~ court of appeals for an order fixing the time and manner of the hearing of the appeal, whereupon the ~~supreme~~ court may provide for a speedy hearing in the manner provided by ~~Rule 103.03~~ of the rules of civil appellate procedure.

Sec. 190. Minnesota Statutes 1982, section 571.64, is amended to read:

571.64 [APPEAL.]

Any party to a garnishment proceeding deeming himself aggrieved by any order or final judgment ~~therein~~ may ~~remove the same from the justice court to the district court, or from the district court to the supreme court, by appeal; in like case, manner, and effect, as in a other civil action cases.~~

Sec. 191. Minnesota Statutes 1982, section 574.18, is amended to read:

574.18 [UNDERTAKING IN LIEU OF BOND.]

In all cases of appeal from a county board to the district court upon the allowance or disallowance of claims, ~~in all actions brought before justices of the peace, in all appeals from a justice or probate court to the district court,~~ in all actions begun in the district, ~~county or municipal~~ court, in all cases of appeal or writ of error to remove a cause or proceeding ~~therein~~ to the court of appeals or the supreme court, and in all cases of special or equitable proceedings in the district court, ~~the court of appeals,~~ or the supreme court, the filing or service, or both, as may be required, of an undertaking, signed by a surety or sureties, as the law may require, containing a condition substantially the same as required for bonds, with like sureties, qualifications, and justifications, and without acknowledgment or signature of the principal, shall be deemed a sufficient compliance with the law to sustain ~~any such~~ the action, appeal, or proceeding. Every ~~such~~ undertaking shall save and secure all rights and liabilities to the same extent as a bond ~~and~~ . The damages presumed to accrue to the party against whom ~~such~~ the proceeding is taken

shall be deemed a sufficient consideration for ~~such~~ *the* undertaking, though no consideration ~~be is mentioned therein; but~~ *in it*. No undertaking or bond need be given upon any appeal or other proceeding instituted in favor of the state, or any county, city, town, or school district ~~therein~~ *in it*, or of any executor or administrator as such.

Sec. 192. Minnesota Statutes 1982, section 582.11, is amended to read:

582.11 [POWERS AND DUTIES OF TRUSTEES IN CERTAIN CASES.]

When a mortgage made or assigned to a trustee or trust deed on any real property or any real and personal property located in this state has been heretofore or shall hereafter be foreclosed and bid in on ~~such~~ *the* foreclosure by a trustee for the holders of the bonds or notes secured by ~~such~~ *the* mortgage or trust deed, or for the holders of certificates or other evidences of equitable interest, in ~~such~~ *the* mortgage or trust deed, or when a mortgagor after the mortgage has been executed and delivered, but not before nor as a part of the mortgage transaction, conveys directly to the mortgage trustee, thereby eliminating his title, the trustee may at any time petition the district court of the county in which ~~such~~ *the* property, or any portion ~~thereof~~ *of it*, is situated for instructions in the administration of the trust. Upon the filing of the petition, the court shall make an order fixing a time and place for hearing ~~thereof~~ *it*, unless hearing has been waived, in writing, by the beneficiaries of the trust. Notice of the hearing shall be given by publishing a copy of ~~such~~ *the* order one time in a legal newspaper of ~~such~~ *the* county at least 20 days before the date of the hearing, and by mailing a copy ~~thereof~~ *of it* to each known party in interest then in being whose address is known, at his last known address, at least ten days before the date of the hearing, or in ~~such~~ any other manner as the court ~~shall order, and orders~~. If the court ~~shall deem~~ *deems* further notice necessary, it shall be given ~~in such manner as may be~~ specified in the order. Upon the hearing the court shall make such order as it deems appropriate, including an order to sell, mortgage, or lease ~~such~~ *the* property, or any part ~~thereof~~ *of it*, in ~~such~~ *the* manner and upon ~~such~~ *the* terms as the court ~~may prescribe prescribes~~. In the case of a sale, the court, in its discretion, may authorize the trustee to sell at private sale or may direct the sheriff of the county to offer ~~such~~ *the* property for sale at public auction and sell ~~the same~~ *it* to the highest bidder ~~therefor~~ for cash. Any sale of ~~such~~ property made at public auction shall be reported to the court for confirmation and ~~be~~ confirmed by the court before ~~the same shall become~~ *it is* effective and valid. Notice of hearing on ~~such~~ *the* confirmation shall be given to all parties in interest who have appeared in the proceedings. Upon ~~such~~ confirmation, the sheriff shall make, execute, and deliver, subject to ~~such~~ *the* terms and conditions as the court ~~in its order of confirmation may impose imposes~~, a good and sufficient instrument of conveyance, assignment, and transfer. No confirmation of a private sale, mortgage, or lease shall be required. The order of confirmation in the case of a sale at public auction, and the order authorizing a private sale, mortgage, or lease, shall be final and conclusive as to all matters ~~thereby~~ determined; ~~and~~ *in it*. It shall be binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, except that appeal to ~~the supreme court~~ may be taken from ~~such~~ *the* order by any party in interest within 30 days from ~~the~~ *its* entry ~~thereof~~, by filing notice of appeal with the clerk of the district court, who shall mail a copy of the notice to each adverse party who has appeared of record.

Sec. 193. Minnesota Statutes 1982, section 586.09, is amended to read:

586.09 [JUDGMENT FOR PLAINTIFF; APPEAL.]

If judgment is given for the plaintiff, he shall recover the damage which he has sustained, together with costs and disbursements, and a peremptory mandamus shall be awarded without delay. An appeal from the district court shall lie to the ~~supreme~~ court of appeals in mandamus as in *other civil actions cases*.

Sec. 194. Minnesota Statutes 1982, section 586.11, is amended to read:

586.11 [JURISDICTION OF DISTRICT AND ~~SUPREME APPELLATE~~ COURTS.]

The district court has exclusive original jurisdiction in all cases of mandamus, except where ~~such the~~ writ is to be directed to a district court or a judge thereof in his official capacity, in which case the ~~supreme~~ court of appeals has exclusive original jurisdiction, *or except where the writ is to be directed to the court of appeals or a judge thereof in his official capacity.* ~~In such case the supreme court, or a judge thereof, shall first make an order, returnable in term, that such district court or judge show cause before the court why a peremptory writ of mandamus should not issue, and upon the return day of such order the district court or judge may show cause by affidavit or record evidence; and, upon the hearing, the supreme court shall award a peremptory writ or dismiss the order. In case of emergency, a special term of the supreme court may be appointed for the hearing. If the writ is to be directed to the court of appeals or a judge thereof in his official capacity, the supreme court of a judge thereof has original jurisdiction. The rules of civil appellate procedure shall apply in all proceedings on the writ.~~

Sec. 195. Minnesota Statutes 1982, section 586.12, is amended to read:

586.12 [ISSUES OF FACT; TRIAL.]

Issues of fact in proceedings commenced in a district court shall be tried in the county in which the defendant resides, or in which the material facts stated in the writ are alleged to have taken place; ~~and~~ . Either party shall be entitled to have any issue of fact tried by a jury, as in a civil action. In any case commenced in the supreme court *or court of appeals*, where there is an issue of fact, upon request of either party, that court shall transmit the record to the proper district court, which shall try the issue in the same manner as if the proceeding had been ~~there~~ commenced *there*. A change of venue may be granted as in other cases.

Sec. 196. Minnesota Statutes 1982, section 589.02, is amended to read:

589.02 [PETITION; TO WHOM AND HOW MADE.]

Application for ~~such the~~ writ shall be by petition, signed and verified by the petitioner, or by some person in his behalf, to the supreme court, *court of appeals*, or to the district court of the county within which the petitioner is detained. Any judge of the court to which the petition is addressed, being within the county, ~~or, if addressed to the district court, the court commissioner of the county,~~ may grant the writ. If there ~~be is~~ no ~~such officer~~ judge within the county capable of acting and willing to grant ~~such the~~ writ, it may be granted by ~~some officer having such authority~~ a judge in any adjoining county.

Sec. 197. Minnesota Statutes 1982, section 589.29, is amended to read:

589.29 [APPEAL TO SUPREME COURT APPEALS.]

Any party aggrieved by the final order in proceedings upon a writ of habeas corpus may appeal ~~therefrom~~ to the ~~supreme court~~ *of appeals as in the same manner as other appeals are taken from the district court civil cases*, except that no bond shall be required of the appellant. Upon filing notice of appeal with the clerk of the district court, and payment or tender of his fees ~~therefor~~, ~~such~~ the clerk shall ~~forthwith~~ make, certify, and return to the clerk of the ~~supreme court~~ *appellate courts* copies of the petition, writ, return of respondent, answer, if any, of the relator ~~thereto~~, and the order appealed from.

Sec. 198. Minnesota Statutes 1982, section 589.30, is amended to read:

589.30 [HEARING ON APPEAL; COSTS; PAPERS.]

The appeal may be heard before the ~~supreme court~~ *of appeals when it is in session* upon application of either party to ~~such the court or a justice thereof judge of it~~. The order fixing the time of hearing, which shall not be less than six nor more than 15 days from the date of application, shall be served on the adverse party at least five days before the date ~~so~~ fixed. No costs or disbursements shall be allowed any party to ~~such the~~ appeal, nor shall any of the papers used on ~~such the~~ hearing be required to be printed.

Sec. 199. Minnesota Statutes 1982, section 590.01, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Except at a time when direct appellate relief is available, a person convicted of a crime, who claims that the conviction was obtained, or that the sentence or other disposition made violated his rights under the constitution or laws of the United States or of the state, may commence a proceeding to secure relief ~~therefrom~~ by filing a petition in the district court in the county ~~wherein~~ *in which* the conviction was had to vacate and set aside the judgment and to discharge the petitioner or to resentence him or grant a new trial or correct the sentence or make ~~such~~ other disposition as may be appropriate. Nothing contained herein shall prevent the ~~supreme court or the court of appeals~~, upon application by a party, from granting a stay of a case on appeal for the purpose of allowing an appellant to apply to the district court for an evidentiary hearing under the provisions of this chapter. ~~Such~~ *The* proceeding shall conform with sections 590.01 to 590.06.

Sec. 200. Minnesota Statutes 1982, section 590.04, subdivision 3, is amended to read:

Subd. 3. [HEARING.] The court may order the petitioner to be present at the hearing. If the petitioner is represented by an attorney, the attorney shall be present at any hearing.

A verbatim record of any hearing shall be made and kept.

Unless otherwise ordered by the court, the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish ~~such the~~ facts by a fair preponderance of the evidence.

In the discretion of the court, it may receive evidence in the form of affidavit, deposition, or oral testimony. The court may inquire into and decide any grounds for relief, even though not raised by the petitioner.

The court may summarily deny a second or successive petition for similar

relief on behalf of the same petitioner and may summarily deny a petition when the issues raised ~~therein~~ *in it* have previously been decided by the ~~Minnesota~~ *court of appeals or the supreme court* in the same case.

Sec. 201. Minnesota Statutes 1982, section 590.06, is amended to read:

590.06 [~~APPEAL TO THE SUPREME COURT APPEALS.~~]

An appeal may be taken to the ~~Minnesota supreme~~ *court of appeals or, in a case involving a conviction for first degree murder, to the supreme court* from the order granting relief or denying the petition within 60 days after the entry of ~~said~~ *the* order.

The appealing party shall, within the 60 days, serve a notice of appeal from the final order upon the clerk of district court and the opposing party. If the appeal is by the petitioner ~~such~~ *, the* service shall be on the county attorney and the attorney general; . If the appeal is by the state ~~such~~ *, the* service shall be on the petitioner or his attorney. No fees or bond for costs shall be required for ~~such~~ *the* appeal.

Sec. 202. Minnesota Statutes 1982, section 595.024, subdivision 3, is amended to read:

Subd. 3. [~~DETERMINATION; APPEAL.~~] The district court shall consider the nature of the proceedings, the merits of the claims and defenses, the adequacies of alternative remedies, the relevancy of the information sought, and the possibility of establishing by other means that which the source is expected or may tend to prove. The court shall make its appropriate order after making findings of fact, ~~which~~ *. The* order may be appealed directly to the ~~supreme~~ *court of appeals* according to the ~~appropriate rule~~ *rules* of appellate procedure. The order is stayed and nondisclosure shall remain in full force and effect during the pendency of the appeal.

Sec. 203. Minnesota Statutes 1982, section 595.025, subdivision 3, is amended to read:

Subd. 3. [~~DETERMINATION; APPEAL.~~] The court shall make its order on the issue of disclosure after making findings of fact, which order may be appealed ~~directly~~ *to the supreme court of appeals* according to the rules of appellate procedure. During the appeal the order is stayed and nondisclosure shall remain in full force and effect.

Sec. 204. Minnesota Statutes 1982, section 606.04, is amended to read:

606.04 [COSTS.]

The party prevailing on a writ of certiorari in any proceeding of a civil nature shall be entitled to his costs against the adverse party; ~~and, in case such~~ *. If the writ shall appear appears* to have been brought for the purpose of delay or vexation, the court of appeals may award double costs to the prevailing party.

Sec. 205. [606.06] [CERTIORARI; ADMINISTRATIVE DECISIONS.]

A writ of certiorari for review of an administrative decision pursuant to chapter 14 is a matter of right.

Sec. 206. Minnesota Statutes 1982, section 609.39, is amended to read:

609.39 [MISPRISION OF TREASON.]

Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose and make it known ~~the same~~ to the governor or a judge of the supreme court, *court of appeals*, or ~~of the~~ district court, is guilty of misprision of treason against this state and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Sec. 207. Minnesota Statutes 1982, section 611.07, subdivision 2, is amended to read:

Subd. 2. [PAYMENT.] ~~If the counsel so appointed shall appeal or procure a writ of error appeals, and after the hearing of the appeal or writ of error, the court of appeals or supreme court shall determine determines~~ that defendant is unable, by reason of poverty, to pay counsel, and that review was sought in good faith and upon reasonable grounds, ~~such the~~ counsel may be paid ~~such the~~ sum for his services and expenses ~~therein as the supreme court shall determine determines~~, to be certified to the county treasurer by the clerk of the ~~supreme court appellate courts. In any case such~~ *The* compensation and expense shall be paid by the county in which the defendant was accused.

Sec. 208. Minnesota Statutes 1982, section 611.07, subdivision 3, is amended to read:

Subd. 3. [TRANSCRIPT.] When a defendant convicted of a felony or a gross misdemeanor who has appealed ~~to the supreme court~~ or has procured a writ of error, or who has otherwise brought the validity of his conviction before the *court of appeals or supreme court* for review, applies to the district court and makes an adequate showing that because of his poverty he is unable to pay for a transcript which he reasonably needs in presenting the alleged errors raised for appellate review, the district court shall order a transcript in accordance with ~~Rule 29.02, Subdivision 7,~~ of the rules of criminal procedure.

Sec. 209. Minnesota Statutes 1982, section 611.071, subdivision 1, is amended to read:

Subdivision 1. [COUNSEL; FEES.] The supreme court *or the court of appeals* may order the appointment of counsel, provide for the payment of counsel fees, and direct the payment of expenses in conformity with the provisions of this section.

Sec. 210. Minnesota Statutes 1982, section 611.071, subdivision 2, is amended to read:

Subd. 2. [COUNSEL; FEES.] Application may be made to the supreme court *or the court of appeals* for the appointment of counsel, the allowance of counsel fees, and the payment of expenses in the following cases:

(a) A person who has been convicted of a felony in the district court, who is without counsel, whose time for appeal from the judgment of conviction has not expired, and who is unable, by reason of poverty, to pay counsel and the expenses of an appeal.

(b) A person who has been convicted of a felony, who is without counsel, whose time for appeal from the judgment of conviction has expired, and who is unable by reason of poverty to pay counsel and the expenses of a

post-conviction proceeding.

Sec. 211. Minnesota Statutes 1982, section 611.14, is amended to read:

611.14 [RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.]

The following persons ~~hereinafter described~~ who are financially unable to obtain counsel, shall be entitled to be represented by a public defender:

(a) a person charged with a felony or gross misdemeanor, including ~~such a~~ person ~~when~~ charged pursuant to sections 629.01 to 629.29;

(b) a person appealing ~~to the supreme court~~ from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a post-conviction proceeding, after the time for appeal from the judgment has expired;

(c) a person who is entitled to be represented by counsel pursuant to the provisions of section 609.14, subdivision 2, or section 609.16;

(d) a minor who is entitled to be represented by counsel pursuant to the provisions of section 260.155, subdivision 2, if the judge of the juvenile court concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services pursuant to section 260.251, subdivision 2, clause (e); or

(e) a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a municipal, county, or probate court ~~with municipal court jurisdiction, presided over by a full time salaried judge or a judge of probate court,~~ if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services by the county or municipality within the court's jurisdiction.

Sec. 212. Minnesota Statutes 1982, section 611.18, is amended to read:

611.18 [APPOINTMENT OF PUBLIC DEFENDER.]

~~When~~ ~~if~~ it shall ~~appear~~ *appears* to a court or ~~magistrate~~ that a person requesting the appointment of counsel satisfies the requirements of ~~Laws 1965, Chapter 869 this chapter,~~ the court or ~~magistrate~~ shall order the appropriate public defender to represent him at all further stages of the proceeding through appeal, if any. For those persons appealing ~~to the supreme court~~ from a conviction or pursuing a post conviction proceeding, after the time for appeal has expired, the state public defender shall be appointed. For all other persons covered by section 611.14, a district public defender shall be appointed to represent them. If (a) conflicting interests exist, or if (b) the district public defender for any other reason is unable to act, or if (c) the interests of justice require, the state public defender may be ordered to represent ~~such~~ a person. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom he had retained, the court may appoint the appropriate public defender to represent him, as provided in this section. ~~Provided, however, that~~ Prior to

any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent ~~such~~ the person unless it is subsequently determined that ~~such~~ the person is financially able to obtain counsel. ~~Such~~ The representation may be made available at the discretion of the public defender, upon the request of ~~such~~ the person or someone on his behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

Sec. 213. Minnesota Statutes 1982, section 611.25, is amended to read:

611.25 [POWERS; DUTIES; LIMITATIONS.]

The state public defender shall represent, without charge, a defendant or other person appealing to ~~the supreme court~~ from a conviction or pursuing a post conviction proceeding after the time for appeal has expired when the state public defender is directed ~~so~~ to do *so* by a judge of the district court, *of the court of appeals* or of the supreme court. The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed ~~so~~ to do *so* by the supreme court *or the court of appeals*, except that he shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. The state public defender may assist a district public defender in the performance of his duties when the district public defender ~~so~~ requests. Whenever the state public defender is directed by a court to represent any defendant or other person, with the approval of the court he may assign ~~such~~ the representation to any district public defender.

He also shall supervise the training of all state and district public defenders, and may establish a training course for such purpose.

Sec. 214. Minnesota Statutes 1982, section 645.44, is amended by adding a subdivision to read:

Subd. 1a. [APPELLATE COURTS.] "*Appellate courts*" means the *supreme court and the court of appeals*.

Sec. 215. Minnesota Statutes 1982, section 648.39, subdivision 1, is amended to read:

Subdivision 1. [FREE DISTRIBUTION.] The revisor of statutes shall without charge distribute each edition of Minnesota Statutes, supplement to the Minnesota Statutes, and the Laws of Minnesota to the persons, officers, departments, agencies, or commissions listed in this subdivision. Prior to distribution of Minnesota Statutes, supplement to the Minnesota Statutes, or the Laws of Minnesota, the revisor of statutes shall inquire whether the full number of copies authorized by this subdivision are required for their work. Unless a smaller number is needed, each edition shall be distributed without charge as follows:

(a) 30 copies to the supreme court;

(b) 30 copies to the court of appeals;

~~(c)~~ (c) 1 copy to each judge of a district court;

~~(d)~~ (d) 1 copy to the clerk of each district court for use in each courtroom of the district court of his county;

~~(d)~~ (e) 100 copies to the state law library;

~~(e)~~ (f) 100 copies to the law school of the University of Minnesota;

~~(f)~~ (g) 100 copies to the office of the attorney general;

~~(g)~~ (h) 10 copies each to the governor's office, the departments of agriculture, commerce, corrections, education, health, transportation, labor and industry, economic security, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;

~~(h)~~ (i) 1 copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;

~~(i)~~ (j) 1 copy to each member of the legislature;

~~(j)~~ (k) 100 copies for the use of the senate and 150 copies for the use of the house of representatives;

~~(k)~~ (l) 4 copies to the secretary of the senate;

~~(l)~~ (m) 4 copies to the chief clerk of the house of representatives;

~~(m)~~ (n) 1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society;

~~(n)~~ (o) 20 copies each to the department of administration, state auditor, and legislative auditor;

~~(o)~~ (p) 1 copy to each county library maintained pursuant to section 134.12 or 375.33, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy shall be provided to any public library in the county; and

~~(p)~~ (q) 50 copies to the revisor of statutes.

Sec. 216. Laws 1982, chapter 501, section 27, is amended to read:

Sec. 27. [EFFECTIVE DATE; TRANSITION.]

Sections 3 to 25 shall become effective only upon ratification of the amendment proposed in section 1 of this act as provided in the Minnesota Constitution. If the constitutional amendment proposed by section 1 is adopted by the people,

(a) sections 3 to 7 and section 24 of this act are effective July 1, 1983, and

(b) sections 8 to 23 and 25 and 26 are effective August 1, 1983. The court of appeals shall have jurisdiction over cases in which the notice of appeal, petition for review, or writ, is filed on or after August 1, 1983. In all cases in which the notice, petition or writ was filed on or before July 31, 1983, the court to which such appeal, petition, or writ was taken shall continue to exercise jurisdiction, notwithstanding any change introduced by this act. In any such case in which a district or county court retains jurisdiction and appeal is taken against its decision on or after August 1, 1983, appeal shall be taken to the court of appeals as provided herein.

Sec. 217. [REPEALER.]

Minnesota Statutes 1982, sections 14.70; 72A.24, subdivision 2; 80A.24,

subdivision 3; 177.19, subdivisions 2 and 3; 216.24; 216.271; 216B.52, subdivisions 2, 3, 4, and 5; 216B.55; 360.072, subdivisions 2, 3, 4, and 5; 363.10; 375.67, subdivisions 2 and 3; 484.63; 525.711; and 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25 are repealed.

Sec. 218. [REVISOR'S INSTRUCTION.]

On or before February 1, 1984 the revisor of statutes shall present to the chairmen of the committees on the judiciary in the house and senate a report summarizing all provisions of Laws 1983 which are inconsistent with section 480A.02 or the applicable sections of this act. The report shall identify provisions for:

- a) direct appeal from the district court to the supreme court,*
- b) appeals from the county or county municipal courts to the district court, and*
- c) appeals pursuant to chapter 14 which provide for appeal to district court.*

The report shall be in the form of a bill amending the identified sections to provide for appeal to the court of appeals in a manner consistent with section 480A.06 and the applicable sections of this act.

Sec. 219. [EFFECTIVE DATE.]

Section 216 is effective July 1, 1983. The remainder of this act is effective August 1, 1983, and applies to all appeals taken on or after that date."

Delete the title and insert:

"A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.67; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 62A.02, subdivision 6; 62C.14, subdivision 12; 62G.16, subdivision 11; 65B.04, subdivision 1; 70A.22, subdivision 3; 72A.24, subdivision 1; 72A.27; 79.073; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 124.15, subdivision 7; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 149.05, subdivision 3; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.65, subdivision 2; 168.68; 169.073; 169.123, subdivision 7; 174A.05; 176.471, subdivisions 6, 8, and 9; 177.29, subdivision 1; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, sub-

division 3; 216.25; 216.27; 216B.16, subdivision 3; 216B.52, subdivision 1; 231.33; 237.075, subdivision 3; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297.37, subdivision 5; 297A.15, subdivision 4; 298.09, subdivision 3; 299D.03, subdivision 11; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 360.019, subdivision 2; 360.072, subdivision 1; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 1; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 458A.06, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.413, subdivision 4; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.02, by adding a subdivision; 480A.04; 480A.06, subdivision 1; 480A.08, subdivision 3; 481.02, subdivisions 3 and 6; 481.15, subdivision 2; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 606.04; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; 645.44, by adding a subdivision; and 648.39, subdivision 1; amending Laws 1982, chapter 501, section 27; proposing new law coded in Minnesota Statutes, chapter 606; repealing Minnesota Statutes 1982, sections 14.70; 72A.24, subdivision 2; 80A.24, subdivision 3; 177.19, subdivisions 2 and 3; 216.24; 216.271; 216B.52, subdivisions 2, 3, 4, and 5; 216B.55; 360.072, subdivisions 2, 3, 4, and 5; 363.10; 375.67, subdivisions 2 and 3; 484.63; 525.711; and 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25."

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. 561 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.
561	458				

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. 30 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.
30	150				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 30 be amended as follows:

Page 2, line 8, delete everything after the period

Page 2, delete lines 9 to 11

And when so amended H.F. No. 30 will be identical to S.F. No. 150, and further recommends that H.F. No. 30 be given its second reading and substituted for S.F. No. 150, 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. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 810: A bill for an act relating to state government; reorganizing the energy regulation functions in state government; creating an energy department; creating an energy coordination board; creating an energy partnership; creating an intervention office; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; and 116J.10; proposing new law coded in Minnesota Statutes, chapters 116H and 216B; repealing Minnesota Statutes 1982, sections 116J.28 and 268.37.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE I

CREATION OF DEPARTMENT OF ENERGY; TRANSFER OF DUTIES

Section 1. [TRANSFER OF CERTAIN POWERS RELATING TO ENERGY FROM THE DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT TO THE MINNESOTA DEPARTMENT OF ENERGY.]

Subdivision 1. [AUTHORIZATION.] The Minnesota department of energy is the successor to the department of energy, planning and development in the administration of certain laws related to energy. The department is a continuation of the former authority and not a new authority for the purpose of succession to the rights, powers, duties, and obligations of the department of energy, planning and development relating to energy as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the department of energy remain in force until modified or repealed in accordance with law by the department of energy.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the department of energy, planning and development under the authority of any power, duty, or responsibility transferred by this act to the department of energy may be conducted and completed by the department of energy in the same manner, under the same terms and conditions, and with the same effect as though no transfer were made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the department of energy shall, upon request by the department of energy or by any of its designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the agency's new duties. The transfer shall be made in accordance with the directions of the department of energy or its designated representative.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the department of energy, planning and development for the purpose of performing any of the functions, powers, or duties which are transferred by this act are transferred to the department receiving those functions, powers, or duties.

Subd. 6. [PERSONNEL.] The positions associated with the responsibilities being transferred are abolished in the department of energy, planning and development. The approved staff complement for that agency is decreased accordingly. The employees who filled the positions abolished in the department of energy, planning and development become employees of the agencies to which the duties are transferred. Personnel changes are effective on the date of transfer of responsibilities.

Sec. 2. [116H.41] [CREATION OF DEPARTMENT.]

There is created in the executive branch the Minnesota department of energy. The department shall be under the supervision of a commissioner who shall organize the department. The commissioner shall be appointed by the governor under section 15.06. The commissioner may appoint a deputy commissioner and a personal secretary to serve at his pleasure. The commissioner and his deputy and his personal secretary shall serve in the unclassified service. The department shall be responsible for the administration of the laws contained in chapter 116H and for the performance of other duties assigned to it.

Sec. 3. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as permanent members ~~the commissioner of the department of energy, planning and development,~~ the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, *the commissioner of energy,* the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate.

Sec. 4. Minnesota Statutes 1982, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

(a) Manage the department as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

~~(f) Require certificate of need for construction of large energy facilities;~~

~~(g)~~ Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

~~(h)~~ (g) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

~~(i)~~ (h) Design and implement a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, and transportation areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

~~(j)~~ (i) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

~~(k)~~ (j) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

~~(l)~~ (k) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

(l) Effective July 1, 1984, administer for the state, energy programs pursuant to federal law, regulations, or guidelines, excluding the crisis fuel assistance and weatherization programs administered by the department of economic security, and coordinate the programs and activities with other state agencies, units of local government, and educational institutions.

(m) Serve as a member of the environmental quality board;

(n) Serve as chairperson of the energy coordination board.

Sec. 5. Minnesota Statutes 1982, section 116J.10, is amended to read:

116J.10 [POWERS.]

The commissioner may:

(a) Adopt rules pursuant to chapter 14 as necessary to carry out the purposes of sections 116J.05 to 116J.30 and, when necessary for the purposes of section 116J.15, adopt temporary rules pursuant to sections 14.29 to 14.36;

(b) Make all contracts pursuant to sections 116J.05 to 116J.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116J.05 to 116J.30. Notwithstanding any other law the commissioner is designated the state agent to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116J.05 to 116J.30.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request;

(f) Provide on-site technical assistance to units of local government in order to enhance local capabilities for dealing with energy problems;

~~(g) Administer for the state, energy programs pursuant to federal law, regulations or guidelines, except for the crisis fuel assistance and low income weatherization programs administered by the department of economic security, and coordinate the programs and activities with other state agencies, units of local government and educational institutions Intervene in certificate of need proceedings.~~

Sec. 6. [216B.242] [CERTIFICATE OF NEED.]

Subdivision 1. [ASSESSMENT OF NEED CRITERIA.] The commission shall, pursuant to chapter 14 and sections 116J.05 to 116J.30, adopt assessment of need criteria to be used in the determination of need for large energy facilities pursuant to this section.

Subd. 2. [TRANSFER OF CERTIFICATE OF NEED PROGRAM.] All powers, responsibilities, and authorities for the issuance of certificates of need for large energy facilities are transferred from the department of energy, planning and development or its successor agency to the public utilities commission.

Sec. 7. [INSTRUCTION TO REVISOR.]

In Minnesota Statutes, the revisor of statutes shall renumber each section specified in column A with the number set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A
116J.04
116J.05
116J.06

Column B
116H.411
116H.43
116H.45

116J.07	116H.46
116J.08	116H.47
116J.09	116H.48
116J.10	116H.49
116J.11	116H.51
116J.12	116H.52
116J.13	116H.53
116J.14	116H.54
116J.15	116H.55
116J.16	116H.56
116J.17	116H.57
116J.18	116H.58
116J.19	116H.59
116J.20	116H.60
116J.21	116H.61
116J.22	116H.62
116J.23	116H.63
116J.24	116H.64
116J.25	116H.65
116J.26	116H.66
116J.27	116H.67
116J.29	116H.68
116J.30	116H.69
116J.31	116H.70
116J.32	116H.71
116J.33	116H.72
116J.34	116H.73
116J.35	116H.74
116J.36	116H.75

Sec. 8. [REPEALER.]

Minnesota Statutes 1982, section 116J.28 is repealed.

ARTICLE 2 ENERGY COORDINATION BOARD

Section 1. [116H.42] [ENERGY COORDINATION BOARD.]

Subdivision 1. [CREATION.] There is created an energy coordination board. The board shall be composed of the commissioner of the department of energy as chairperson and the heads of the following agencies:

- (1) economic development function of the department of energy, planning and development or the successor agency which assumes those functions;*
- (2) housing finance agency;*
- (3) administration department;*
- (4) public service department;*
- (5) agriculture department;*
- (6) natural resources department;*
- (7) statewide planning function of the department of energy, planning and development or the successor agency which assumes those functions;*
- (8) public utilities commission;*

(9) *education department.*

Subd. 2. [POWERS AND DUTIES.] The energy coordination board shall serve as the chief advisory board to the governor on coordinating energy activities within state government. It shall assist in the development of policies, plans, and programs for improving the coordination, administration, and effectiveness of energy activities.

The energy coordination board shall advise the director of the department of public service on the activities of the intervention office created in article 3.

ARTICLE 3

ENERGY INTERVENTION OFFICE

Section 1. [216A.096] [INTERVENTION OFFICE.]

There is created in the department of public service an intervention office to carry out intervention activities before federal and other energy regulatory agencies outside of the state. The office shall be staffed by one full-time staff member appointed by the director of the department of public service to serve in the unclassified service, and as the need arises by appropriate employees of the departments and agencies represented on the energy coordination board. Policies and functions of the intervention office shall be carried out under the direction of the director of the department of public service. The director shall keep the energy coordination board apprised of all intervention activities.

ARTICLE 4

ENERGY AUTHORITY

Section 1. [CITATION.]

Article 4 may be cited as the Minnesota energy authority law of 1983.

Sec. 2. [DEFINITIONS.]

Subdivision 1. [GENERAL.] For purposes of Article 4, the terms defined in this section have the meanings ascribed to them unless the context in which they are used clearly indicates otherwise.

Subd. 2. [BOARD.] "Board" means the Minnesota energy coordination board established in Article 2.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the department of energy.

Subd. 4. [DEPARTMENT.] "Department" means the department of energy.

Subd. 5. [AUTHORITY.] "Authority" means the Minnesota energy authority created in section 4.

Subd. 6. [PERSON.] "Person" includes an individual, firm, partnership, corporation, or association.

Subd. 7. [CONSERVATION.] "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.

Subd. 8. [MUNICIPALITY.] "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by this article.

Subd. 9. [ALTERNATIVE ENERGY RESOURCE.] "Alternative energy resource" means a source of energy available from indigenous Minnesota resources including but not limited to peat, biomass, solar energy, wind, municipal wastes, agricultural or forestry wastes, hydro-power, and agricultural crops suitable for conversion to an energy fuel.

Subd. 10. [RENEWABLE ENERGY RESOURCE.] "Renewable energy resource" means a source of energy occurring in Minnesota which, when consumed for energy purposes, is replaced within a matter of days, months, or years by new or additional supplies of the energy source. Renewable energy resources include, but are not limited to, forestry products and forest harvest residues, solar energy, wind energy, water-power, and agricultural wastes.

Subd. 11. [ENERGY RECOVERY.] "Energy recovery" means the extraction of energy from materials, components, or processes which would normally represent wasted energy resources. Municipal solid wastes, volatile sewer gases, and power plant waste heat, among others, offer the potential for energy recovery.

Subd. 12. [MINNESOTA ENERGY AUTHORITY.] "Minnesota energy authority" or "authority" means the constituted authority of the state created in this section.

Subd. 13. [FINANCIAL INSTITUTION.] "Financial institution" means a bank or other financial corporation described in chapter 47, an insurance company licensed to do business under chapter 60A, a securities broker-dealer licensed under chapter 80A, or a credit union.

Sec. 3. [POLICIES.]

Subdivision 1. [FINDINGS.] It is hereby declared that a reliable, economic supply of energy is essential for the state's households and local governments. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. As a result, a partnership of the private and public sectors is needed to provide leadership, cooperation, and aid for the purposes of planning, developing, and managing economically viable energy conservation programs.

Subd. 2. [FUNDING POLICY.] It is further declared that adequate funds and assistance must be provided to assist and to encourage the establishment, maintenance, and growth of energy conservation and indigenous energy resources in the state and to reduce to a manageable level the cost of energy to households and local governments, including, without limitation, the provision of loans to assist households and municipalities in the design, distribution, promotion, maintenance, installation, or acquisition of energy conservation and alternative energy resource materials and devices.

Subd. 3. [PARTNERSHIP POLICY.] It is further declared that a partnership of the private and public sectors, established through the creation of an energy authority, will promote the purpose of reducing energy costs, in-

creasing energy efficiency, and developing Minnesota's indigenous energy resources. By providing an arrangement where monies, personnel, information, material, and technologies can be pooled and costs shared, the partnership between the public and private sectors will promote the policies declared in this section more effectively than would be the case if these sectors acted independently.

Subd. 4. [HEALTH AND WELFARE PROMOTED.] It is further declared that a partnership of the private and public sectors and the creation of an energy authority will promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of the citizens of the state, 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.

Sec. 4. [CREATION OF AUTHORITY; MEMBERS.]

Subdivision 1. [MEMBERS.] There is created a constituted authority of the state to be known as the "Minnesota energy authority," which shall perform the functions and exercise the powers given to it in furtherance of public policies and purposes declared in section 3. The authority shall have four ex officio members and 11 public members knowledgeable concerning energy appointed by the governor with the advice and consent of the senate. The ex officio members shall consist of one designee of the governor, the commissioner of energy, the commissioner of finance, and the executive director of the housing finance agency. Of the 11 public members, at least two shall be knowledgeable in consumer or development finance, at least two shall be knowledgeable in marketing, advertising, or retailing, and the remainder shall be selected from groups representing small business, labor, education, agriculture, utilities, or nonprofit community or philanthropic organizations.

Subd. 2. [TERMS; COMPENSATION; REMOVAL; VACANCIES.] The 11 public members of the authority shall serve three year terms. The first members shall be appointed for terms as follows: (a) three for terms ending the first Monday in January, 1984; (b) four for terms ending the first Monday in January, 1985; and (c) four for terms ending the first Monday in January, 1986. Members' compensation, removal of members, and filling of vacancies for the public members of the authority shall be as provided in section 15.0575.

Subd. 3. [CHAIR.] The commissioner of energy shall be the chair of the authority. The members of the authority shall annually elect other officers they deem necessary.

Subd. 4. [MANAGEMENT AND CONTROL.] The management and control of the authority shall be vested solely in the members.

Subd. 5. [QUORUM; MAJORITY VOTE.] The powers of the authority shall be vested solely in the members thereof in office from time to time and a majority of the members of the authority constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the members present.

Subd. 6. [STAFF.] The authority shall be under the administrative control

of an executive director which office is established. He shall be appointed by the governor under the provisions of section 15.06. The executive director shall hire permanent and temporary employees necessary for the performance of the authority's duties. The authority may enter into agreements under which staff from private corporations, agencies, or other organizations are loaned to the authority for the purpose of fulfilling its prescribed duties.

Subd. 7. [SERVICES.] The authority shall identify general consultative and technical services to assist in financing and marketing household and municipal energy conservation or alternative energy development. It may enter into agreements or other transactions concerning the receipt or provisions of those services.

Subd. 8. [LIABILITY OF MEMBERS.] The members and officers of the authority shall not be liable personally, either jointly or severally, for any debt or obligation created or incurred by the authority.

Sec. 5. [PROGRAMS.]

The authority shall design and administer a statewide program in furtherance of the policies stated in section 3. The authority shall actively involve major organizations and community leaders in its work and shall solicit funds from all sources. The authority may assist energy efficiency improvements in low income housing and municipal facilities through (1) loans, (2) loan guarantees, (3) interest subsidies, (4) grants, and (5) other forms of assistance. The authority, in consultation with the commissioner of energy, shall develop a state energy investment plan with yearly energy conservation and alternative energy development goals, investment targets, and marketing strategies. The authority shall implement the plan. By the start of the 1984 legislative sessions, (1) the authority shall have identified various non-governmental funding sources; (2) provided for the efficient administration of its affairs; (3) solicited public comment on its plans; and (4) prepared recommendations as to appropriate reserve and guarantee fund levels required by this article. The authority shall annually report to the legislature and shall request additional legislation as necessary to expand its activities and better coordinate the energy activities of state government.

Sec. 6. [POWERS AND DUTIES OF THE AUTHORITY.]

Subdivision 1. [BROAD INTERPRETATION.] The authority shall perform, direct, or closely oversee the functions and programs delegated to it. In order to accomplish these activities the authority may request that staff be loaned by existing state agencies, or contract for services from public or private sources.

The powers and authorities granted to the authority shall be broadly interpreted to facilitate innovative leadership in all areas of energy including policy setting, goal definition, strategy planning, conservation, development of renewable and alternative energy resources, energy recovery, and monitoring.

Subd. 2. [CAMPAIGN FOR ENERGY EFFICIENCY.] The authority shall manage and promote a campaign for energy efficiency. The authority shall actively promote public awareness of the potentials and benefits of energy efficiency.

Subd. 3. [MARKET ANALYSIS.] The authority shall perform market analysis studies relating to conservation, alternative and renewable energy resources, and energy recovery.

Subd. 4. [JOB CREATION, LOW INCOME.] The authority shall assure that programs under its control and direction make accommodation wherever possible for job creation and the needs of low income families and persons.

Subd. 5. [ENERGY LEGISLATION.] The authority shall maintain oversight of energy legislation and programs authorized by the legislature. The authority shall annually, not later than February 1, report to the governor and the legislature on the effectiveness and efficiency of these programs.

Subd. 6. [LOAN GUARANTEES.] The authority shall operate a program of loan guarantees for commercial projects as specified in section 7.

Subd. 7. [REVENUE BONDS.] The authority shall operate a revenue bonding program for commercial projects as specified in section 8.

Subd. 8. [BONDS IN OWN NAME.] The authority shall issue revenue bonds in its own name for purposes of the program authorized in subdivision 7 and section 8.

Subd. 9. [MUNICIPALITIES.] The authority shall operate a program of loans to municipalities for capital expenses relating to energy conservation, recovery, or development as specified in section 7.

Subd. 10. [GENERAL OBLIGATION BOND LOANS.] The authority shall administer any loan programs to municipalities which use funds generated by the sale of general obligation bonds issued by the commissioner of finance on behalf of the commissioner of finance.

Subd. 11. [DISTRICT HEATING PROGRAM.] The authority shall administer the district heating loan program established in section 116J.36 on behalf of the commissioner.

Subd. 12. [RULES.] The authority may adopt temporary or permanent rules necessary to operate the programs authorized in subdivisions 6 to 10. The rules authorized under this section may be adopted without complying with the administrative procedures act contained in chapter 14.

Subd. 13. [TECHNICAL ASSISTANCE.] The authority may provide general technical assistance to project applicants to assure the preparation of complete, fully descriptive proposals for projects.

Subd. 14. [PROJECT PROPOSALS.] The authority may seek out and assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects.

Subd. 15. [CONSERVATION EQUIPMENT.] The authority may engage or assist in the development and operation of conservation or alternative or renewable energy system equipment if the federal government or another funding source provides assistance in connection with the development and operation.

Subd. 16. [RESEARCH STUDIES.] The authority may manage and disburse funds made available to it for the purpose of research studies or de-

monstration projects related to energy conservation or other activities deemed appropriate by the authority.

Subd. 17. [GIFTS, GRANTS.] The authority may accept appropriations, gifts, grants, bequests, and devise and utilize or dispose of the same to carry out any provisions of this article. All gifts, grants, bequests, and revenues from other such sources are hereby appropriated to the authority for purposes of this act. The funding may include, but is not limited to, public utility investments and expenditures ordered by the public utilities commission pursuant to the provisions of chapter 216B.241.

Sec. 7. [ENERGY LOAN GUARANTY PROGRAM.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Fund" means the energy loan guaranty fund created by subdivision 2.

(b) "Lender" means any state or federally chartered bank, credit union, savings bank, savings and loan association, savings association, trust company or a lender certified by the secretary of housing and urban development or the administrator of veterans affairs or approved or certified by the administrator of the farmers home administration.

(c) "Loan" means a loan or advance of credit, secured by a mortgage, to a borrower for purposes specified by authority rule.

(d) "Mortgage" means (1) a second mortgage on the real property on which the equipment is to be installed or a first mortgage on the property, if there is no outstanding mortgage on the property at the time the loan is made, and (2) any security interest, under sections 336.9-101 to 336.9-508, in personal property or fixtures acquired with the proceeds of an insured loan, which the authority may require by rule.

(e) "Qualified energy project" means acquiring, installing or constructing any conservation, renewable energy, alternative energy or other capital improvements for use in a trade or business and other projects described by rule of the authority.

Subd. 2. [ENERGY LOAN GUARANTEE FUND.] An energy loan guaranty fund is created. The fund shall be used by the authority as a revolving fund for carrying out the provisions of this section with respect to loans insured under subdivision 3.

Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.] The authority is authorized, upon application by a lender, to insure any eligible loan as provided in this section; and under terms as the authority may prescribe by rule, to make commitments for the insuring of loans prior to the date of their execution or disbursement.

(b) [ELIGIBILITY REQUIREMENTS.] To be eligible for insurance under this section:

(1) A loan shall be in an original principal amount not to exceed \$-----.

(2) The proceeds of the loan shall be used solely for the purpose of financing a qualified energy project.

(3) The loan agreement shall have a maturity satisfactory to the authority.

but not to exceed ——— years unless the loan is made in connection with financing for the purchase or construction of the building, in which case the maturity shall not exceed the maturity of the loan financing or 30 years, whichever is less.

(4) The loan agreement shall contain complete amortization provisions satisfactory to the authority requiring periodic payments by the borrower not in excess of his reasonable ability to pay as determined by the authority.

(5) The loan agreement shall contain terms and provisions with respect to insurance, repairs, alterations, payment of taxes, foreclosure proceedings, acceleration of maturity, delinquency charges and any other matters as the authority may prescribe.

(6) The loan shall be secured by a mortgage which has priority over any other liens against the property, except a contract for deed or first mortgage securing a loan, the proceeds of which were used to acquire or construct the property.

(c) [CONCLUSIVE EVIDENCE OF INSURABILITY.] Any contract of insurance executed by the authority under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the lender.

(d) [PREMIUMS.] The authority is authorized to fix premium charges not to exceed of one percent for the insurance of loans under this section.

(e) [PROCEDURES UPON DEFAULT.] The failure of the borrower to make any payment as provided by any loan agreement insured under this section shall be considered a default under the loan. If the default continues for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance upon assignment, transfer, and delivery to the authority, within 120 days of the default, of the following:

(1) all rights and interests arising under the loan, mortgage, and any other security interests securing the loan;

(2) all claims of the lender against the borrower or others, arising out of the mortgage transactions;

(3) all policies of insurance, surety bonds or other guarantees and any claims thereunder;

(4) any balance of the loan not advanced to the borrower;

(5) any cash or property held by the lender, or to which it is entitled, including deposits made to the account of the borrower which have not been applied in reduction of the principal of the loan indebtedness; and

(6) all records, documents, books, papers, and accounts relating to the loan transaction.

Alternatively, the lender may in the event of default under the loan, in accordance with rules of and within a period to be determined by the authority, obtain possession of the property, through foreclosure or otherwise, and receive the benefits of the insurance as provided in paragraph (f) upon:

(1) *prompt conveyance to the authority of title to the property, as provided in rules promulgated by the authority, and*

(2) *assignment to the authority of all claims of the lender against the borrower or others, arising out of the loan transaction or foreclosure, except claims which have been released with the consent of the authority.*

(f) [PAYMENT OF INSURANCE.] *Upon the lender's compliance with the requirements provided in or established under paragraph (e) the authority shall pay to the lender an amount equal to the outstanding unpaid principal indebtedness at the time of default less ——— percent, plus interest at ——— percent per annum from the date of default.*

Subd. 4. [INVESTMENT INTEREST.] *All interest and profits accruing from investment of the fund's money shall be credited to and be a part of the fund, and any loss incurred in the principal of the investments of the fund shall be borne by the fund.*

Subd. 5. [MAXIMUM AUTHORIZED INSURANCE.] *The authority may not at any time issue insurance under this section aggregating in excess of an amount equal to the current balance contained in the fund multiplied by ten.*

Sec. 8. [REVENUE BOND PROGRAM.]

Subdivision 1. [AUTHORITY TO MAKE LOANS.] *The authority may make loans to individuals, partnerships, corporations, or other entities for the financing of capital improvements to be used in connection with a trade or business if the principal purpose of improvement is energy conservation, to reduce the usage of conventional fuels as a source of energy, or to develop Minnesota's alternative energy resources as provided by the authority's rules.*

Subd. 2. [BONDING AUTHORITY.] *The authority may borrow money and may issue bonds, notes, or other obligations as evidence of the borrowing in accordance with sections 462A.08 to 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The authority may sell any of its obligations at public or private sale, at the price or prices as the authority determines are appropriate, notwithstanding the limitations on sale price in section 462A.09.*

Subd. 3. [LIMITATIONS ON OBLIGATIONS.] *Neither the state nor any agency or political subdivision of the state shall be liable on bonds, notes, or other obligations issued by the authority. No bond, note, or other obligation of the authority shall constitute a debt or loan of the credit of the state or any political subdivision or any individual member of the authority.*

Subd. 4. [ENERGY DEVELOPMENT FUND.] *A Energy Development Fund is created and is eligible to receive appropriations. The authority may irrevocably pledge and appropriate all or a segregated portion of the energy development fund to make principal and interest payments when due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions the authority shall prescribe. Unless the energy development fund has been pledged and appropriated to secure the obligations, the energy development fund shall not be available to make principal or interest payments on the obligations.*

Subd. 5. [LOAN PAYMENTS; FEES.] *The authority may impose and col-*

lect interest and amortization payments on loans, may authorize the collection of fees and charges, and may require funds to be placed in escrow. The payments, fees, charges and amounts placed in escrow shall be sufficient to provide for the payment and security of the obligations issued and for their servicing, to provide for insurance against losses, and to cover the cost of issuance of the obligations and technical, consultative and other assistance services.

Subd. 6. [INVESTMENT INCOME.] All interest and profits accruing from investment of the reserve fund's moneys shall be credited to and be part of the reserve fund, and any loss incurred in the principal of the investment of the reserve fund shall be borne by the fund. The assets of the reserve fund shall be invested only in direct obligations or agencies of the United States or in insured depository accounts up to the amount of the insurance, in any institution insured by an agency of the United States government.

Subd. 7. [ADDITIONAL POWERS.] In addition to the powers specifically enumerated, the authority shall have any corporate powers necessary to effectuate or appropriate to the efficient implementation and operation of the revenue bond loan program authorized by this section, except to the extent explicitly limited by this section.

Subd. 8. [INVESTMENTS.] The authority 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 to with the holders or a trustee for the holders.

Subd. 9. [FUNDING.] All proceeds of the authority's bonds, notes and other obligations, any amounts granted or appropriated to the authority to make, purchase, insure, or guarantee loans or for bond reserves, all income from the investment thereof and all revenues from loans, fees, and charges of the authority are annually appropriated to the authority to accomplish 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 authority.

Subd. 10. [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 authority, and no bond, note, or other obligation of the authority shall constitute a debt or loan of credit of the state or any political subdivision.

Subd. 11. [LIMIT OF STATE ACTION.] The state pledges and agrees with all holders of obligations of the authority that it will not limit or alter the

rights vested in the authority to fulfill their terms, and it 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 authority may include and recite this pledge and agreement of the state in any obligation or related document. This section does not affect the power of the state to supervise and control the authority 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 section 8 and title to all property owned by the authority at the time of the state's action must remain or vest in the authority, its successor, or the state, as the case may be.

Subd. 12. [TAXES.] The property of the authority 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 authority shall be exempt from all taxation by the state or any of its political subdivisions.

Subd. 13. [BONDS; TAX STATUS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the authority, in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the authority issued pursuant to Article 5 and the income from them and all the authority's fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be received pledged 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, taxes on transfers, and 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.

Sec. 9. [LOANS TO MUNICIPALITIES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Municipality" means a statutory or home rule charter city, county, township, school district, or other political subdivision with ad valorem taxing authority.

(b) "Qualified improvements" means improvements to public land, buildings or other improvements undertaken by a municipality for the principal purpose of energy conservation or to reduce usage of conventional energy sources, as provided by rules adopted by the authority.

Subd. 2. [AUTHORITY TO MAKE LOANS.] The authority may make loans to municipalities to finance the acquisition or construction of qualified improvements, including interest costs incurred during the first three years after the loans are made.

Subd. 3. [APPLICATIONS.] Application for a loan to be made pursuant to this section shall be made by the municipality to the authority. The authority shall establish procedures, form, and the required contents of the applications.

Subd. 4. [MUNICIPAL OBLIGATION.] The authority shall not make a

loan until it has entered into an agreement with the municipality providing that the municipality shall make payments equal to the principal and interest payments on the state bonds at the times transfers are required to be made pursuant to sections 16A.64 and 16A.65. The agreement shall obligate the municipality to levy an ad valorem property tax equal to the amounts necessary to make the payments. The amount required to be levied may be reduced by any other available amounts contained in a special fund dedicated to payment of the loan obligation.

Subd. 5. [RECEIPTS.] The principal and interest in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purpose of that fund.

Sec. 10. [GENERAL POWERS OF THE AUTHORITY.]

Subdivision 1. For the purpose of exercising the specific powers granted in section 6 and effectuating the other purposes of this article, the authority shall have the general powers granted in this section.

Subd. 2. It may sue and be sued.

Subd. 3. It may have a seal and alter the same at will.

Subd. 4. It may make, and from time to time, amend and repeal rules and temporary rules not inconsistent with this article.

Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.

Subd. 6. 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. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where the acquisition is necessary or appropriate to protect any loan in which the authority has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.

Subd. 8. It may sell, at public or private sale, any note, mortgage or other instrument or obligation evidencing or securing a loan.

Subd. 9. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.

Subd. 10. It may consent, whenever 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 loan, loan commitment, contract or agreement of any kind to which the authority is a party.

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with provisions of this act.

Subd. 12. Financial information, including but not limited to credit re-

ports, financial statements and net worth calculations, received or prepared by the agency regarding any partnership loan or loan guarantee is private data on individuals, pursuant to section 13.02, subdivision 12.

Sec. 11. [APPROPRIATION.]

\$. is appropriated from the general fund to the authority to be deposited in the energy loan guarantee fund pursuant to section 10.

Sec. 12. [APPROPRIATION.]

\$. is appropriated to the authority from the state building fund for the purpose of making loans to municipalities pursuant to section 11.

Sec. 13. [BOND SALE.]

To provide the funds appropriated by section 11, the commissioner of finance shall issue and sell the bonds authorized by and as provided in Laws 1981, chapter 334, section 12.

ARTICLE 5

HOUSING FINANCE AGENCY

Section 1. Minnesota Statutes 1982, section 462A.02, subdivision 10, is amended to read:

Subd. 10. It is further declared that supplies of conventional energy resources are rapidly depleting in quantity and rising in price and that the burden of these occurrences falls heavily upon the citizens of Minnesota generally and persons of low and moderate income in particular. These conditions are adverse to the health, welfare, and safety of all of the citizens of this state. It is further declared that it is a public purpose to ensure the availability of financing to be used by low and moderate income people all citizens of the state to install in their dwellings reasonably priced energy conserving systems using including the use of alternative energy resources and equipment so that by the improvement of the energy efficiency of all housing, the adequacy of the total energy supply may be preserved for the benefit of all citizens.

Sec. 2. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 14b. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participating in the making, of loans to persons and families, without limitations relating to the maximum incomes of the borrowers, to assist in energy conservation rehabilitation measures for existing housing owned by those persons or families including, but not limited to: weatherstripping and caulking, chimney construction or improvement, furnace or space heater repair, cleaning or replacement, insulation, storm windows and doors, and structural or other directly related repairs essential for energy conservation. Loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 3. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 23. The agency may participate in loans or establish a fund to insure loans, or portions of loans, which are made by any banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in this state, to owners of renter occupied homes or apartments which do not comply with standards set forth in section 116J.27, subdivision 3, without limitations relating to the maximum incomes of the owners or tenants. The proceeds of the insured portion of the loan must be used to pay the costs of improvements, including all related structural and other improvements, which will reduce energy consumption.

Sec. 4. Minnesota Statutes 1982, section 462A.21, is amended by adding a subdivision to read:

Subd. 4j. It may expend money for the purposes of section 462A.04, subdivision 23, and may pay the costs and expenses for the development and operation of the program.

Sec. 5. [462A.27] [RULES.]

The agency may adopt temporary and permanent rules necessary for the efficient administration of sections 15 to 18. The rules authorized under this section may be adopted without complying with the administrative procedures act contained in chapter 14.

Sec. 6. [462A.072] [PROVISION OF FINANCIAL EXPERTISE TO OTHER AGENCIES.]

Upon request of the commissioner of energy, the director shall provide financial management assistance to the energy authority. Reimbursement for these services shall be at a reasonable rate established by negotiation between the director and the commissioner of energy.

Sec. 7. [COST CEILING AND COMPLEMENT.]

The spending limit of the Minnesota housing finance agency for general administration is increased by \$350,000 for both fiscal years 1984 and 1985.

The authorized complement of the Minnesota housing finance agency is increased by three."

Delete the title and insert:

"A bill for an act relating to energy; providing for omnibus energy measures; creating a department of energy; transferring energy related duties; creating an energy coordination board; creating an intervention office; creating an energy authority; authorizing the Minnesota housing finance agency to participate in energy projects; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; 116J.10; 462A.02, subdivision 10; 462A.05, by adding subdivisions; and 462A.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116H; 216A; 216B; and 462A; repealing Minnesota Statutes 1982, section 116J.28."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 560, 494, 714, 854, 534, 676, 287, 611, 238, 411, 652, 108,

609, 844, 708 and 392 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 413, 468, 330, 561 and 30 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that the name of Mr. Johnson, D.E. be added as a co-author to S.F. No. 392. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 572. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 617. The motion prevailed.

Mr. Johnson, D.E. moved that the name of Mr. Knutson be added as a co-author to S.F. No. 647. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 673. The motion prevailed.

Mr. Novak moved that the name of Mr. Freeman be added as a co-author to S.F. No. 750. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Nelson be added as a co-author to S.F. No. 807. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Ulland and Ramstad be added as co-authors to S.F. No. 856. The motion prevailed.

Mr. Ulland moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 894. The motion prevailed.

Mr. Solon moved that the names of Messrs. Merriam and Dicklich be added as co-authors to S.F. No. 909. The motion prevailed.

Mr. Merriam moved that the name of Mr. Lessard be added as a co-author to S.F. No. 932. The motion prevailed.

Mr. Luther moved that the names of Messrs. Wegscheid, Dahl and Merriam be added as co-authors to S.F. No. 934. The motion prevailed.

Mr. Nelson moved that the name of Mr. Merriam be added as a co-author to S.F. No. 937. The motion prevailed.

Mr. Nelson moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 942. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Dahl be added as a co-author to S.F. No. 957. The motion prevailed.

Mr. Waldorf moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 962. The motion prevailed.

Mr. Luther moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 966. The motion prevailed.

Mr. Bernhagen moved that his name be stricken as a co-author to S.F. No. 967. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Benson be added as a co-author to S.F. No. 967. The motion prevailed.

Mr. Nelson moved that the names of Messrs. Moe, R.D.; Waldorf and Taylor be added as co-authors to S.F. No. 944. The motion prevailed.

Mr. Renneke moved that the name of Mr. Merriam be added as a co-author to S.F. No. 301. The motion prevailed.

Mr. Pehler moved that S.F. No. 700 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Kroening moved that S.F. No. 889 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

Mr. Chmielewski introduced—

Senate Resolution No. 38: A Senate resolution congratulating the Bombers boys basketball team from Barnum High School for winning the 1983 Class A State High School Boys Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 39: A Senate resolution congratulating the girl's gymnastic team from Robbinsdale Armstrong High School for winning the 1983 Class AA State High School Girl's Gymnastic Championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 40: A Senate resolution congratulating the Falcons boys basketball team from Robbinsdale Armstrong High School for winning the 1983 Lake North Conference Championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 41: A Senate resolution congratulating the Wayzata hockey team for winning the 1983 Lake North Conference Championship.

Referred to the Committee on Rules and Administration.

Mr. Renneke introduced—

Senate Resolution No. 42: A Senate resolution congratulating the Tigers girls basketball team from Henderson High School for winning the 1983 Class A State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. DeCramer introduced—

Senate Resolution No. 43: A Senate resolution congratulating the Cardinals boys' basketball team from Luverne High School for winning second place in the 1983 Class A State High School Boys' Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Novak introduced—

Senate Resolution No. 44: A Senate resolution extending congratulations to the Mounds View Boys' Swimming Team for winning the 1983 State High School Swimming Championship.

Referred to the Committee on Rules and Administration.

S.F. No. 15 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 15

A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

March 23, 1983

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 15, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 15 be further amended as follows:

Page 2, line 4, delete "*all members and chairmen*" and insert "*the member*"

Page 2, line 5, delete "*their successors are*"

Page 2, line 6, delete "*appointed and qualified*" and insert "*the governor appoints 16 council members, one from each of the newly drawn council districts as provided under section 3, to serve terms as provided under this section*"

Page 2, line 9, before "*The*" insert "*(a)*"

Page 2, line 10, strike "*sixteen*" and insert "*16*"

Page 2, line 13, strike "the area composing"

Page 11, after line 7, insert:

"(b) In addition to the notice required by section 15.0597, subdivision 4, notice of vacancies and expiration of terms shall be published in newspapers of general circulation in the metropolitan area and the appropriate districts."

Page 11, line 13, delete everything after the period

Page 11, delete lines 14 and 15

Page 11, line 16, delete everything before "Redistricting"

Page 11, line 17, delete "of each"

Page 11, line 18, delete "decade"

Page 14, line 30, after the semicolon insert "and"

Page 16, line 27, before "Each" insert "(a)"

Page 16, line 29, strike "eight members" and insert "metropolitan council"

Page 16, line 29, strike "be appointed by the"

Page 16, line 30, strike "metropolitan council" and insert "appoint the eight members on a nonpartisan basis after consultation with the members of the legislature from the commission district for which the member is to be appointed"

Page 16, line 30, after the period insert:

"Appointments are subject to the advice and consent of the senate."

(b) Following the submission of commission member applications to the metropolitan council as provided under section 15.0597, subdivision 5, the council shall conduct one or more public hearings on the matter of the appointments for the commission districts to accept statements from persons who have applied for appointment and to allow consultation with and secure the advice of the public."

Page 16, line 30, before "One" insert

"(c)"

Page 17, line 1, delete "6" and insert "5"

Page 17, line 3, strike "5 and" and reinstate the stricken "6"

Page 17, line 3, delete "12" and insert "and 10"

Page 17, line 7, delete "10" and strike "and"

Page 17, line 7, after "11" insert "and 12"

Page 18, line 3, before "A" insert "A chairman shall continue to serve until a successor is appointed and qualified."

Page 18, line 3, delete "or chairman"

Page 18, line 6, delete "all members and chairmen" and insert "the

member''

Page 18, line 7, delete *''their successors are appointed and''*

Page 18, line 8, delete *''qualified''* and insert *''the metropolitan council appointed pursuant to section 3 appoints eight commission members as provided under section 473.141, subdivision 2, to serve terms as provided under this section''*

Page 19, line 5, strike *''eight members''* and insert *''metropolitan council''*

Page 19, line 5, strike *''be appointed by the''*

Page 19, line 6, strike *''council''* and insert *''appoint the eight members on a nonpartisan basis''*

Page 19, line 13, delete *''6''* and insert *''5''*

Page 19, line 15, strike *''5 and''* and reinstate the stricken *''6''*

Page 19, line 15, delete *''12''* and insert *''and 10''*

Page 19, line 19, strike *''and''*

Page 19, line 19, after *''11''* insert *''and 12''*

Page 19, after line 23, insert:

''Sec. 10. Minnesota Statutes 1982, section 473.303, subdivision 3, is amended to read:

Subd. 3. [CHAIRMAN.] The chairman of the commission shall be appointed by the council and shall be the ninth member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. ~~The commission chairman shall serve at the pleasure of the council for a four year term.~~ The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.'

Page 20, line 12, before *''A''* insert *''The chairman shall continue to serve until a successor is appointed and qualified.''*

Page 20, line 12, delete *''or chairman''*

Page 20, line 15, delete *''all members and the chairman''* and insert *''the member''*

Page 20, line 16, delete *''their successors are appointed and''*

Page 20, line 17, delete *''qualified''* and insert *''the metropolitan council appointed pursuant to section 3 appoints eight commission members as provided under section 473.303, subdivision 2, to serve terms as provided under this section''*

Page 20, line 35, after *''members''* insert *''except the chairman''*

Page 21, line 1, delete *''all''* and insert *''the''*

Page 21, line 5, after *''members''* insert *''except the chairmen''*

Page 21, line 5, after *“serving”* insert *“prior to the effective date of this act”*

Page 21, line 7, delete *“all”* and insert *“the”*

Page 21, line 9, after *“appoints”* insert *“eight”*

Page 21, line 10, delete *“5”* and insert *“473.141, subdivision 2,”*

Page 21, line 12, after *“members”* insert *“except the chairman”*

Page 21, line 12, after *“serving”* insert *“prior to the effective date of this act”*

Page 21, line 15, delete *“all”* and insert *“the”*

Page 21, line 17, after *“appoints”* insert *“eight”*

Page 21, line 17, delete *“9”* and insert *“473.303, subdivision 2,”*

Page 21, line 18, delete *“11”* and insert *“12”*

Page 21, line 23, delete *“14”* and insert *“15”*

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 7, delete *“metropolitan”*

Page 1, line 17, after the first comma insert *“3,”*

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Robert J. Schmitz, William P. Luther, Carl W. Kroening

House Conferees: (Signed) Thomas C. Osthoff, James P. Metzen, Kathleen Blatz

Mr. Schmitz moved that the foregoing recommendations and Conference Committee Report on S.F. No. 15 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. 15 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 38 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Langseth	Peterson, C.C.	Solon
Belanger	Diessner	Lantry	Peterson, D.C.	Spear
Berglin	Dieterich	Lessard	Peterson, R.W.	Stumpf
Bertram	Frank	Luther	Petty	Vega
Chmielewski	Freeman	Moe, D.M.	Pogemiller	Waldorf
Dahl	Hughes	Moe, R.D.	Purfeerst	Wegscheid
Davis	Johnson, D.J.	Novak	Reichgott	
DeCramer	Kroening	Pehler	Schmitz	

Those who voted in the negative were:

Benson	Frederickson	Knutson	Merriam	Sieloff
Berg	Isackson	Kronebusch	Olson	Storm
Bernhagen	Johnson, D.E.	Laidig	Peterson, D.L.	Taylor
Brataas	Kamrath	McQuaid	Ramstad	Ulland
Frederick	Knaak	Mehrkens	Renneke	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

CALENDAR

S.F. No. 428: A bill for an act relating to state government; extending the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.9223, subdivision 1; 4.31, subdivision 5; 11A.08, subdivision 4; 15.059, subdivision 5; 16.02, subdivision 28; 16.872, subdivision 3; 21.112, subdivision 2; 41.54, subdivision 2; 52.062, subdivisions 1 and 2; 115A.12, subdivision 1; 121.938; 123.581, subdivision 1; 126.531; 145.919; 145.93, subdivision 3; 145.98, subdivision 1; 148.191, subdivision 2; 152.02, subdivision 13; 155A.06, subdivision 5; 156A.06, subdivision 1; 161.1419, by adding a subdivision; 198.055, by adding a subdivision; 241.64; 241.71; 246.017, subdivision 2; 256B.58; 268.12, subdivision 6; and 507.09; Laws 1975, chapter 235, section 2; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 16.91; 16.853; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 52.061; 52.062, subdivision 3; 82.30; 84.524; 86A.10; 115A.12, subdivision 2; 116J.04; 121.934; 123.581, subdivisions 2, 3, 4, 5, and 7; 124.215; 128A.03; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 152.02, subdivision 11; 184.23; 214.14; 222.65; 245.84, subdivision 4; and 363.04, subdivisions 4, 4a, 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 49 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Pehler	Solon
Belanger	Dicklich	Kronebusch	Peterson, C.C.	Spear
Berg	Diessner	Laidig	Peterson, R.W.	Storm
Berglin	Dieterich	Lantry	Petty	Stumpf
Bernhagen	Frank	Lessard	Pogemiller	Taylor
Bertram	Freeman	Luther	Purfeerst	Ulland
Brataas	Hughes	McQuaid	Ramstad	Vega
Chmielewski	Johnson, D.E.	Moe, D.M.	Reichgott	Waldorf
Dahl	Johnson, D.J.	Moe, R.D.	Schmitz	Wegscheid
Davis	Knaak	Novak	Sieloff	

Those who voted in the negative were:

Benson	Frederickson	Kamrath	Mehrkens	Peterson, D.L.
Frederick	Isackson	Knutson	Merriam	Renneke

So the bill passed and its title was agreed to.

S.F. No. 278: A bill for an act relating to Hennepin County; providing for

financing of motor vehicle parking facilities; authorizing the issuance of general obligation or revenue bonds of the county; authorizing the construction of one off-street parking facility within the city of Minneapolis; amending Laws 1969, chapter 1037, section 1, 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Schmitz
Anderson	Diessner	Kroening	Olson	Sieloff
Belanger	Dieterich	Kronebusch	Pehler	Solon
Benson	Frank	Laidig	Peterson, C.C.	Spear
Berg	Frederick	Langseth	Peterson, D.C.	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Davis	Knaak	Moe, D.M.	Reichgott	
DeCramer	Knutson	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 240: A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 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 56 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Solon
Anderson	Diessner	Laidig	Peterson, C.C.	Spear
Belanger	Dieterich	Langseth	Peterson, D.C.	Storm
Benson	Frank	Lantry	Peterson, D.L.	Stumpf
Berg	Frederick	Lessard	Peterson, R.W.	Taylor
Berglin	Frederickson	Luther	Petty	Ulland
Bernhagen	Hughes	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrkens	Purfeerst	Wegscheid
Brataas	Johnson, D.E.	Merriam	Ramstad	
Dahl	Johnson, D.J.	Moe, D.M.	Reichgott	
Davis	Knaak	Moe, R.D.	Samuelson	
DeCramer	Knutson	Olson	Schmitz	

Those who voted in the negative were:

Chmielewski	Kroening	Renneke	Sieloff	Waldorf
Kamrath				

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 236: A bill for an act relating to occupations and professions;

regulating physicians attending the graduate school of the Mayo Foundation; amending Minnesota Statutes 1982, section 147.20.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 427: A bill for an act relating to safety glazing material; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivisions 3 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 298: A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, 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:

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrrens	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R.D.	Renneke	

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. Dieterich, Hughes, DeCramer and Storm introduced—

S.F. No. 977: A bill for an act relating to animals; providing for the humane treatment and welfare of animals; authorizing counties and cities to support local humane societies; imposing penalties; appropriating money; amending Minnesota Statutes 1982, section 343.11; proposing new law coded in Minnesota Statutes, chapter 346.

Referred to the Committee on Veterans and General Legislation.

Mr. Davis introduced—

S.F. No. 978: A bill for an act relating to education; modifying the determination of a teacher's seniority in certain cases; amending Minnesota Statutes 1982, section 125.12, subdivision 6b.

Referred to the Committee on Education.

Messrs. Ramstad, Taylor and Mrs. Brataas introduced—

S.F. No. 979: A bill for an act relating to unemployment compensation; regulating benefit eligibility; amending Minnesota Statutes 1982, section 268.07, subdivision 3.

Referred to the Committee on Employment.

Messrs. Frederickson, Davis, Berg, Renneke and Chmielewski introduced—

S.F. No. 980: A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 981: A bill for an act relating to Independent School District No. 694; authorizing a transfer of moneys to the district's general fund from other district funds.

Referred to the Committee on Education.

Mr. Spear, Meses. Berglin; Peterson, D.C.; and Mr. Peterson, R.W. introduced—

S.F. No. 982: A bill for an act relating to tenants; providing protected status to certain senior citizens and disabled tenants when a building is converted to a condominium; proposing new law coded as Minnesota Statutes, chapter 515B.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W.; Sieloff and Merriam introduced—

S.F. No. 983: A bill for an act relating to administrative procedure; providing procedures for the adoption of administrative rules and the determination of administrative disputes; providing for publication of administrative rules and disposition of administrative appeals; enacting the model administrative procedure act; proposing new law coded as chapter 15B; repealing Minnesota Statutes 1982, sections 14.01 to 14.70.

Referred to the Committee on Governmental Operations.

Mr. Taylor introduced—

S.F. No. 984: A bill for an act relating to taxation; authorizing cities to impose taxes on the gross receipts from the furnishing of certain lodging; proposing new law coded in Minnesota Statutes, chapter 477A.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam, Lessard and Peterson, C.C. introduced—

S.F. No. 985: A bill for an act relating to game and fish; penalty for taking or illegally possessing big game during the closed season; shining of wild animals; amending Minnesota Statutes 1982, sections 97.55, subdivision 9; and 100.29, subdivision 10.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Dahl, Knaak and Taylor introduced—

S.F. No. 986: A bill for an act relating to crimes; prohibiting promotion of minors to engage in sexual performance; prohibiting dissemination and possession of works depicting minors in sexual performance; providing penalties; amending Minnesota Statutes 1982, sections 617.246; 617.247, subdivision 4; repealing Minnesota Statutes 1982, section 617.247, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Merriam, Willet and Ulland introduced—

S.F. No. 987: A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.643; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.646; and 88.649.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ramstad, by request, introduced—

S.F. No. 988: A bill for an act relating to intoxicating liquor; authorizing the city of Minnetonka to issue three additional on-sale licenses.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Peterson, R.W.; Merriam and Sieloff introduced—

S.F. No. 989: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8; 13.03, subdivisions 2, 3, and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.43, subdivision 2; 13.44; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 990: A bill for an act relating to the environment; transferring the functions of the environmental quality board under the environmental coordination procedures act to the commissioner of energy, planning and development and the business licensing bureau; amending Minnesota Statutes 1982, sections 116C.24, subdivision 3, and by adding a subdivision; 116C.25; 116C.32; 116C.33, subdivision 2; and 116C.34.

Referred to the Committee on Governmental Operations.

Messrs. Merriam and Lessard introduced—

S.F. No. 991: A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring rules by the commissioner of natural resources; providing for local ordinances; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle account in the state treasury; appropriating funds; amending Minnesota Statutes 1982, section 84.90, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 84.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dieterich and Ms. Berglin introduced—

S.F. No. 992: A bill for an act relating to welfare; requiring parents of children on probation or parole to pay the costs of foster care; providing for payment of costs of care for emotionally handicapped children; amending Minnesota Statutes 1982, sections 242.19, subdivision 2; 252.27, subdivision 1; and 260.251, subdivision 1; and proposing new law coded in chapter 260.

Referred to the Committee on Health and Human Services.

Messrs. Davis, Merriam and Willet introduced—

S.F. No. 993: A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski, Ulland, Samuelson, Ms. Berglin and Mr. Solon introduced—

S.F. No. 994: A bill for an act relating to public welfare; appropriating money for chemical dependency programs for Indians.

Referred to the Committee on Health and Human Services.

Mr. Wegscheid introduced—

S.F. No. 995: A bill for an act relating to education; extending the time permitting a school district to transfer funds from its capital fund to its general fund; amending Laws 1982, chapter 548, article IV, section 21.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 996: A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; proposing new law coded in Minnesota Statutes, chapter 47.

Referred to the Committee on Economic Development and Commerce.

Messrs. Dicklich, Purfeerst, Storm and Solon introduced—

S.F. No. 997: A bill for an act relating to health; prohibiting sales of hearing aids upon prescription or recommendation of certain persons employed or in a business relationship with a seller of hearing aids; providing penalties and remedies; proposing new law coded in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 1982, sections 145.43; 145.44; and 145.45.

Referred to the Committee on Health and Human Services.

Messrs. Solon, Dicklich, Samuelson and Knutson introduced—

S.F. No. 998: A bill for an act relating to public welfare; establishing limits on payments to vendors of services in the medical assistance program; amending Minnesota Statutes 1982, section 256.967.

Referred to the Committee on Health and Human Services.

Messrs. Petty, Diessner, Ms. Berglin, Mrs. Lantry and Mr. Samuelson introduced—

S.F. No. 999: A bill for an act relating to public welfare; establishing a medical assistance prepayment demonstration project; appropriating money; proposing new law coded in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Messrs. Diessner and Laidig introduced—

S.F. No. 1000: A bill for an act relating to local improvements; permitting counties to assess for highway improvements within cities; amending Minnesota Statutes 1982, section 429.011, subdivision 2a.

Referred to the Committee on Transportation.

Messrs. Peterson, C.C. and Spear introduced—

S.F. No. 1001: A bill for an act relating to retirement; election of Minneapolis employees retirement fund; investment policies; expansion of disability benefits of employees; amending Minnesota Statutes 1982, sections 422A.05, subdivision 1, and by adding a subdivision; 422A.06, subdivision 7; 422A.101, subdivisions 1, 1a, and 2; 422A.18, subdivision 3; 422A.23, subdivision 2; and 422A.26; repealing Minnesota Statutes 1982, section 422A.05, subdivision 7.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 1002: A bill for an act relating to appropriations; directing utilization of the balance of a prior appropriation to provide a public access fishing pier and observation site in Duluth.

Referred to the Committee on Finance.

Mr. Petty and Ms. Berglin introduced—

S.F. No. 1003: A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Mr. Ulland introduced—

S.F. No. 1004: A bill for an act relating to meetings of governing bodies; providing for indemnification of certain violations of the open meeting law;

providing exceptions to the requirement of open meetings; amending Minnesota Statutes 1982, section 471.705, subdivisions 1a and 2.

Referred to the Committee on Governmental Operations.

Ms. Peterson, D.C. and Mrs. Brataas introduced—

S.F. No. 1005: A bill for an act relating to housing; clarifying the limitations that apply to revenue bonds or other obligations for multifamily housing developments and health care facilities; amending Minnesota Statutes 1982, section 462C.05, subdivision 7.

Referred to the Committee on Energy and Housing.

Mr. Wegscheid introduced—

S.F. No. 1006: A bill for an act relating to waste disposal; providing for a co-composting study; appropriating money; amending Minnesota Statutes 1982, section 473.153, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Freeman, Luther, Spear, Ms. Reichgott and Mr. Knaak introduced—

S.F. No. 1007: A bill for an act relating to courts; permitting the establishment of compulsory nonbinding arbitration programs for use in civil proceedings; proposing new law coded in Minnesota Statutes, chapter 484.

Referred to the Committee on Judiciary.

Messrs. Freeman, Luther and Ms. Reichgott introduced—

S.F. No. 1008: A bill for an act relating to courts; authorizing the appointment of court referees; removing term of office restrictions for district court judges assigned to the family court division of the fourth judicial district; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdivisions 1, 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 260.019, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Novak and Purfeerst introduced—

S.F. No. 1009: A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification

stamps; regulating local cartage carriers; delaying transfer of duties, functions, and powers from the public utilities commission to the board until established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

Referred to the Committee on Transportation.

Messrs. DeCramer and Storm introduced—

S.F. No. 1010: A resolution memorializing the President and Congress of the United States to provide service-connected disability compensation for former members of the military forces who were exposed in Vietnam to toxic herbicides, chemicals, medications, and other environmental hazards and conditions.

Referred to the Committee on Veterans and General Legislation.

Mr. Chmielewski introduced—

S.F. No. 1011: A bill for an act relating to unemployment compensation; providing for conformity with federal law; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; amending Minnesota Statutes 1982, sections 268.04, subdivisions 12, 17, 25, 26, 29, and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivision 2; 268.071, subdivision 3; 268.08, subdivision 3, and by adding a subdivision; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 268.06, subdivision 32.

Referred to the Committee on Employment.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.

The hour of 3:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Johnson, D.J. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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 Mr. Hughes reported that the committee had considered the following:

S.F. No. 369, which the committee recommends to pass.

S.F. No. 87, which the committee recommends to pass with the following amendment offered by Mr. Petty:

Page 3, line 9, delete "*shall shift*" and insert "*shifts*"

Page 4, lines 23 and 24, 25, 27, 30, and 33, delete "*his or her*" and insert "*the child's*"

Page 4, line 31, delete "*him or her*" and insert "*the child*"

Page 5, line 12, delete "*any*" and insert "*a*"

Page 5, line 13, delete "*any*" and insert "*an*"

Page 5, line 17, delete "*525.6155 to 515.6165*" and insert "*525.615 to 525.6185*"

Page 8, line 2, delete "*shall*" and insert "*does*" and delete "*be construed to*"

Page 8, line 4, delete "*any*"

Page 9, line 24, delete "*any*" and insert "*an*" and delete "*clause*" and insert "*paragraph*"

Page 10, line 20, delete "*such other*" and insert "*another*" and delete "*as*"

Page 10, line 35, delete "*any*" and insert "*a*"

The motion prevailed. So the amendment was adopted.

S.F. No. 218, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 5, line 26, before "*preceding*" insert "*immediately*"

Page 6, line 35, after "*filed*" insert "*immediately*"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on H.F. No. 371. The Sergeant at Arms was instructed to bring in the absent members.

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 has adopted the recommendation and report of the Conference Committee on Senate File No. 15, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 15: A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; re-drawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metropolitan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

Senate File No. 15 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1983

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. 371, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 371 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1983

CONFERENCE COMMITTEE REPORT ON H.F. NO. 371

A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the addition of designated routes in the trunk highway system; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; proposing new law coded in Minnesota Statutes, chapters 162 and 169; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 296.01, subdivision 24; 296.02; 296.14, subdivision 2; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1.

March 29, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes

President of the Senate

We, the undersigned conferees for H.F. No. 371, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 371 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 161.081, is amended to read:

161.081 [HIGHWAY USER TAX, DISTRIBUTION OF PORTION OF PROCEEDS.]

Pursuant to article 14, section 5, of the constitution, five percent of the net highway user tax distribution fund is set aside, and apportioned as follows:

- (1) ~~60~~ 51 percent to the trunk highway fund;
- (2) ~~34~~ 41 percent to a separate account in the county state-aid highway fund to be known as the county turnback account, which account in the state treasury is hereby created;
- (3) ~~9~~ 8 percent to a separate account in the municipal state-aid street fund to be known as the municipal turnback account, which account in the state treasury is hereby created.

Sec. 2. Minnesota Statutes 1982, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. An amount equal to ~~32~~ 20 percent of the county turnback account ~~shall~~ must be expended, within counties having two or more towns, on town road bridge structures that are 10 feet or more in length and on town road culverts that replace existing town road bridges. The expenditures on such bridge structures and culverts may be on a matching basis, and if on a matching basis, not more than 90 percent of the cost of ~~any such~~ a bridge structure ~~shall~~ or culvert may be paid from the county turnback account.

An amount equal to 37 percent of the county turnback account must be set aside as a town road account and distributed as provided in section 3.

Sec. 3. [162.081] [TOWN ROAD ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED.] *A town road account is created in the county state-aid highway fund, consisting of 37 percent of the county turnback account as provided in section 161.082.*

Subd. 2. [FORMULA.] *Funds in the town road account must be apportioned to each county so that each county receives the percentage that the total miles of town road in the county bears to the total miles of town roads in the state.*

Subd. 3. [APPORTIONMENT.] *When the commissioner determines the amount of money to be apportioned to each county under section 162.07, he shall also determine the amounts in the town road account to be apportioned under subdivision 2. The apportionment under subdivision 2 must be included in the statement sent to the commissioner of finance and the county auditor and county engineer of each county under section 162.08, subdivi-*

sion 2. *The amounts so apportioned and allocated to each county from the town road account must be paid by the state to the treasurer of each county at the same time that payments are made under section 162.08, subdivision 2.*

Subd. 4. [PURPOSES.] Money apportioned to a county from the town road account must be distributed to the treasurer of each town within the county, according to a distribution formula adopted by the county board. The formula must take into account each town's levy for road and bridge purposes, its population and town road mileage, and other factors as the county board deems advisable in the interests of achieving equity among the towns. Distribution of town road funds to the treasurer of the towns must be made within 30 days of the receipt of the funds by the county treasurer. Distribution of funds to town treasurers in a county which has not adopted a distribution formula under this subdivision must be made according to a formula prescribed by the commissioner by rule. A formula adopted by a county board or by the commissioner must provide that a town, in order to be eligible for distribution of funds from the town road account in a calendar year, must have levied in the previous year for road and bridge purposes at least two mills on the dollar of the assessed value of the town.

Money distributed to a town under this subdivision may be expended by the town only for the construction and reconstruction of town roads within the town.

Sec. 4. Minnesota Statutes 1982, section 167.50, subdivision 2, is amended to read:

Subd. 2. The bonds shall be issued and sold upon sealed bids after two weeks' published notice. They shall mature serially over a term not exceeding 20 years from their respective dates of issue; *and shall not be sold for less than par and accrued interest; and shall not bear interest at a greater rate than five percent per annum.* Subject to the foregoing limitations, and subject to any other limitations stated in the acts authorizing the bonds and appropriating the proceeds thereof, but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62, the bonds shall be issued and sold in the number of series, at times, in the form and denominations, bearing interest at the rate or rates, maturing on dates, either without option of prior redemption or subject to prepayment upon notice and at the times and prices, payable at the bank or banks, within or without the state, with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further regulations, as the commissioner of finance may determine. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signature of one of these officers on the face of any bond, and their seals, and the signatures of both officers on the interest coupons appurtenant to any bond, may be printed, lithographed, stamped, or engraved thereon.

Sec. 5. [169.833] [ADDITION OF TRUNK HIGHWAYS TO DESIGNATED ROUTE SYSTEM.]

Subdivision 1. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway routes to be added to the system of routes designated under section 169.832. The commissioner shall consult

with representatives of the trucking, shipping, and agricultural industries and local authorities in developing the list. A route shall be added to the designated route system after completion of road improvements that provide road strength adequate to carry the permissible weights under section 169.825 or when the commissioner otherwise determines that designation of a route is reasonable.

Subd. 2. [FUNDING OF ADDITIONS TO THE SYSTEM.] *On July 1 of each year the commissioner of finance shall certify to the commissioner the estimated increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 7. The commissioner shall expend 15 percent of the increase in revenue to the trunk highway fund resulting from the increase in the gasoline and special fuel excise tax under section 7 and 15 percent of future increases in gasoline and special fuel excise tax revenues to the trunk highway fund for the purposes of subdivision 1. In the event that actual expenditures during any fiscal year are less or greater than 15 percent when compared to actual revenue the commissioner shall adjust his expenditures for the purpose of subdivision 1 for the following years in order to achieve compliance with this subdivision.*

Sec. 6. Minnesota Statutes 1982, section 296.01, subdivision 24, is amended to read:

Subd. 24. [AGRICULTURAL ALCOHOL GASOLINE.] “Agricultural alcohol gasoline” means a gasoline blend at least ten percent of which is ~~agricultural~~ *agriculturally derived fermentation ethyl alcohol of at least 190 proof of a purity of at least 99 percent, determined without regard to any added denaturants, denatured in conformity with one of the approved methods set forth by the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, and derived from agricultural or forest products or other renewable resources, distilled in the United States and derived from agricultural products produced in the United States.*

Sec. 7. Minnesota Statutes 1982, section 296.02, is amended to read:

296.02 [GASOLINE, EXCISE TAX.]

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] ~~There is hereby imposed an excise tax of 13 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. The tax is payable at the rate specified in subdivision 1b.~~

(a) Notwithstanding any other provision of law to the contrary, the tax imposed on special fuel sold by a qualified service station ~~shall~~ *may not exceed, or the tax on gasoline delivered to a qualified service station shall must be reduced to, a rate not more than 3 three cents per gallon above the state tax rate imposed on such products sold by a service station in a contiguous state located within the distance indicated in clause (b).*

(b) A “qualifying service station” means a service station located within 7.5 miles, measured by the shortest route by public road, from a service station selling like product in the contiguous state.

(c) A qualified service station shall be allowed a credit by the supplier or

distributor, or both, for the amount of reduction computed in accordance with clause (a).

A qualified service station, before receiving the credit, shall be registered with the commissioner of revenue.

Subd. 1a. [EXCEPTION.] The provisions of subdivision 1 do not apply to gasoline purchased by a transit system owned by one or more statutory or home rule charter cities or towns.

Subd. 1b. [RATES IMPOSED.] The gasoline excise tax is imposed at the following rates:

(a) For the period beginning on the first day of the month following the month of final enactment of this act, or on the first day of the second month following the month of final enactment of this act if the date of final enactment of this act is within 15 days of the end of the month, and ending December 31, 1983, gasoline is taxed at the rate of 16 cents per gallon.

(b) For the period on and after January 1, 1984, gasoline is taxed at the rate of 17 cents per gallon.

Subd. 2. [GASOLINE TAX IMPOSED FOR AVIATION USE.] Subject to the provisions of section 296.18, subdivision 4, there is hereby imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all aviation gasoline received, sold, stored, or withdrawn from storage in this state. This tax shall be payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 3. [EXCEPTION.] The provisions of subdivision 2 do not apply to aviation gasoline purchased and placed in the fuel tanks of an aircraft outside this state, even though such the gasoline may be consumed within this state.

Subd. 4. [TAX NOT ON CONSUMPTION.] The tax imposed by subdivision 2 is expressly declared not to be a tax upon consumption of aviation gasoline by an aircraft.

Subd. 6. [TAX IMPOSED FOR MARINE USE.] Subject to the provisions of section 296.18, subdivision 1, there is hereby imposed an excise tax, at the same rate per gallon as the gasoline excise tax, on all marine gasoline received, sold, stored, or withdrawn from storage in this state. This tax shall be payable at the times, in the manner, and by persons specified in sections 296.01 to 296.27.

Subd. 7. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE.] ~~The tax on gasoline imposed by subdivision 1 shall be reduced by four cents per gallon for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in this state from agricultural products produced in this state, and which is used in producing and generating power for propelling motor vehicles used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1. The reduction in gasoline taxes imposed by this subdivision shall expire on December 31, 1984. The tax on gasoline imposed by subdivision 1 shall be reduced by two cents per gallon beginning July 1, 1983, and continuing through June 30, 1985, and four~~

cents per gallon beginning July 1, 1985, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, which is blended by a distributor with alcohol distilled in the United States from agricultural products produced in the United States, and which is used on the public highways of this state. The tax imposed by this subdivision shall be payable at the same time, and collected in the same manner, as the tax imposed by subdivision 1.

Subd. 8. [TAX REDUCTION FOR AGRICULTURAL ALCOHOL GASOLINE SOLD IN BULK TO GOVERNMENT OR FOR SCHOOL TRANSPORTATION.] *The tax on gasoline imposed by subdivision 1 shall be reduced by eight cents per gallon beginning January 1, 1984, and continuing through June 30, 1992, for gasoline which is agricultural alcohol gasoline as defined in section 296.01, subdivision 24, meets the criteria established in subdivision 7, and is sold in bulk to the state, local units of government, or for use in the transportation of pupils to and from school or school-related events in school buses. This reduction is in lieu of the reductions provided in subdivision 7.*

Sec. 8. Minnesota Statutes 1982, section 296.14, subdivision 2, is amended to read:

Subd. 2. [CREDIT OR REFUND OF TAX PAID.] The commissioner shall allow the distributor credit or refund of the tax paid on gasoline and special fuel:

(1) Exported or sold for export from the state, other than in the supply tank of a motor vehicle or of an aircraft;

(2) Sold to the United States government or to any "cost plus a fixed fee" contractor employed by the United States government on any national defense project;

(3) Sold to another licensed distributor;

(4) Destroyed by accident while in the possession of the distributor;

(5) In error;

(6) *Sold for storage in an on-farm bulk storage tank, if the tax was not collected on the sale;*

(7) In such other cases as the commissioner may permit, not inconsistent with the provisions of this chapter and other laws relating to the gasoline and special fuel excise taxes.

Sec. 9. Minnesota Statutes 1982, section 296.18, is amended by adding a subdivision to read:

Subd. 3a. [PENALTY FOR ILLEGAL USE OF TAX-EXEMPT GASOLINE.] *A person who uses gasoline, delivered into an on-farm bulk storage tank and on which no tax has been collected, for propelling a motor vehicle on the public highways of this state is guilty of a misdemeanor.*

Sec. 10. Minnesota Statutes 1982, section 296.14, subdivision 4, is amended to read:

Subd. 4. [PAYMENT AND TRANSFER OF TAX ON GASOLINE SOLD FOR STORAGE IN ON-FARM BULK STORAGE AND ETHYL ALCOHOL

FOR PERSONAL USE.] Notwithstanding the provisions of this section, the producer of ethyl alcohol which is produced for personal use and not for sale in the usual course of business *and a farmer who uses gasoline on which a tax has not been paid* shall report and pay the tax on all ethyl alcohol *or gasoline* delivered into the supply tank of a licensed motor vehicle during the preceding calendar year. The tax shall be reported and paid together with the income tax return of the taxpayer. The commissioner of revenue shall transfer the amount collected in each calendar year to the highway user tax distribution fund by March 30 of the following taxable year. Any producer, qualifying under this subdivision, shall be exempt from the licensing requirements contained in section 296.01, subdivision 1.

Sec. 11. Minnesota Statutes 1982, section 297B.09, is amended to read:

297B.09 [ALLOCATION OF REVENUE.]

Subdivision 1. [GENERAL FUND SHARE.] ~~All moneys~~ Money collected and received under this chapter ~~shall~~ must be deposited in the state treasury and credited as follows:

(a) All of the proceeds collected before ~~June 30, 1983~~ July 1, 1985, ~~shall~~ must be credited to the general fund.

(b) Three-fourths of the proceeds collected after June 30, ~~1983~~ 1985, and before July 1, ~~1985~~ 1987, ~~shall~~ must be credited to the general fund.

(c) One-half of the proceeds collected after June 30, ~~1985~~ 1987, and before July 1, ~~1987~~ 1989, ~~shall~~ must be credited to the general fund.

(d) One-fourth of the proceeds collected after June 30, ~~1987~~ 1989, and before July 1, ~~1989~~ 1991, ~~shall~~ must be credited to the general fund.

(e) After June 30, ~~1989~~ 1991, none of the proceeds collected ~~shall~~ may be credited to the general fund.

Subd. 2. [HIGHWAY USER TAX DISTRIBUTION FUND AND TRANSIT ASSISTANCE FUND SHARE.] The proceeds collected under this chapter and not credited to the general fund ~~shall~~ must be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment in the following manner:

(a) None of the proceeds collected before ~~June 30, 1983~~ July 1, 1985, ~~shall~~ may be credited to either fund.

(b) 18.75 percent of the proceeds collected after June 30, ~~1983~~ 1985, and before July 1, ~~1985~~ 1987, ~~shall~~ must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 6.25 percent of the proceeds ~~shall~~ must be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(c) 37.5 percent of the proceeds collected after June 30, ~~1985~~ 1987, and before July 1, ~~1987~~ 1989, ~~shall~~ must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 12.5 percent of the proceeds ~~shall~~ must be credited to the transit assistance fund account to be

appropriated to the commissioner of transportation for transit assistance within the state.

(d) 56.25 percent of the proceeds collected after June 30, ~~1987~~ 1989, and before July 1, ~~1989~~ 1991, ~~shall~~ must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 18.75 percent of the proceeds ~~shall~~ must be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

(e) 75 percent of the proceeds collected after June 30, ~~1989~~ 1991, ~~shall~~ must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the proceeds ~~shall~~ must be credited to the transit assistance fund account to be appropriated to the commissioner of transportation for transit assistance within the state.

Sec. 12. [TRUNK HIGHWAY BONDS.]

The commissioner of finance is authorized and directed, on request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, sections 167.50 to 167.52 and of the Minnesota Constitution, article XI, sections 4 to 6, and article XIV, section 11, at the time and in the amounts requested by the commissioner of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$56,000,000.

Sec. 13. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount equal to two mills times the assessed value of all such property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

~~In any statutory or home rule charter city or town in the metropolitan transit taxing district which is receiving financial assistance under section 474.265,~~

the commission shall levy a tax equal to ten percent of the sum of levies provided for in clauses (a) to (e), plus a levy sufficient to yield the amounts of available local transit funds transferred pursuant to section 174.265 from the state assistance available to the commission, less any amount paid to the commission by the city or town under a contract for service entered into pursuant to subdivision 2.

Sec. 14. [HIGHWAY STUDY COMMISSION.]

Subdivision 1. [MEMBERSHIP.] A highway study commission is created to consist of five members of the house of representatives appointed by the speaker of the house, five members of the senate appointed by the senate committee on committees, and eight members appointed by the governor. Of the members appointed by the governor two must be county commissioners, two must be township supervisors, two must be mayors of cities over 5,000 population, two must be mayors of cities under 5,000 population and not more than one member may reside in any one congressional district. The commission shall select from its membership a chairman and other officers it deems necessary.

Subd. 2. [DUTIES OF COMMISSION.] The commission shall study:

(1) A functional classification of all roads in the state of Minnesota, using criteria established by the United States department of transportation and such other criteria as are deemed necessary by the commission. In classifying roads the commission shall make use of work already done by regional development commission and the metropolitan council.

(2) The existing jurisdiction of all roads in the state and their appropriate jurisdiction based on functional classification.

(3) The attitudes of local units of government toward changes in highway jurisdiction.

(4) Potential obstacles to transfers of highway jurisdiction, including transfers of support facilities and maintenance personnel.

(5) Changes in the constitutional distribution of highway user funds which may be required as a part of any transfer of jurisdiction.

(6) Existing and potential government structures to accomplish jurisdictional transfers on a continuing basis.

(7) Timetables for implementing any jurisdictional transfers.

Subd. 3. [REPORT.] The commission shall not later than January 15, 1985, submit a report to the legislature and the governor on the issues assigned to it for study, and shall cease to function after that date.

Subd. 4. [STAFF.] The commission shall utilize existing legislative staff and facilities. The department of transportation shall also provide staff and technical assistance to the commission.

Subd. 5. [EXPENSES.] The compensation of nonlegislator members, their removal from office, and the filling of vacancies is as provided in section 15.059, subdivisions 3 and 4. Members who are legislators shall be com-

pensated in the same manner as other legislative meetings.

Subd. 6. [APPROPRIATION.] There is appropriated from the general fund the sum of \$7,000 or so much thereof as is necessary to the legislative coordinating commission to pay compensation of nonlegislator members of the commission. This appropriation is available until January 15, 1985.

Sec. 15. [EFFECTIVE DATE.]

Sections 4, 12, and 13 are effective the day following final enactment. Sections 6 and 7 are effective on the first day of the month following the month of final enactment or on the first day of the second month following the month of final enactment if the date of final enactment is within 15 days of the end of the month, and applies to all gasoline in distributor storage on that effective date, except that the tax rate which becomes effective on January 1, 1984, applies to all gasoline in distributor storage on that date. Sections 5 and 11 are effective July 1, 1983. Sections 1 to 3 are effective on the effective date provided for sections 6 and 7 for apportionments made after that date."

Amend the title as follows:

"A bill for an act relating to transportation; making scheduled increases in taxes on gasoline and special fuel; delaying the effective date of changes in the disposition of the revenue from the motor vehicle excise tax; providing for the improvement of certain trunk highways; authorizing the issuance of trunk highway bonds; eliminating the authority of the metropolitan transit commission to levy a certain tax; creating a town road account in the county state-aid highway fund; providing for the apportionment of five percent of the net highway user tax distribution fund; repealing a limitation on interest rates for trunk highway bonds; creating a study commission; appropriating money; providing a penalty; amending Minnesota Statutes 1982, sections 161.081; 161.082, subdivision 2a; 167.50, subdivision 2; 296.01, subdivision 24; 296.02; 296.14, subdivisions 2 and 4; 296.18, by adding a subdivision; 297B.09; and 473.446, subdivision 1; proposing new law coded in Minnesota Statutes, chapters 162 and 169."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Bob Jensen, James I. Rice, Glen H. Anderson

Senate Conferees: (Signed) Clarence M. Purfeerst, Douglas J. Johnson, Collin C. Peterson, Steven G. Novak, Gene Waldorf

Mr. Purfeerst moved that the foregoing recommendations and Conference Committee Report on H.F. No. 371 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Frederick moved that the recommendations and Conference Committee Report on H.F. No. 371 be not adopted.

The question was taken on the adoption of the motion of Mr. Frederick.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Kamrath	Olson	Taylor
Anderson	Dieterich	Knaak	Peterson, D.L.	Ulland
Belanger	Frederick	Kronebusch	Ramstad	
Benson	Frederickson	Laidig	Renneke	
Berg	Isackson	McQuaid	Sieloff	
Bernhagen	Johnson, D.E.	Mehrkens	Storm	

Those who voted in the negative were:

Berglin	Frank	Luther	Peterson, D.C.	Solon
Bertram	Freeman	Merriam	Peterson, R.W.	Spear
Chmielewski	Hughes	Moe, D. M.	Petty	Stumpf
Dahl	Johnson, D.J.	Moe, R. D.	Pogemiller	Vega
Davis	Kroening	Nelson	Purfeerst	Waldorf
DeCramer	Langseth	Novak	Reichgott	Wegscheid
Dicklich	Lantry	Pehler	Samuelson	
Diessner	Lessard	Peterson, C.C.	Schmitz	

The motion did not prevail.

The question recurred on the motion of Mr. Purfeerst. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 371 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 38 and nays 27, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Luther	Peterson, D.C.	Solon
Chmielewski	Freeman	Merriam	Peterson, R.W.	Spear
Dahl	Hughes	Moe, D. M.	Petty	Stumpf
Davis	Johnson, D.J.	Moe, R. D.	Pogemiller	Vega
DeCramer	Kroening	Nelson	Purfeerst	Waldorf
Dicklich	Langseth	Novak	Reichgott	Wegscheid
Diessner	Lantry	Pehler	Samuelson	
Dieterich	Lessard	Peterson, C.C.	Schmitz	

Those who voted in the negative were:

Adkins	Bertram	Kamrath	Mehrkens	Storm
Anderson	Brataas	Knaak	Olson	Taylor
Belanger	Frederick	Knutson	Peterson, D.L.	Ulland
Benson	Frederickson	Kronebusch	Ramstad	
Berg	Isackson	Laidig	Renneke	
Bernhagen	Johnson, D.E.	McQuaid	Sieloff	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 4:00 p.m., Monday, April 4, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTIETH DAY

St. Paul, Minnesota, Monday, April 4, 1983

The Senate met at 4:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. John Donahue.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

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. Willet was excused from the Session of today. Mrs. McQuaid was excused from the Session of today until 4:40 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 29, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
	215	14	March 29	March 29
	46	Resolution No. 2	March 29	March 29

Sincerely,

Joan Anderson Growe
Secretary of State

March 30, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1983 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 1983	Date Filed 1983
	201	15	March 30	March 30

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. 73, 128, 269, 327 and 351.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1983

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. 107: A bill for an act relating to agriculture; providing for regulation of apiaries; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1982, sections 19.18 to 19.41.

Senate File No. 107 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1983

CONCURRENCE AND REPASSAGE

Mr. Samuelson moved that the Senate concur in the amendments by the House to S.F. No. 107 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 107 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Berg	Frank	Kronebusch	Pehler	Solon
Berglin	Frederick	Laidig	Peterson, C. C.	Spear
Bernhagen	Frederickson	Langseth	Peterson, D. C.	Storm
Bertram	Freeman	Lantry	Peterson, D. L.	Stumpf
Brataas	Hughes	Luther	Peterson, R. W.	Taylor
Chmielewski	Isackson	Mehrkens	Petty	Ulland
Dahl	Johnson, D.E.	Merriam	Purfeerst	Vega
Davis	Johnson, D.J.	Moe, D. M.	Ramstad	Waldorf
DeCramer	Jude	Moe, R. D.	Reichgott	Wegscheid

Messrs. Benson, Kamrath and Renneke 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. 50: A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

Senate File No. 50 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1983

CONCURRENCE AND REPASSAGE

Mr. Petty moved that the Senate concur in the amendments by the House to S.F. No. 50 and that the bill be placed on its repassage as amended. The

motion prevailed.

Mr. Petty moved that S.F. No. 50 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 House Files, herewith transmitted: H.F. Nos. 74, 132, 231, 277, 396, 114, 318, 459, 599, 149, 314, 325, 417, 441, 462, 523, 529, 530, 617, 694, 552, 597, 608, 609, 624, 638 and 653.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 74: A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

Referred to the Committee on Judiciary.

H.F. No. 132: A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 108, now on General Orders.

H.F. No. 231: A bill for an act relating to motor vehicles; increasing the time allowed to complete certain activities involving motor vehicle transfers to 21 days; amending Minnesota Statutes 1982, section 168.092, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 276, now on General Orders.

H.F. No. 277: A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter's relief association.

Referred to the Committee on Governmental Operations.

H.F. No. 396: A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

Referred to the Committee on Governmental Operations.

H.F. No. 114: A bill for an act relating to crimes; prohibiting promotion of minors to engage in sexual performance; prohibiting dissemination and possession of works depicting minors in sexual performance; providing penalties; amending Minnesota Statutes 1982, sections 609.342; 609.343; 609.344; 609.345; 609.364, subdivision 2; 609.3641, subdivision 2; 609.3642, subdivision 2; 609.3643, subdivision 2; 609.3644, subdivision

2; 617.241; 617.246; repealing Minnesota Statutes 1982, section 617.247.

Referred to the Committee on Judiciary.

H.F. No. 318: A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 and 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 219.

H.F. No. 459: A bill for an act relating to labor; providing for fair labor standards; defining "employee"; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes 1982, section 177.23, subdivision 7; amending Laws 1981, chapter 289, section 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 580, now on General Orders.

H.F. No. 599: A bill for an act relating to labor; regulating fair labor standards record keeping; changing the civil and criminal penalties on employers for violations of the record keeping and posting requirements of the fair labor standards act; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, subdivision 1.

Referred to the Committee on Employment.

H.F. No. 149: A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 314: A bill for an act relating to insurance: requiring certain disclosures in personal sales contacts; requiring direct deposit of premiums; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 325: A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.47, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Min-

nesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes, sections 508.41; 508.42; 508A.41; and 508A.42.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 630, now on General Orders.

H.F. No. 417: A bill for an act relating to advertising devices; authorizing produce vendors to locate a sign on farm homestead property; amending Minnesota Statutes 1982, section 173.08, subdivision 1.

Referred to the Committee on Transportation.

H.F. No. 441: A bill for an act relating to housing; increasing the maximum permissible return to certain mortgagors; increasing the maximum amount of housing finance agency rehabilitation loans; combining certain bonding categories; clarifying other housing finance agency duties and powers; modifying certain duties and powers of issuers of local housing revenue bonds; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 4, 9, 14a, 18, and by adding a subdivision; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b, and by adding a subdivision; 462A.22, subdivisions 1 and 5; and 462C.07, subdivision 1; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 324, now on General Orders.

H.F. No. 462: A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

Referred to the Committee on Local and Urban Government.

H.F. No. 523: A bill for an act relating to public utilities; defining scope of independent telephone companies accountable under chapter 237; amending Minnesota Statutes 1982, section 237.01, subdivision 3.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 529: A bill for an act relating to crimes; providing that acquittal or conviction of the crime of kidnapping does not bar conviction for any other crime committed during the time of the victim's confinement; amending Minnesota Statutes 1982, sections 609.035 and 609.25.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 528, now on General Orders.

H.F. No. 530: A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 549.

H.F. No. 617: A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment

facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 694: A bill for an act relating to Ramsey County; providing for the membership, terms, and procedures of the medical center commission; amending Minnesota Statutes 1982, section 383A.41, subdivisions 2, 3, and 4.

Referred to the Committee on Local and Urban Government.

H.F. No. 552: A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 560, now on General Orders.

H.F. No. 597: A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.29.

Referred to the Committee on Governmental Operations.

H.F. No. 608: A bill for an act relating to insurance; accident and health; exempting administrators of self insured health plans established by collective bargaining agreement from certain regulatory provisions; amending Minnesota Statutes 1982, section 60A.23, subdivision 8.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 609: A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.09, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 624: A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 509.

H.F. No. 638: A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 2, as amended.

Referred to the Committee on Governmental Operations.

H.F. No. 653: A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minne-

sota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; proposing new law coded in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

Referred to the Committee on Elections and Ethics.

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. 447. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 681: A bill for an act relating to taxation; increasing the fee for issuance of a petroleum products distributors license; increasing the fee for issuance of special fuel dealers or bulk purchasers licenses; increasing the fee for issuance of a motor carrier license; increasing the fee for issuance of a temporary trip permit; amending Minnesota Statutes 1982, sections 296.06, subdivision 2; 296.12, subdivisions 1 and 2; and 296.17, subdivisions 10 and 17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 36, strike "After the present license period expires on May 31,"

Page 3, strike lines 1 and 2

Page 3, line 3, strike "June 30, 1949, and thereafter"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 219: A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "Any" insert "*home rule charter*"

Page 1, line 11, strike "operating under a home rule charter"

Page 2, line 5, after the period, insert "*The authority granted in clause (iii) to cities which have territory within a watershed which has adopted a watershed plan pursuant to section 473.878 shall be exercised, with respect to*

facilities acquired following the adoption of the watershed plan, only for facilities which are not inconsistent with the watershed plan. The authority granted in clause (iii) to cities which have adopted local water management plans pursuant to section 473.879 shall be exercised, with respect to facilities acquired following the adoption of a local plan, only for facilities which are not inconsistent with the local plan."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 204: A bill for an act relating to taxation; defining "isolated or occasional sales" for purposes of the sales tax exemption; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 1, delete "*are not held over*"

Page 6, line 2, delete "*more than three consecutive days in a year*" and insert "*have a duration of three or fewer consecutive days. The granting of the privilege of admission to places of amusement and the privilege of use of amusement devices by a nonprofit organization at an isolated or occasional event conducted on property owned or leased for a continuous period of more than 30 days by the nonprofit organization are also exempt. The exemption provided for isolated sales of tangible personal property and of the granting of admissions or the privilege of use of amusement devices by nonprofit organizations pursuant to this clause shall be available only if the sum of the days on which the organization and any subsidiary nonprofit organization sponsored by it that does not have a separate sales tax exemption permit conduct sales of tangible personal property, plus the days with respect to which the organization charges for the use of amusement devices or admission to places of amusement, does not exceed eight days in a calendar year.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 134: A bill for an act relating to public improvements; providing for a nursing care veterans facility at Moorhead under certain conditions; providing for a bond issue; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, delete "2" and insert "3"

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to

which was re-referred

S.F. No. 763: A bill for an act relating to establishing at the Fergus Falls State Hospital a nursing care home for veterans; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 198.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health and Human Services. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 794: A bill for an act relating to education; providing for computer and related services to aid education; providing for the transfer of duties and property of the Minnesota education consulting consortium; repealing Minnesota Statutes 1982, sections 120.81 and 120.82.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete everything after the period and insert *"A vital part of this public purpose is the continuation of educational computing services provided by the Minnesota educational computing consortium in a self-supporting manner, including development and distribution of computer software, training educators in the use of computers in the classroom, and negotiating purchasing arrangements for Minnesota educational institutions."*

Page 1, delete line 13

Page 1, line 14, delete everything before *"The"*

Page 1, line 15, delete *"14"* and insert *"16"*

Page 1, line 17, delete *"12"* and insert *"14"*

Page 1, line 18, delete *"consulting"* and insert *"computing"*

Page 1, line 19, after the period, insert:

"'Minnesota educational institutions' means Minnesota school districts or combination of school districts, department of education, community colleges, state universities, and the University of Minnesota."

Page 1, line 25, after *"assets"* insert *", including equipment,"*

Page 1, line 25, after *"liabilities"* insert *", copyrights and contractual rights and obligations"*

Page 2, line 10, before *"be"* insert *"shall"*

Page 2, line 10, delete *"employed"* and insert *"offered employment"*

Page 2, line 14, delete *"6"* and insert *"7"*

Page 2, line 15, after the comma insert *"equipment,"*

Page 2, after line 18, insert:

"Sec. 6. [REPORT TO LEGISLATURE.]

Notwithstanding any law to the contrary, the nonprofit corporation trans-

ferree shall report to the education committees of the legislature by January 1 each year."

Page 2, line 26, delete "*educational*" and insert "*educational*"

Page 2, line 33, after "*computer*" insert "*training*."

Page 2, line 33, delete "*and*" and insert a comma

Page 2, line 33, before the period insert "*, and for development of software*"

Page 2, line 33, delete "*The*" and insert "*In making*"

Page 2, line 34, after "*purchases*" insert "*under this section the transferee nonprofit corporation*"

Page 2, line 34, delete "*be exempt from*" and insert "*comply with*"

Page 2, line 35, delete "*or otherwise*"

Page 3, line 1, after "*sections*" insert "*16.07*."

Page 3, line 6, after "*transferee*" insert "*who choose to transfer from the consortium*"

Page 3, line 14, before the period insert "*as soon as practical, but not later than June 30, 1984*"

Page 3, line 19, after "*effectuate*" insert "*this act, including*"

Page 3, line 26, delete "*train*" and insert "*provide opportunities to*"

Page 3, line 26, delete "*in*" and insert "*to learn*"

Page 4, after line 1, insert:

"Sec. 14. [REPORT TO LEGISLATURE.] *By January 1, 1984, the Minnesota education computing consortium shall submit a report to the education committees of the legislature.*"

Page 4, line 3, delete "*and*" and insert a semicolon

Page 4, line 3, after "*120.82*" insert "*; and 120.83*"

Page 4, line 6, delete "*12*" and insert "*14*"

Page 4, line 7, delete "*13*" and insert "*15*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "*education consulting*" and insert "*educational computing*"

Page 1, line 6, delete "*and*" and insert a semicolon

Page 1, line 6, after "*120.82*" insert "*; and 120.83*"

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 re-

ferred

S.F. No. 883: A bill for an act relating to transportation; modifying the definition of truck-tractor to include the power unit of automobile carriers; adjusting the motor vehicle registration tax on certain trailers; requiring proof of payment of the federal heavy use tax on heavy trucks; increasing the maximum allowable width on vehicles from 8 to 8-1/2 feet; modifying vehicle length requirements to allow longer semitrailers and vehicle combinations; modifying the gross weight seasonal increase to include all axle combinations; modifying the distance a peace officer may require a vehicle to travel to a scale; increasing width requirement on loads of baled hay before flashing amber lights are required; amending Minnesota Statutes 1982, sections 168.011, subdivision 12; 168.013, subdivision 1d, and by adding a subdivision; 169.01, subdivision 7; 169.80, subdivision 2; 169.81, subdivisions 2 and 3; 169.825, subdivision 11; 169.85; and 169.862; repealing Minnesota Statutes 1982, sections 169.80, subdivision 2a; and 169.81, subdivisions 3a, 3b, and 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 33, delete "*not*" and delete "*more than four*"

Page 2, after line 26, insert:

"Sec. 4. Minnesota Statutes 1982, section 168.018, is amended to read:

168.018 [QUARTERLY REGISTRATION OF ~~FARM~~ TRUCKS.]

The owner of any ~~farm~~ truck as defined in section ~~168.011, subdivision 17,~~ may elect to register and license the ~~farm~~ truck only for one or more quarters of a registration year, at a tax of one-fourth of the annual tax on the vehicle plus \$5 for each quarterly registration. The expiration date of a quarterly registration shall be displayed on the license plate in such a manner as the registrar shall direct. No ~~farm~~ truck registered on a quarterly basis ~~shall~~ may be operated on the public streets and highways more than ten days beyond the end of the quarter for which it is registered unless the registration has been renewed for another quarter or for the remainder of the registration year.

For purposes of this section registration quarters shall begin on March 1, June 1, September 1, and December 1."

Page 2, line 36, delete "*not*" and delete "*more than four*"

Page 7, line 23, after "*carriers*" insert "*, livestock carriers.*"

Page 11, after line 31, insert:

"Sec. 12. Minnesota Statutes 1982, section 169.871, subdivision 1, is amended to read:

Subdivision 1. [CIVIL LIABILITY.] The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.825 and 169.832 to 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.825 and 169.832 to 169.87 is liable for a civil penalty as follows:

(a) if the total gross excess weight is not more than 3,000 pounds, one cent per pound for each pound in excess of the legal limit;

(b) if the total gross excess weight is more than 3,000 pounds but not more than 4,000 pounds, five cents per pound for each pound in excess of the legal limit;

(c) if the total gross excess weight is more than 4,000 pounds but not more than 6,000 pounds, 15 cents per pound for each pound in excess of the legal limit; or

(d) if the total gross excess weight is more than 6,000 pounds, 30 cents per pound for each pound in excess of the legal limit.

A motor carrier, as defined in section 221.011, subdivision 15, assuming shipment of unprocessed or raw farm products shall assume full liability for civil penalty under this subdivision.

~~Any~~ A penalty imposed upon a defendant under this section shall not exceed the maximum penalty prescribed by this subdivision. ~~Any~~ A 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. A peace officer who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.87 shall give written notice to the driver that he or another may also be liable for the civil penalties provided herein in the same or separate proceedings."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "allowing quarterly registration of trucks;"

Page 1, line 17, after the semicolon, insert "168.018;"

Page 1, line 20, delete "and" and after the semicolon, insert "and 169.871, subdivision 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. 938: A bill for an act relating to transportation; transferring certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.296, subdivision 5; 221.64; 221.81; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 160.26, 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 1982, section 174A.02, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC FUNCTIONS AND POWERS.] The board shall further hold hearings and issue orders in cases brought before it by either the commissioner or by a third party in the following areas:

(a) Adequacy of services which ~~all~~ carriers are providing to the public, including the continuation, termination or modification of ~~all~~ services and facilities.

(b) The reasonableness of tariffs of rates, fares, and charges, or ~~any a~~ part or classification thereof; ~~and prescribe the form and manner of filing, posting and publication thereof.~~ The board may authorize common carriers by rail and motor carrier for hire to file tariffs of rates, fares, and charges individually or by group. ~~All such~~ Carriers participating in group rate making ~~shall~~ have the free and unrestrained right to take independent action either before or after ~~any a~~ determination arrived at through such procedure.

(c) The issuing of franchises, permits, or certificates of convenience and necessity.

Sec. 2. Minnesota Statutes 1982, section 174A.06, is amended to read:

174A.06 [CONTINUATION OF RULES OF PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION, AND DEPARTMENT OF TRANSPORTATION.]

~~All rules,~~ Orders and directives heretofore in force, issued or promulgated by the public service commission, *public utilities commission*, or the department of transportation under authority of chapters ~~474,~~ 216A, 218, 219, and 221 ~~and 222 shall~~ remain and continue in force and effect until repealed, modified, or superseded by duly authorized ~~rules,~~ orders or directives of the transportation regulation board. *Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the transportation regulation board:*

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of

permits or certificates of convenience and necessity under section 221.296, subdivision 2.

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, ~~1984~~ 1985.

Sec. 3. Minnesota Statutes 1982, section 221.061, is amended to read:

221.061 [OPERATION CERTIFICATE FOR REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]

~~Any~~ A person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to ~~such~~ that certificate, shall file a petition ~~therefor~~ with the board which ~~shall~~ must contain ~~such~~ information as the board, by rule may prescribe.

Upon the filing of a petition for a certificate, the petitioner shall pay ~~into the state treasury to the commissioner~~ as a fee for ~~the issuance thereof~~ issuing the certificate the sum of \$75 and for ~~any~~ a transfer or lease of ~~such~~ the certificate the sum of \$37.50.

The petition ~~shall~~ must be processed as any other petition. The board shall cause a copy and a notice of hearing thereon to be served upon ~~any~~ a competing carrier operating into ~~any~~ a city located on the proposed route of the petitioner and to ~~such~~ other persons or bodies politic which the ~~commission board~~ deems interested in the petition. ~~Such~~ A competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the board may allow ~~the same~~ it when the issues and the territory are not unduly broadened by the amendment.

Sec. 4. Minnesota Statutes 1982, section 221.071, is amended to read:

221.071 [ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.]

If the board finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity requires the granting of the petition or ~~any~~ a part ~~thereof~~ of it, it shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board shall give primary consideration to the interests of the public that might be affected ~~thereby~~, to the transportation service being furnished by ~~any~~ a railroad which may be affected by the granting of the certificate, and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The board may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted ~~such~~ terms and conditions as in its judgment public convenience and necessity may require.

The board may grant a temporary certificate, ex parte, valid for a period not exceeding six months, upon a showing that no regular route common carrier is then authorized to serve on the route sought, that there is no other

petition on file with the board covering said route, and that there is a need for the proposed service.

A certificate which has been issued to a regular route common carrier may be amended by the board on ex parte petition and payment of a ~~fee of \$25 fee~~ *to the commissioner* so as to grant an additional or alternate route where there is no other means of transportation over ~~such the~~ proposed additional route or between the termini ~~thereon~~, and ~~such the~~ proposed additional route does not exceed ten miles in length.

Sec. 5. Minnesota Statutes 1982, section 221.131, is amended to read:

221.131 [PERMITS; TERMS, FEES, IDENTIFICATION CARDS.]

Permits issued ~~pursuant to~~ *under* the provisions of sections 221.011 to 221.291 ~~shall be~~ *are* effective for a 12-month period. Each permit holder ~~shall have~~ *has* one annual renewal date encompassing ~~all of~~ the permits held by him. The permit holder shall pay ~~into the treasury of the state of Minnesota~~ *to the commissioner* a fee of \$25 for each kind of permit, reinstatement, or extension of authority for which a petition is filed, except on annual renewal, ~~pursuant to~~ *under* section 221.121 and a registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by him under authority of the permit during the 12-month period or fraction of the 12-month period. Trailers used by petitioner in combination with power units ~~shall be~~ *are* not be counted as vehicles in the computation of fees under this section if the petitioner pays the fees for power units. The commissioner shall furnish a distinguishing identification card for each vehicle or power unit for which a fee has been paid, ~~which and the~~ identification card ~~shall~~ *must* at all times be carried in the vehicle or power unit to which it has been assigned. Identification cards may be reassigned to another vehicle or power unit without fee by the commissioner upon petition of the permit holder. Identification cards issued under the provisions of this section ~~shall be~~ *are* valid only for the period for which the permit is effective. The name and residence of the permit holder ~~shall~~ *must* be stenciled or otherwise shown on both sides of each registered vehicle operated under the permit. In the event a permit has been suspended or revoked, the board may consider a petition for reinstatement of the permit, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the permit. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay ~~into the treasury of the state of Minnesota~~ *to the commissioner* an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during ~~any~~ a calendar year.

The department may issue special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short-term leases by the motor carrier. The motor carrier shall pay *to the commissioner* a fee of \$100 for each floater card issued.

A fee of \$3 ~~shall be,~~ *to be paid to the commissioner,* is charged for the replacement of an unexpired identification card which has been lost or damaged by the owner.

The provisions of this section are limited by the provisions of ~~any~~ appli-

cable federal law.

Sec. 6. Minnesota Statutes 1982, section 221.221, is amended to read:

221.221 [ENFORCEMENT POWERS.]

Transportation representatives and hazardous material specialists of the department *shall have the powers conferred by law upon police officers* for the purpose of enforcing the provisions of this chapter and *section 296.17, subdivisions 10 and 17 and the applicable rules of the commissioner and, the board issued pursuant to this chapter, and the commissioner of revenue, 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.

Sec. 7. Minnesota Statutes 1982, section 221.296, subdivision 5, is amended to read:

Subd. 5. [PERMIT FEES.] Upon filing of a petition for a permit the petitioner shall pay to the ~~state treasury commissioner~~ as a fee for the issuance ~~thereof of the permit,~~ the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles provided that ~~said the~~ \$5 per motor vehicle charge ~~shall does~~ not apply to taxicabs operated ~~pursuant to under~~ a local cartage permit. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which ~~shall must~~ be painted or prominently displayed on both sides of ~~all~~ vehicles used by the local cartage carrier under authority of ~~said the~~ permit.

Sec. 8. Minnesota Statutes 1982, section 221.64, is amended to read:

221.64 [REGISTRATION FEE; EXEMPTIONS.]

~~Such~~ Registration as herein provided ~~shall must~~ be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25 ~~to the commissioner.~~ Upon petition, and payment of ~~said the~~ fee if applicable, the commissioner shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in ~~said the~~ registration ~~which and the stamp shall must~~ at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the commissioner shall establish and collect a fee of no more than \$5 ~~to be deposited in the state treasury,~~ provided that a lesser fee may be collected ~~pursuant to under~~ the terms of reciprocal agreements between the commissioner and the regulatory bodies of other states or provinces of the Dominion of Canada.

Sec. 9. Minnesota Statutes 1982, section 221.81, is amended to read:

221.81 [BUILDING MOVER REGULATION.]

Subdivision 1. [~~DEFINITION~~ DEFINITIONS.] *For the purposes of this*

section, the terms used in this section have the meanings given them in this subdivision.

(a) *“Building mover” means ~~any~~ a person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings, ~~excluding manufactured homes on and over public streets and highways.~~ Building mover does not include a person who moves manufactured homes or farmers moving farm buildings.*

(b) *“Political subdivision” means a city, town, or county.*

(c) *“Road authority” has the meaning given it in section 160.02, subdivision 9.*

Subd. 2. [LICENSE.] ~~All building movers operating in Minnesota shall be licensed by the board~~ *No person may operate as a building mover in this state unless licensed by the commissioner.*

Subd. 3. [LICENSE APPLICATION.] ~~To obtain a license to operate as a building mover an applicant shall file a petition~~ *an application* with the commissioner specifying the name and address of its officers and other information as the ~~board~~ *commissioner* may reasonably require. The ~~board~~ *commissioner* shall issue the license upon compliance by the applicant with ~~bonding and insuring~~ *insurance* requirements ~~set by rule of the department~~ and payment of an initial \$150 filing fee. A license once granted ~~shall continue~~ *continues* in full force and effect, subject to a \$100 annual renewal fee and compliance with ~~bonding and insuring~~ *insurance* requirements, unless revoked or suspended.

The commissioner, upon approval of a license for a building mover, shall issue a sufficient number of cab cards to each licensed mover to provide one cab card for each power unit used in moving buildings. The fee is ~~\$50~~ *\$10* for each cab card issued. The cab card must be carried at all times in a readily available place in the cab of the power unit for which it was issued. The building mover may also purchase up to five floater cab cards for a fee of ~~\$200~~ *\$100* for each floater card issued. Cab cards ~~shall be~~ *are* effective for a 12-month period and ~~shall~~ *continue* from year to year thereafter upon payment of the required fee. Cab cards ~~shall~~ *are* only be good for the period for which the license is effective.

~~Licenses shall be transferable pursuant to the provisions of section 221.151.~~

Subd. 3a. [INSURANCE.] *Each building mover shall have in effect the following:*

(a) *comprehensive general liability insurance including completed operations, underground property damage, and collapse coverage in the amount of at least \$500,000 for bodily injury or property damage; and*

(b) *motor vehicle liability insurance in the amount of at least \$500,000 for bodily injury or property damage.*

The insurance must be written by an insurer licensed to do business in the state of Minnesota. Each building mover shall file with the commissioner a certificate evidencing the insurance. The insurance policy must provide that the policy may not be canceled without the insurer first giving 30 days written notice to the commissioner of the impending cancellation.

Subd. 3b. [LOCAL PERMITS.] A building mover may not move a building on or across a street or highway without first obtaining a permit from the road authority having jurisdiction over the street or highway. A permit for the movement of a building may not be granted to a building mover who does not possess a current license issued by the commissioner.

Subd. 3c. [LOCAL REGULATION.] No license to move buildings or bond, cash deposit, or insurance coverage may be required by a political subdivision of the state other than the license and insurance coverage required by the commissioner. A road authority may charge a fee for services performed and may require a permit which reasonably regulates the hours, routing, movement, parking, or speed limit for a building mover operating on streets or highways under its jurisdiction. A building mover shall comply with the state building code in jurisdictions which have adopted the state building code, and with local ordinances which regulate the moving or removing of buildings. A building mover may not be required to pay a route approval fee to, or obtain a permit for the movement of a building on streets or highways from, a political subdivision which is not also the road authority. This section does not prohibit a political subdivision from charging a permit fee for regulation of activities which do not involve the use of public streets or highways. Neither the state nor a political subdivision may regulate rates charged by building movers.

Subd. 4. [LICENSE REVOCATION, SUSPENSION, DENIAL.] The board commissioner, after notice and a hearing, may revoke, suspend, or deny a license for:

- (a) failure to pay application or renewal fees;*
- (b) failure to comply with bonding and insuring requirements;*
- (c) Conduct of the applicant or license holder that impairs usage of or reimburse the road authority for damage to public highways, roads, streets, or utilities which are not paid for by the license holders insurer;*
- (d) (b) conduct of the applicant or license holders that endangers the health and safety of users of the public highways, roads, streets, or utilities; or*
- (e) a course of (c) conduct of the applicant or license holder that demonstrates unsafe or hazardous operation of the business obstructs traffic in a manner other than as authorized in the permit;*
- (f) violation of the provisions of this section; or*
- (g) failure to obtain required local moving permits or permits required by section 169.86.*

Subd. 5. [SUSPENSION BY COMMISSIONER.] The commissioner may shall suspend a license without a hearing for the following reasons:

- (1) (a) failure to pay the application or renewal fee; or*
- (2) (b) failure to comply with bonding and insurance requirements.*

The suspension shall continue continues until the fees have been are paid and the bonding and insurance requirements have been are satisfied.

Subd. 6. [APPLICATION OF VIOLATION AND PENALTY PROVISIONS PENALTIES.] The violation and penalty provisions of section 221.291

are applicable to this section A person who violates, or aids or abets the violation of, any of the provisions of this section is guilty of a misdemeanor. Every distinct violation is a separate offense.

Subd. 7. ~~[RULES.]~~ The commissioner shall promulgate rules establishing bonding and insuring requirements.

Subd. 8. ~~[LOCAL REGULATION.]~~ No license to move buildings, bond or insurance coverage shall be required by a political subdivision of the state other than the license, bond and insurance coverage issued or required by the board or commissioner. A political subdivision or the department may require a permit which reasonably regulates the hours, routing, movement, parking or speed limit for a building mover operating on streets or roads within the jurisdiction of the political subdivision or highways within the jurisdiction of the commissioner. Neither the state nor a political subdivision may regulate rates charged by building movers.

Subd. 9. ~~[FEES DEPOSITED IN GENERAL FUND.]~~ All fees collected pursuant to this section shall be deposited in the general fund.

Sec. 10. [221.82] [COSTS TO BE PAID FROM THE TRUNK HIGHWAY FUND.]

The costs of administering the provisions of this chapter must be paid from the trunk highway fund.

Sec. 11. [221.83] [RECEIPTS TO BE CREDITED TO TRUNK HIGHWAY FUND.]

Money received by the commissioner under the provisions of this chapter must be paid into the state treasury and credited to the trunk highway fund.

Sec. 12. Minnesota Statutes 1982, section 296.17, subdivision 10, is amended to read:

Subd. 10. [LICENSE.] (a) No motor carrier shall ~~may~~ operate a commercial motor vehicle upon the highways of this state unless and until he has been issued a license pursuant to this section or has obtained a trip permit or temporary authorization as provided in this section.

(b) A license shall be issued to any responsible person qualifying as a motor carrier who makes application therefor and who shall ~~pay~~ pays to the commissioner, at the time thereof, a license fee of ~~\$10~~ \$20. ~~Such~~ The license shall remain is valid for a period of two years or until revoked by the commissioner or until surrendered by the motor carrier. ~~Such~~ The license, photocopy, or electrostatic copy of it, shall be carried in the cab of every commercial motor vehicle while it is being operated in Minnesota by a licensed motor carrier.

Sec. 13. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

Subd. 17. [TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.]

(a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for ~~such~~ the permit shall be \$5 \$15. Fees for trip permits shall be in lieu of the road tax otherwise assessable

against ~~such~~ the motor carrier on account of ~~such~~ the commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to ~~such~~ the vehicle.

The above permit shall be issued in lieu of license if in the course of the motor carrier's operations he operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of ~~such~~ that operation would cause undue hardship, the commissioner may provide the motor carrier with temporary authorization for the operation of ~~such~~ the vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 14. Minnesota Statutes 1982, section 296.17, subdivision 20, is amended to read:

Subd. 20. [ENFORCEMENT POWERS.] (a) The commissioner is ~~hereby~~ authorized and directed to enforce the provisions of subdivisions 7 to 22. In addition, the commissioner of public safety is ~~hereby~~ authorized and directed to ~~utilize~~ use the Minnesota state patrol to assist in the enforcement of the provisions of subdivisions 7 to 22 and the commissioner of transportation is authorized and directed to enforce the provisions of subdivisions 10 and 17 as provided in section 221.221.

(b) The officers of the Minnesota state patrol shall in addition to all other powers granted to them by Minnesota Statutes have the power of making arrests, service process, and appearing in court in all matters and things relating to subdivisions 7 to 22 and the administration and enforcement thereof.

Sec. 15. Minnesota Statutes 1982, section 296.25, subdivision 1, is amended to read:

Subdivision 1. Any person who fails to comply with any provisions of sections 296.01 to 296.421, or who makes any false statement in any report, record, or sales ticket required by sections 296.12, 296.14, 296.17, subdivision 5, 296.18, subdivision 2, or 296.21, shall be guilty of a misdemeanor. A fine of \$200 shall be imposed on a person who fails to obtain a license or trip permit required under section 296.17, subdivisions 10 and 17.

Prosecutions commenced under this section may be brought in the county in which the defendant resides or in Ramsey county.

The county attorney of any county in which ~~such~~ the action is commenced, shall on request of the commissioner of revenue, prosecute violations of this chapter. Costs, fees, and expenses incurred by any county attorney in litigation in connection with ~~such actions~~ the action may be paid from appropriations to the commissioner of revenue for the administration of this chapter.

Sec. 16. Laws 1980, Chapter 534, Section 87, as amended by Laws 1981, chapter 357, section 108, is amended to read:

Sec. 87. [EFFECTIVE DATE.]

This act is effective on July 1, ~~1984~~ 1985.

Sec. 17. [COMPLEMENT.]

The approved complement of the department of transportation is increased by eight positions for the purpose of enforcing chapter 221 and section 296.17, subdivisions 10 and 17.

Sec. 18. [REPEALER.]

Minnesota Statutes 1982, section 160.26, subdivision 3, is repealed.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 11 and 13 to 18 are effective July 1, 1983. Section 12 is effective April 1, 1984."

Delete the title and insert:

"A bill for an act relating to transportation; providing for the transfer of certain rules to the transportation regulation board; providing that certain fees and fine money be credited to the trunk highway fund; modifying certain laws relating to the regulation of building movers; increasing enforcement powers of certain transportation representatives; changing fees for motor vehicle fuel permits; delaying the effective date of the transportation regulation board; prescribing penalties; amending Minnesota Statutes 1982, sections 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; and 296.25, subdivision 1; and Laws 1980, chapter 534, section 87, as amended; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 160.26, subdivision 3."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 527: A bill for an act relating to legal liability; prohibiting retaliation against an individual who complies with the child abuse reporting act; providing damages for retaliation; clarifying immunity provisions for good faith compliance with the child abuse reporting act; amending Minnesota Statutes 1982, section 626.556, subdivision 4, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, before "Any" insert "(a)"

Page 1, lines 14, 15 and 17, reinstate the stricken language

Page 1, lines 14 to 17, delete the new language

Page 1, after line 20, insert:

"(b) An employee of a local welfare agency, who in good faith exercises

due care when complying with subdivisions 10 and 11 or any related rule or provision of law, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action."

Page 1, line 23, delete "A facility or" and insert "An employer of any"

Page 1, line 24, before "shall" insert "required to make reports under subdivision 3"

Page 1, line 24, delete "any" and insert "the" and delete "who reports" and insert "for reporting"

Page 2, line 1, before "Any" insert "The employer of" and delete "facility or"

Page 2, line 1, delete "which" and insert "required to report under subdivision 3 who" and delete "any" and insert "the"

Page 2, line 8, delete "a facility or" and insert "an employer of a" and delete "involved in a report" and insert "required to report under subdivision 3"

Page 2, line 9, delete the second "person" and insert "child"

Page 2, after line 17, insert:

"(d) Nothing in this subdivision shall preclude an employer from retaliating against a person who neglects or abuses a child."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 391: A bill for an act relating to economic development; regulating loans of the small business finance agency; amending Minnesota Statutes 1982, sections 116J.88, subdivision 4; and 116J.90, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "4." insert "[SMALL BUSINESS.]"

Page 1, line 13, strike "15 U.S." and insert "United States"

Page 1, line 13, strike "Sections" and insert "title 15, sections"

Page 1, line 14, strike "in effect March 1, 1980" and insert "amended"

Page 1, delete lines 24 and 25

Page 2, delete lines 1 and 2

Page 2, line 3, delete "Minnesota Statutes, section 116H.12, subdivision 4" and insert "The definition of small business is not limited by the exceptions in clauses (a) to (e) if at least 60 percent of the capital expenditures financed are for the purpose of providing pollution control or complying with energy standards adopted under section 116J.19, subdivision 8"

Page 2, line 4, after "in" insert "clauses" and delete "shall" and insert

“does”

Page 2, after line 7, insert:

“Sec. 2. Minnesota Statutes 1982, section 116J.88, subdivision 8, is amended to read:

Subd. 8. [POLLUTION CONTROL LOAN.] “Pollution control loan” means a loan to the owner of a small business for the acquisition, construction, or improvement of pollution control facilities. ~~Pollution control facilities may include real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.~~

Sec. 3. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 9. [POLLUTION CONTROL FACILITY.] “Pollution control facility” means real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

Sec. 4. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 11. [CONFLICTS OF INTEREST.] *Section 471.87 does not apply to a member of the small business finance agency acting in the member's official capacity with the agency. Section 10A.07 does apply.*”

Page 2, line 12, strike “such” and insert “those”

Page 2, line 13, strike “provided that” and insert “if”

Page 2, lines 14 and 27, strike “shall” and insert “does”

Page 2, line 15, strike “shall be” and insert “is”

Page 2, line 17, strike “shall be” and insert “are”

Page 2, line 21, strike “provided, that” and insert “. However,”

Page 2, line 35, strike “such” and insert “the”

Page 3, line 3, strike “shall be” and insert “is”

Page 3, line 5, strike “such”

Page 3, line 6, strike “as” and strike “may require; provided that” and insert “requires. However,”

Page 3, line 10, strike “shall” and insert “does”

Page 3, line 11, after “by” delete “a” and insert “the”

Page 3, line 11, after “federal” insert “government or an”

Page 3, line 12, after “agency” insert “or instrumentality thereof”

Page 3, line 20, strike “may be” and insert “is”

Page 3, after line 23, insert:

“Sec. 6. Minnesota Statutes 1982, section 116J.91, subdivision 12, is amended to read:

Subd. 12. 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 business loans pursuant to section 116J.90, subdivision 2, shall be payable solely from revenues derived by the agency from repayments of such loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. A general reserve fund is hereby created and is eligible to receive direct appropriations from the state treasury. The agency may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the agency ~~shall determine~~ *determines*. Until so pledged and appropriated by the agency, the general reserve fund ~~shall~~ *is* not be available to pay principal and interest on the agency's obligations. No obligations ~~shall~~ *may* be issued to participate in making or purchasing business loans pursuant to section 116J.90, subdivision 2, unless the *proceeds of the obligations are used to acquire loans insured or guaranteed by the federal government or an agency or instrumentality thereof or by a private insurer qualified to write that insurance in the state, or unless the obligations are* secured at the time of issuance by a debt service reserve fund, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds, and unless the amount then held or then deposited in the fund or segregated portion is at least equal to ten percent of the aggregate principal amount of all obligations secured by the fund or segregated portion thereof.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete “subdivision” and insert “subdivisions”

Page 1, line 4, after “4” insert “and 8, and by adding a subdivision”

Page 1, line 4, delete “and” and insert “116J.89, by adding a subdivision;”

Page 1, line 5, after “2” insert “; and 116J.91, subdivision 12”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 291: A bill for an act relating to economic development; providing job training and related services; appropriating money; proposing

new law coded in Minnesota Statutes, chapter 268.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 541: A bill for an act relating to counties; authorizing a jobs program.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete “6” and insert “5”

Page 1, lines 20, 22, and 24, delete the comma and insert a semicolon

Page 1, line 24, after “(d)” insert “who”

Page 2, line 4, delete “a county or portion of a county whose” and insert “an”

Page 2, line 6, after “security” insert “in a county or portion of a county that”

Page 2, line 8, delete “, 1982”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 692: A bill for an act relating to public utilities; specifying the treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, subdivision 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 1982, section 216B.16, subdivision 7, is amended to read:

Subd. 7. [ENERGY COST ADJUSTMENTS.] (a) *Electricity rate adjustments.* Notwithstanding any other provision of this chapter, the commission may permit a public utility to file rate schedules containing provisions for the automatic adjustment of charges for public utility service in direct relation to changes in federally regulated wholesale rates for *electric* energy delivered through interstate facilities or fuel used in generation of electricity ~~or the manufacture of gas.~~

(b) *Gas rate adjustments.* The commission shall not permit a utility to file rate schedules containing provisions for the automatic adjustment of charges for public utility service in direct relation to changes in federally regulated wholesale rates for the manufacture of gas.

Any utility seeking to increase its rates due to increases in the wholesale

rates for gas purchased by the utility shall file annually with the commission a one-year and a five-year forecast of the gas requirements of its customers, its anticipated sources of supply, and projections of gas costs. These forecasts must describe all major contracts and gas supply arrangements entered into by the utility for obtaining gas during the one-year and five-year period. The description of major contracts and gas supply arrangements must include the price of the gas, the duration of the contract or arrangement, and an explanation or description of any other term or provision as required by the commission. The forecast must also include the gas utility's evaluation of the reasonableness and prudence of its decisions to obtain gas in the manner described in the forecast, in light of the major alternative gas supplies available to the utility, and an explanation of the legal and regulatory actions taken by the utility to minimize the cost of gas purchased by the utility.

If the commission determines that the increased wholesale costs projected in the one-year plan were prudently incurred, it shall authorize higher rates to recover the projected increases. At the end of the one-year period, the commission shall conduct a reconciliation hearing at which the commission shall reconcile revenues recorded pursuant to the rate increase authorized to recover higher wholesale costs with amounts actually expended and included in the cost of gas sold by the gas utility.

In its order in a gas cost reconciliation, the commission shall require a gas utility to refund to customers or credit to customers' bills any net amount determined to have been recovered over the period covered in excess of the amounts determined to have been actually expended by the utility for gas sold, and to have been incurred through reasonable and prudent actions not precluded by the commission order in the gas supply and cost review. Such refunds or credits shall be apportioned among the customers of the utility utilizing procedures that the commission determines to be reasonable. The commission may adopt different procedures with respect to customers served under the various rate schedules of the utility and may, in appropriate circumstances, order refunds or credits in proportion to the excess amounts actually collected from each such customer during the period covered.

In its final order, the commission shall evaluate the decisions underlying the five-year forecast filed by a gas utility under this paragraph. The commission may also indicate any cost items in the five-year forecast that, on the basis of present evidence, the commission would be unlikely to permit the gas utility to recover from its customers in rates, rate schedules, or gas cost recovery factors established in the future.

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 Judiciary, to which was referred

S.F. No. 684: A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for chapter 518 instruments; amending Minnesota Statutes 1982, section 287.03.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 287.01, subdivision 3, is amended to read:

Subd. 3. [MORTGAGE.] ~~The word~~ “Mortgage” means any instrument, including a decree of marriage dissolution or an instrument made pursuant to it, creating or evidencing a lien of any kind on ~~such~~ property, given or taken as security for a debt, notwithstanding such debt may also be secured in part by a lien upon personality.

Sec. 2. Minnesota Statutes 1982, section 287.03, is amended to read:

287.03 [~~WHAT INSTRUMENTS VALID SECURITY FOR DEBT.~~]

No instrument, other than a decree of marriage dissolution or an instrument made pursuant to it, relating to real estate shall be valid as security for any debt, unless the fact that it is so intended and the initial amount of ~~such~~ the debt are expressed ~~therein~~ in it.

Sec. 3. Minnesota Statutes 1982, section 287.04, is amended to read:

287.04 [MORTGAGES EXEMPTED.]

A decree of marriage dissolution or an instrument made pursuant to it or a mortgage given to correct a misdescription of the mortgaged property, or to include additional security for the same indebtedness on which a mortgage registration tax has been paid, shall not be subject to the tax imposed by this chapter except as provided in section 287.05, subdivision 2(b).

Sec. 4. [EFFECTIVE DATE.]

This act is effective upon final enactment. Sections 1 and 3 apply to all mortgages created before, on, or after the effective date.”

Amend the title as follows:

Page 1, line 4, delete “chapter”

Page 1, line 5, delete “518” and insert “marriage dissolution”

Page 1, line 6, delete “section” and insert “sections 287.01, subdivision 3;”

Page 1, line 6, before the period, insert “; and 287.04”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 529: A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivisions 10, 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, delete section 1

Page 1, line 24, delete the first comma and insert "or" and delete ", or"

Page 1, line 25, delete "emotional"

Page 2, after line 11, insert:

"For the purposes of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others."

Page 2, line 19, delete "Such" and insert "The"

Page 3, lines 22 and 28, strike "such" and insert "the"

Page 3, line 24, strike "whereby" and insert "by which"

Page 4, line 5, reinstate the stricken "require" and before "request" insert "or"

Page 4, line 14, strike "to"

Page 4, line 16, after the stricken language, insert "with the consent of the employee, to obtain additional medical information for the purposes of establishing an employee health record;

(iii) to"

Page 4, line 25, strike "(iii)" and insert "(iv)"

Page 4, line 29, strike "(iv)" and insert "(v)"

Page 7, line 3, delete "15" and insert "100"

Page 7, line 10, delete the first comma and insert "or" and delete ", or emotional"

Page 7, line 14, delete "part-time or" and after "schedules" insert "that do not reduce the total number of hours normally worked"

Page 7, line 21, delete the comma and insert "and the"

Page 7, line 22, delete ", and size of budget"

Page 7, line 25, delete the second "and"

Page 7, after line 25, insert:

"(d) the reasonable ability to finance the accommodation at each site of business; and"

Page 7, line 26, delete "(d)" and insert "(e)"

Page 7, after line 28, insert:

"Any cost to an employer in excess of \$2,000 to make accommodations shall be deemed an undue hardship."

Page 8, line 18, delete "such" and insert "the"

Page 10, line 14, delete "12" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "subdivisions" and insert "subdivision"

Page 1, line 5, delete "10,"

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. 967: A bill for an act relating to real property; requiring 60 days notice of default on a farm real estate mortgage, notice of termination of a farm real estate contract for deed, and notice of commencement of a sale and foreclosure proceeding; providing that a mortgage on farm real estate is reinstated during the redemption period upon payment of installments in default and due during the period of redemption; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1, 1a, and 2; 580.09; 580.23, subdivision 1; 580.30; and 581.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, reinstate the stricken language and delete the new language

Page 2, line 13, after "days" insert ", or in the case of farm real property 60 days,"

Page 2, line 30, delete "not" and "farm" and after the comma, insert "other than farm real property,"

Page 9, delete lines 27 to 29 and insert:

"Sec. 10. [FARM WORKING CAPITAL LOAN GUARANTEES.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Applicant" means a person applying for a loan to be guaranteed by the state under this section.

(c) "Commissioner" means the commissioner of agriculture.

(d) "Guarantee" means a state guarantee of payment of a loan issued under this section.

(e) "Lender" means a bank, savings bank, mutual savings bank, building and loan association, or savings and loan association, organized under the laws of this state or the United States, a trust company, a trust company acting as a fiduciary, and any other financial institution subject to the supervision of the commissioner of banks, and a financial institution operating under the supervision of the farm credit administration.

Subd. 2. [APPLICANT CRITERIA.] An applicant for a loan guarantee under this section must meet the following criteria:

(a) the applicant must be an individual Minnesota farmer or a Minnesota

family farm corporation all members of which live on the farm and are engaged in farming, or a partnership all members of which are engaged in farming; and

(b) the applicant must have applied for a loan in the same amount for the same purposes to at least one lender within the preceding 60 days and been rejected.

Subd. 3. [LOAN CRITERIA.] A loan guarantee under this section may be granted only if:

(a) the loan is being made by a lender to an applicant who is already a customer of that lender for existing agricultural loans;

(b) the loan is used only for working capital needed for the operation of a farm business during the 1983 crop year;

(c) the term of the loan to be guaranteed is no more than 18 months;

(d) the parties to the loan agree that all payments made by the applicant to the lender during the term of the loan will first be applied to any portion of the guaranteed loan still outstanding and then to previous or subsequent loans made by the lender to the applicant;

(e) the loan does not exceed \$25,000 in principal amount;

(f) the loan is secured by a mortgage on real estate satisfactory to the commissioner to secure payment of the loan, the value of the real estate securing the loan to be certified by the lender on the basis of appraisals as the commissioner may require; and

(g) the parties to the loan agree that the state is subrogated to the rights of the lender in case of default to the extent of its liability under its guarantee of a loan.

Subd. 4. [LOAN APPLICATION; DENIAL.] A person desiring a loan guaranteed by the state under this section may apply for a loan from a lender where the applicant has existing agricultural loans. The loan application shall be on forms supplied by the commissioner, including a net worth statement, and shall be accompanied by a copy of the applicant's 1982 federal and state income tax returns. If the applicant, the lender, and the terms of the loan meet the criteria in this section, the lender may apply to the commissioner for a guarantee of the loan. If the commissioner agrees that the applicant, the lender, and the terms of the loan meet the criteria in this section, the commissioner shall guarantee payment of 50 percent of the amount of the loan. Otherwise, the commissioner shall deny the guarantee. The form of the guarantee is subject to the approval of the attorney general, but not subject to the provisions of chapter 14.

Subd. 5. [CLAIMS UNDER GUARANTEE.] A claim for payment of an amount guaranteed under this section arises when the term of a guaranteed loan expires with less than 50 percent of the original amount of the loan repaid. The state is not obligated to pay any claim under a guarantee unless the lender notifies the commissioner of the claim within three days after it arises. The lender shall provide the commissioner with a current financial statement of the borrower within ten days after notification of the claim. When a claim is made as provided in this subdivision, the commissioner shall

pay to the lender the difference between 50 percent of the original amount of the loan and the amount that has been repaid by the borrower.

Subd. 6. [RECOVERY OF STATE FUNDS.] The commissioner shall diligently attempt to recover amounts paid to lenders because of defaults on loans guaranteed under this section, exercising, as appropriate, all the state's rights of subrogation, payment priorities, and other available remedies.

Subd. 7. [GUARANTEE VOID.] A loan guarantee under this section is void if the guarantee was obtained by fraud or material misrepresentation of which the lender had actual knowledge.

Subd. 8. [RESERVE FOR DEFAULTED LOANS.] Up to \$2,500,000 of the amount set aside in the special account created under Minnesota Statutes 1982, section 41.61, subdivision 1, for defaulted family farm security loans is appropriated to pay lenders for defaulted farm working capital loans made under this section. The sum of all outstanding farm working capital loans guaranteed by the commissioner at any time shall not exceed eight times the balance in this \$2,500,000 account. This appropriation reduces the amount of new family farm security loans that may be guaranteed during the time when guaranteed farm working capital loans are outstanding. When all working capital guarantees have expired, the appropriation will again be available to guarantee family farm security loans.

Subd. 9. [EXPIRATION.] The authority of the commissioner to make loan guarantees under this section applies to loan applications received by lenders before June 1, 1983.

Sec. 11. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "authorizing farm working capital loan guarantees until June 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. 301: A bill for an act relating to the environment; requiring mandatory minimum jail sentences for persons convicted of violating laws or rules relating to hazardous waste disposal; providing that unlawful disposal of hazardous wastes is a felony; prescribing penalties; amending Minnesota Statutes, section 115.071, subdivision 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "section 2" and insert "sections 2 and 3"

Pages 2 to 4, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 1982, section 115.071, is amended by ad-

ding a subdivision to read:

Subd. 2a. [HAZARDOUS WASTE; CRIMINAL PENALTIES.] A person shall be punished by a fine of not more than \$25,000 per day of violation or by imprisonment of not more than one year, or both, upon conviction of any of the following offenses:

(a) willfully or negligently violating any provision relating to hazardous waste of chapter 115 or 116, or any standard, rule, variance, order, stipulation agreement, schedule of compliance, permit, or term or condition of a permit issued or adopted by the agency under such a provision;

(b) willfully or negligently violating any duty to permit or carry out any recording, reporting, monitoring, sampling, information entry, access, copying or other inspection or investigation requirement as provided under any provision relating to hazardous waste of chapter 115 or 116, or any standard, rule, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency under such a provision; or

(c) knowingly making any false material statement, representation or certification in any application, label, manifest, record, report, plan, permit or other document, or knowingly destroying, altering, or concealing any document, filed or required to be maintained with respect to hazardous waste under any provision of chapter 115 or 116, or under any standard, rule, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency under such a provision.

If the conviction is for conduct committed after a first conviction of the person under this subdivision, punishment shall be by a fine of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.

Sec. 3. Minnesota Statutes 1982, section 115.071, is amended by adding a subdivision to read:

Subd. 2b. [HAZARDOUS WASTE; UNLAWFUL DISPOSAL; CRIMINAL PENALTIES.] Any person who knowingly, or with reason to know, disposes of hazardous waste in a manner contrary to any provision of chapter 115 or 116, or any standard or rule adopted in accordance with those chapters, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$25,000.

For the purposes of this subdivision, the terms defined in this clause have the meanings given them.

(a) "Disposal" has the meaning given it in section 115A.03, subdivision 9.

(b) "Hazardous waste" has the meaning given it in section 116.06, subdivision 13.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Section 3 is effective August 1, 1983."

Amend the title as follows:

Page 1, line 2, delete "requiring mandatory"

Page 1, line 3, delete "minimum jail sentences" and insert "imposing

stricter criminal penalties”

Page 1, line 5, delete “disposal”

Page 1, line 6, delete “prescribing penalties:”

Page 1, line 8, delete “a subdivision” and insert “subdivisions”

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 682: A bill for an act relating to animals; providing for the welfare of certain pets and companion animals; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 346.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 9 and 12, delete “9” and insert “10”

Page 1, line 12, after “[SCOPE.]” insert “*Sections 1 to 10 shall only apply to veterinarians, animal boarding facilities, and commercial animal facilities, excepting section 4, subdivision 9.*”

Page 1, after line 22, insert:

“*Subd. 5. [NEGLECT.] “Neglect” means failure to provide the minimum care required for the health and well-being of a pet or companion animal.*”

Renumber the subdivisions in sequence

Page 4, line 16, delete everything after the period

Page 4, delete line 17

Page 9, after line 19, insert:

“Sec. 9. [346.43] [FARM ANIMALS EXCLUDED.]

Sections 1 to 10 do not apply to the care or treatment of an agricultural or farm animal which is used for food or other products.”

Page 9, line 20, delete “[346.43]” and insert “[346.44]”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete “penalties” and insert “a penalty”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 447: A bill for an act relating to veterans; reestablishing the board of governors of the Big Island Veterans Camp; providing for its appointment and duties; transferring certain state land to the board; providing for the

possible disposition of the land by the board; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.13; 197.15; 197.16; 197.17; 197.18; and 197.19.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 11, insert:

“Section 1. Minnesota Statutes 1982, section 197.13, is amended to read:

197.13 [LAND SECURED FOR RECREATION CAMPS FOR VETERANS.]

The board of governors provided for in Minnesota Statutes 1974, Section 197.14 is hereby authorized and directed to purchase Big Island, Lake Minnetonka, and all buildings and other appurtenances thereon, on which is presently located the Big Island Veterans Camp, and which is described as follows: Government Lot One (1), Section Fourteen (14), Township One Hundred Seventeen (117), Range Twenty-three (23); Government Lot Two (2), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23); and that part of Government Lot Three (3), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23), commencing at the Northeast corner of said Government Lot Three (3), Section Twenty-three (23); thence Southwesterly along the lake shore to the Northeast corner of Lot A, Morse Island Park; thence South 350 feet to Lake Minnetonka; thence East along the shore of Lake Minnetonka to the East line of said Lot Three (3); thence North to the place of beginning, for the establishment and maintenance of a recreation and recuperative camp for the use and benefit of veterans of the world war and other wars, resident in the state. Title to said land, buildings, and other appurtenances shall be ~~transferred~~ held by the board of governors of the Big Island Veterans Camp ~~to the state of Minnesota.~~”

Page 1, line 21, delete “may” and insert “shall” and delete “in an advisory”

Page 1, line 22, delete “capacity” and delete “any of”

Page 2, line 26, delete “and” and insert a comma

Page 2, line 27, after “affairs” insert “, and to the legislature”

Page 2, after line 30, insert:

“The board may sell a portion of the property to an interested public or private party for the full market value. The proceeds realized from the sale of the property shall be used for maintenance or capital improvements to the remaining property.”

Page 3, line 6, after “board” insert “, upon approval by the commissioner of veterans affairs and the legislative advisory commission,”

Page 3, line 7, after “ways” insert “, but in the priority listed”

Page 3, line 8, delete “at a minimal cost”

Page 3, line 9, after “agency” insert “for the full market value”

Page 3, line 10, after “only” insert “, with priority given to a local gov-

ernment agency”

Page 4, line 8, delete “197.13;”

Page 4, line 8, after “197.15;” insert “and” and after “197.16” delete the semicolon

Page 4, line 9, delete everything before “are”

Page 4, line 11, delete “Sections 1 to 5 are” and insert “This act is”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert “amending Minnesota Statutes 1982, section 197.13;”

Page 1, line 8, delete “197.13;”

Page 1, line 9, after “197.15;” insert “and”

Page 1, line 9, delete “; 197.17; 197.18; and 197.19”

And when so amended 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. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 246: A bill for an act relating to elections; exempting candidates for soil and water conservation supervisor from payment of filing fees; amending Minnesota Statutes 1982, section 204B.11, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, strike “and”

Page 1, line 23, after “\$50” insert “; and

(e) For the office of soil and water conservation district supervisor, \$20”

Page 1, lines 24 and 25, delete the new language

Amend the title as follows:

Page 1, line 2, delete “exempting” and insert “reducing the filing fee for”

Page 1, lines 3 and 4, delete “from payment of filing fees”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 34: A bill for an act relating to elections; requiring representation of unorganized townships in appointment of election judges by certain county boards; amending Minnesota Statutes 1982, section 204B.21.

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

S.F. No. 884: A bill for an act relating to metropolitan transit; regulating eligibility for certain programs; requiring bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for an evaluation; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivisions 3 and 4; 473.408, subdivisions 2 and 3; 473.436, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 174.265, subdivision 4, is amended to read:

Subd. 4. [ASSISTANCE FOR TRANSIT SERVICE.] An application for financial assistance for ~~replacement~~ transit services shall: describe the existing service, *if any*, provided to the applicant by the metropolitan transit commission, including the estimated number of passengers carried and the routes, schedules, and fares; describe the transit service proposed for funding under the demonstration program, including the anticipated number of passengers and the routes, schedules, and fares; and indicate the total amount of available local transit funds, the portion of the available local transit funds proposed to be used to subsidize ~~replacement~~ services, and the amount of state assistance requested for the ~~replacement~~ services. Financial assistance shall be granted under this subdivision to an applicant community ~~served by the metropolitan transit commission at the time of application~~ only if the commissioner determines: (a) that the service proposed for funding is intended and designed to replace and substitute for ~~the any~~ service provided by the commission at the time of application ~~and~~; (b) that the average subsidy per passenger per route for ~~the any~~ replacement service will not exceed the *average* subsidy per passenger per route ~~standard as adopted by the commission in its current transportation development program. Financial assistance shall be granted under this subdivision to an applicant community not served by the commission at the time of the application only if the commissioner determines that the average subsidy per passenger per trip for the service proposed for funding will not exceed the subsidy per passenger per trip standard as adopted by the commission in its current transportation development program during the six months preceding the application on the routes which serve the applicant communities; and (c) that the average subsidy per passenger for any new service will not exceed guidelines established by the commissioner.~~ The amount of financial assistance provided for replacement service under this subdivision shall not exceed the sum of: (a) the portion of the available local transit funds which the applicant proposes to use to subsidize the service, and (b) an amount of state assistance bearing an identical proportional relationship to the amount under (a) as the total amount of state assistance available to the metropolitan transit commission under section 174.24, subdivision 3a bears to the total amount of taxes collected by the

commission under section 473.446, subdivision 1, clauses (a) to (c). The commissioner shall transfer the amounts provided to the recipient from the assistance available to the metropolitan transit commission pursuant to section 174.24, subdivision 3.

Sec. 2. [473.407] [CONTRACTS FOR SERVICE.]

At least 60 days before reducing service levels by eliminating any routes, the commission shall publish notice of its intent to accept sealed bids to provide the service planned to be eliminated. The notice shall be published in appropriate trade journals and newspapers of general circulation in the metropolitan area and the state. The commission shall also solicit sealed bids by sending notices by mail to all prospective bidders known to it, and by posting notice on a public bulletin board in its offices. The bids shall include a description of the service to be provided, the cost of the service, the public subsidy required, and the other requirements the chairman of the commission deems appropriate. The operating company under contract to the commission under section 473.405, subdivision 2, to provide the service planned to be eliminated shall be required to submit a bid. The bids shall be opened in public at the hour stated in the notice. The commission shall award a contract to provide the service and receive the requested subsidy to the qualified bidder requiring the least public subsidy, taking into consideration conformance with the specifications, terms, and other conditions imposed in the call for bids, but if the bidder requiring the least subsidy is the operator already under contract to the commission to provide the service, or if the lowest bid is less than ten percent lower than the operator already under contract, the commission may eliminate the service as planned. A record shall be kept, open to public inspection, of all bids, with the names of bidders and the amounts of bids, and with the successful bid indicated.

Sec. 3. Minnesota Statutes 1982, section 473.408, subdivision 2, is amended to read:

Subd. 2. [FARE POLICY.] Fares and fare collection systems shall be established and administered to accomplish the following purposes:

(a) To encourage and increase transit and paratransit ridership with an emphasis on regular ridership;

(b) To restrain increases in the average operating subsidy per passenger;

(c) To ensure that no riders on any route pay more in fares than the average cost of providing the service on that route;

(d) To ensure that operating revenues are proportioned to the cost of providing the service so as to reduce any disparity in the *total capital and operating* subsidy per passenger on routes *and runs* in the transit system; ~~and~~

(e) To implement the social fares as set forth in subdivision 3.

Sec. 4. Minnesota Statutes 1982, section 473.408, is amended by adding a subdivision to read:

Subd. 2a. [BASE FARE.] The base fare of the metropolitan transit commission shall be established by the commission in accordance with the provisions of this section and the policies of the commission, the restrictions in Laws 1981, chapter 363, section 55, subdivision 1 to the contrary notwith-

standing. The commission shall not increase the base fare in any passenger category more than 15 cents in any calendar year.

Sec. 5. Minnesota Statutes 1982, section 473.436, subdivision 5, is amended to read:

Subd. 5. [BUS PURCHASES AND OTHER IMPROVEMENTS.] In addition to obligations outstanding on January 1, ~~1980~~ 1983, the commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding ~~\$9,000,000~~ \$12,000,000 for the purposes of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.

Sec. 6. Minnesota Statutes 1982, section 473.446, subdivision 1, is amended to read:

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, ~~except as otherwise provided in this subdivision~~ the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax ~~consisting of:~~ *in accordance with this subdivision. The commission shall establish three transit taxing districts based on the ratio of the level of transit service received by a district to the level of transit service provided in the entire transit taxing district. A district may include properties that are not contiguous to one another. The transit tax shall be levied in the districts as follows:*

(a) *District A: An amount equal to two 1.0 mills times the assessed value of all such property; the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service in the district;*

(b) *District B: An amount equal to 1.5 mills times the assessed value of all property in the district;*

(c) *District C: An amount greater than 1.5 and up to and including 2.0 mills times the assessed value of all property in the district.*

The proceeds of the levy shall be used for payment of the expenses of operating transit and paratransit services. In addition, the commission shall levy, at an equal rate throughout the transit taxing district, the following:

~~(b)~~ (a) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(e) (b) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

~~In any statutory or home rule charter city or town in the metropolitan transit taxing district which is receiving financial assistance under section 174.265,~~ the commission shall levy a tax equal to ten percent of the sum of levies provided for in clauses (a) to (e), plus a levy sufficient to yield the amounts of

available local transit funds transferred pursuant to section 174.265 from the state assistance available to the commission, less any amount paid to the commission by the city or town under a contract for service entered into pursuant to subdivision 2.

Sec. 7. Minnesota Statutes 1982, section 473.446, subdivision 1a, is amended to read:

Subd. 1a. [TAXATION WITHIN TRANSIT AREA.] For the purposes of sections 473.401 to 473.451, and the metropolitan transit system, the metropolitan transit commission shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in *district C* under subdivision 1, clauses (a) to (e). The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.

Sec. 8. Minnesota Statutes 1982, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] On or before October 10 in each year the commission shall certify the total amount of the tax levied in *each district* pursuant to subdivision 1 to the auditor of each metropolitan county. Each county auditor shall then assess and extend upon the tax rolls in *each district* in his county that proportion of the tax which the assessed value of taxable property in *the district* in his county bears to the assessed value of all taxable property in *the district* in the metropolitan area. Each county treasurer shall collect and make settlement of ~~such~~ the taxes with the treasurer of the commission. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the commission for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

Sec. 9. [TEMPORARY LEGISLATIVE STUDY COMMISSION ON METROPOLITAN TRANSIT.]

Subdivision 1. [CREATION; MEMBERSHIP.] There is created a temporary legislative study commission on metropolitan transit, consisting of five members of the house of representatives and five members of the senate, named by the customary appointing authority in each house. Two members from each legislative body must be from districts outside of the metropolitan area. 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. Staff and administrative support for the commission shall be provided by existing legislative service offices.

Subd. 3. [STUDY.] The commission shall evaluate:

(a) the objectives of the metropolitan transit commission established for the seven-county metropolitan area, and its effectiveness in achieving the purposes established by the legislature;

(b) the powers, responsibilities, and external accountability of the transit commission;

(c) the internal structure of the transit commission, including the contractual relationship with the management company;

(d) governmental arrangements for transit planning and development in the metropolitan area, including the relationship with the department of transportation, the metropolitan council, and the transportation advisory board;

(e) the proper role of the transit commission in the governance, regulation, and coordination of transit and other public transportation services in the metropolitan area;

(f) the financing of public transit in the metropolitan area, including fare structures and sources and amounts of subsidy.

Subd. 4. [REPORT.] *The commission shall submit a report of its findings and recommendations to the legislature by February 1, 1984.*

Sec. 10. [TRANSIT ASSISTANCE.]

Subdivision 1. [APPROPRIATION.] *The sums of \$21,030,900 for fiscal year 1984 and \$21,030,900 for fiscal year 1985 are appropriated from the general fund to the commissioner of transportation to be disbursed in accordance with this section. The actual line item amounts shall be detailed on the worksheets of the appropriate standing committees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of transportation. The appropriation shall be available for the purpose of providing the following:*

(a) metropolitan transit commission operating grants;

(b) metropolitan transit commission social fares;

(c) metropolitan transit commission project mobility;

(d) metro mobility projects;

(e) metro mobility control center;

(f) private operators—metropolitan area;

(g) non-metropolitan transit commission operating assistance statewide.

Sec. 11. [EFFECTIVE DATE.]

Sections 2 to 8 are effective the day following final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan transit; regulating eligibility for transit service assistance; requiring bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for the establishment of transit taxing districts; establishing a legislative study commission on transit; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivision 4; 473.408, subdivision 2, and by adding a subdivision; 473.436, subdivision 5; and 473.446, subdivisions 1, 1a, and 3; proposing new law coded in Minnesota Statutes, chapter 473."

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. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 464: A bill for an act relating to port authorities; providing for approval of port authority land sales; amending Minnesota Statutes 1982, section 458.17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 26, delete "*a majority*" and insert "*two-thirds*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 463: A bill for an act relating to port authorities; authorizing revenue bond financing of certain facilities; eliminating the interest rate limit on revenue bonds and authorizing private sale; clarifying contractual and operational authority of port authorities; amending Minnesota Statutes 1982, sections 458.192, subdivisions 1, 4, and by adding a subdivision; 458.194, subdivisions 2, 3, and by adding a subdivision; and 458.195, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 823: A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "*certificates*" and insert "*notes*" in both places

Page 1, line 20, delete "*three percent of the total budget*" and insert "*one-tenth of one percent of the assessed value of the city*"

Page 1, line 24, delete "*five-sevenths*" and insert "*two-thirds*"

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. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 746: A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending

Minnesota Statutes 1982, section 373.01, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, after "notes" insert "in accordance with section 475.61."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 584: A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 34, after "labor," insert "agriculture."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 509: A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 719: A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

Reports the same back with the recommendation that the bill do pass.
Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 871: A bill for an act relating to government operations; requiring a review of certain capital improvement programs; requiring reports and capital improvement plans; expanding the scope of the capital budget.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 26, after “*bridges,*” insert “*railways, waterways,*”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 828: A bill for an act relating to energy; providing an omnibus energy policy; appropriating money; amending Minnesota Statutes 1982, sections 116J.27, subdivisions 2, 6, and by adding a subdivision; 116J.31; 116J.36; 453.54, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116J and 216B; repealing Minnesota Statutes 1982, section 116J.27, subdivisions 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. [TITLE.]

Sections 1 to 20 may be cited as the Omnibus Energy Policy Act.

Sec. 2. Minnesota Statutes 1982, section 16.02, is amended by adding a subdivision to read:

Subd. 29. To contract to purchase by installment payments equipment intended to improve the energy efficiency of a state building or facility provided that:

(a) The term of the contract does not exceed five years;

(b) The contract for purchase is based on competitive bids; and

(c) The state may unilaterally cancel the agreement if the legislature fails to appropriate funds to continue the contract.

Sec. 3. Minnesota Statutes 1982, section 116J.27, subdivision 2, is amended to read:

Subd. 2. For the purposes of subdivisions 3 to 7, the following terms shall have the meanings given them.

(a) “Residence” means any dwelling for habitation either seasonally, meaning all or a portion of the months of ~~December~~ *November* through ~~March~~ *April*, or permanently by one or more persons. A residence ~~may be~~

owned or rented and may be part of a multi-dwelling or multi-purpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools and other buildings used for educational purposes, or correctional institutions. A manufactured home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

(b) ~~“Time of sale” means the time when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, at the time of the execution of any document providing for the conveyance of a residence.~~

(c) ~~“Energy disclosure report” means the written and signed evaluation by a person certified pursuant to subdivision 6 made on an approved form, representing to the actual buyer of the residence evaluated that the evaluator has used reasonable care and diligence. For purposes of subdivisions 5 and 7, a residential energy audit meeting the audit standards of 42 U.S.C. 8211 et seq. may be substituted for an energy disclosure report.~~

(d) ~~“Applicable energy efficiency standards” means those standards established under subdivision 1 which are not shown to be economically infeasible for the building in question.~~

Sec. 4. Minnesota Statutes 1982, section 116J.27, subdivision 6, is amended to read:

Subd. 6. [BUILDING EVALUATORS.] The commissioner shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with applicable energy disclosure requirements *efficiency standards*. The commissioner shall, by rule pursuant to chapter 14, adopt standards for the certification and performance of evaluators and set a fee for the certification of evaluators which is sufficient to cover the ongoing costs of the program once it is established. The commissioner shall encourage the certification of existing groups of trained municipal personnel and qualified individuals from community-based organizations and public service organizations. Each certified evaluator shall, on request of the owner, inspect any residence and report the degree to which it complies with applicable energy disclosure requirements *efficiency standards established pursuant to subdivision 1*. The inspections shall be made within 30 days of the request. After July 1, 1981, evaluators for the home energy disclosure program shall be certified only if they also meet all requirements for conducting residential energy audits pursuant to 42 U.S.C. 8211 et seq. ~~Any person certified as a building evaluator prior to July 1, 1981, shall, by January 1, 1982, meet the upgraded certification standards in effect after July 1, 1981.~~ The commissioner shall enter into an agreement with the department of education for the provision of evaluator training through the area vocational technical institutes. The commissioner may contract with the area vocational technical institutes to reduce the training costs to the students. The commissioner may eliminate the examination fee for persons seeking upgraded certificates. The commissioner may also establish requirements for continuing education, periodic recertification, and revocation of certification for evaluators.

Sec. 5. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

Subd. 9. The commissioner shall develop and implement a voluntary home

energy rating system for the purpose of providing the buyer of a new home with information indicating the predicted energy performance of the dwelling. Development of the rating system shall incorporate the comments and opinions of relevant private sector interests. The system shall be available for use by January 1, 1985.

Sec. 6. Minnesota Statutes 1982, section 116J.31, is amended to read:

116J.31 [ENERGY AUDITS.]

The commissioner, in cooperation with the director of consumer services, shall develop ~~the and administer state plan for the program~~ *programs* of energy audits of residential and commercial buildings *including those* required by 42 United States Code, Section 8211 et seq. *and section 8281*. The consumer services division and the attorney general are authorized to release information on consumer complaints about the operation of the program to the commissioner.

Sec. 7. Minnesota Statutes 1982, section 116J.36, is amended to read:

116J.36 [DISTRICT HEATING GRANTS AND LOANS.]

Subdivision 1. [POLICIES.] Developing and improving efficient and economical district heating systems is a public purpose for state and local financing and a proper function of state and local government. Climate and geography make a reliable, economic supply of energy essential for industrial, commercial, 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 municipal district heating systems as demonstration projects. Municipal 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) "Construction costs" means all costs associated with the construction, modification or expansion of a district heating system except for preliminary planning costs and detailed design costs. Construction costs include the cost of debt service from the time a construction loan is made until five years after the beginning of the operation of the district heating system constructed or the part of the system being modified or expanded.

(b) "District heating" means the use of a central energy conversion facility to produce hot water or steam for a district heating system. District heating facilities may also produce electricity in addition to hot water or steam.

(c) "Municipality" means any county, city, town, municipal power agency, or public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized or nonprofit corporation organized pursuant to the provisions of chapter 317 whose membership is lim-

ited to the mayor and governing body of the city in which the district heating system is located.

(d) "District heating system" means any existing or proposed facility for (1) the production, through cogeneration or otherwise, of hot water or steam to be used for district heating, or (2) the transmission and distribution of hot water or steam for district heating either directly to heating consumers or to another facility or facilities for transmission and distribution, or (3) any part or combination of the foregoing facilities.

Subd. 3. [ELIGIBILITY.] The commissioner of finance, upon request of the governor, may make loans to municipalities for the acquisition, construction, expansion, or modification of district heating systems. A loan shall be made only to a municipality that has demonstrated that:

- (a) The municipality has the financial capability to sponsor the project;
- (b) The project is technologically feasible;

(c) The district heating project will become a cogeneration facility or the project will utilize hot water or, if the project involves an existing district steam heating system, the project will become integrated with a hot water district heating system, or the project will allow the use of nonpetroleum fuels or will construct an efficient heat transmission system; and

(d) The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.

Subd. 3a. [GRANT ELIGIBILITY.] The commissioner of energy, planning and development may provide planning grants to municipalities for planning related to the development of district heating systems. The municipality must demonstrate that a community heatload survey and map have been successfully completed, that potential district heating load is sufficiently large to justify further consideration, and that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include project definition, development of preliminary financing and distribution system plans, and obtaining commitment for detailed planning or design and preparation of a final report. The amount of a grant shall be limited to 90 percent of eligible planning costs and shall not exceed \$75,000.

Subd. 4. [PRIORITIES.] The commissioner of energy, planning and development shall give higher priority to a project that does more to achieve the following goals:

- (a) The district heating conversion facility employs cogeneration techniques;
- (b) The facility uses renewable or nonpetroleum sources of energy;
- (c) The district heating facility will save petroleum or natural gas;
- (d) The operation of the district heating facility will not have an adverse impact on the environment;
- (e) The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;

(f) The project has obtained additional financing from the federal government, private sources, or other sources of capital; and

(g) Other goals the commissioner of energy, planning and development finds desirable for district heating systems.

Subd. 5. [APPLICATION.] Application for a loan to be made pursuant to subdivision 6 shall be made by a municipality to the commissioner of energy, planning and development on a form prescribed by the commissioner of energy, planning and development by rule. The commissioner of energy, planning and development 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 municipality proposes to finance the project, including:
 - (1) A loan authorized by state law; or
 - (2) A grant of money appropriated by state law; or
 - (3) A grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency and allocated by it to projects within the state; or
 - (4) The appropriation of proceeds of bonds or other money of the municipality to an account for the construction of the project; or
 - (5) User charges, franchise fees, special assessments or taxes; or
 - (6) Any or all of the means referred to in clauses (1) to (5).

Subd. 6. [LOANS.] Upon the recommendation of the governor pursuant to subdivision 8, the commissioner of finance shall make loans to municipalities on the following terms:

(a) In the case of loans for design costs, the maximum amount of the loan shall be limited by the provisions of this clause. For cities of the first class, 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) In the case for loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project is economically and technologically feasible; that the district heating system will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project. For cities of the first class, the amount of the loan shall be up to 50 percent of the construction costs. For cities of the second class, the amount of the loan shall be up to 80 percent of the construction costs. For cities of the third or fourth class, the amount of the loan shall be up to 90 percent of the construction

costs.

(c) A loan made pursuant to this section is repayable over a period of 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. 7. [MODERN STEAM SYSTEMS.] (a) A municipality which has operating within its boundaries a modern steam district heating system owned by a district heating utility may apply for a loan or grant under this section even though the district heating project for which the loan or grant application is made may be planned, constructed, or owned by a district heating utility. The loan or grant application shall be treated in the same manner as loan or grant applications for district heating projects where the projects are to be planned, constructed, or owned by a municipality.

All or a portion of the proceeds of a loan made to a municipality described in this subdivision may be used to make loans to a district heating utility to provide financial assistance for the planning, modification, expansion or construction of a district heating project. Prior to making the loan to the district heating utility, the municipality shall:

(1) Adopt a district heating plan which identifies the areas of the city to be served by district heating; a time schedule indicating when service would be available in different areas of the city and the type of service to be offered; and

(2) Enter into a written agreement with the district heating utility which includes a requirement that the district heating utility restrict expansion of its existing steam system within its current geographic boundaries as determined by the municipality and develop a hot water system on a specific time schedule.

(b) The powers, authority and obligations granted to a municipality under this subdivision are supplemental to the powers, authority and obligations granted all municipalities under this section.

(c) As used in this subdivision, "modern steam district heating system" means a steam district heating system with condensate return built after 1970 and before May 30, 1981. "District heating utility" means any person, corporation, or other legal entity which owns or operates or plans to own or operate a district heating system. "District heating project" means a new district heating system, or the expansion or modification of the existing modern steam district heating system.

Subd. 8. [LOAN APPROVAL.] The commissioner of energy, planning and development shall prepare and submit to the legislative advisory commission a list of district heating loan requests. The list shall contain the supporting information required by subdivisions 3, 4, 5, 6, and 7. 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 may be disbursed only upon approval by

the governor.

Subd. 9. [PAYMENT; OBLIGATION.] The commissioner of finance shall not pay money to a municipality pursuant to an approved loan until he has determined that:

(a) Financing of the project as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made available by the financing plan exclusively for the eligible costs of the project, 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 of finance shall condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce annually the revenues pledged for repayment of all annual costs of the system, including annual repayment of the state loan.

Subd. 10. [RECEIPTS.] All principal and interest payments received by the commissioner of finance in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purposes of that account.

Subd. 11. [RULES.] The commissioner of energy, planning and development shall adopt rules necessary to carry out this section. The commissioner of energy, planning and development shall adopt temporary rules pursuant to sections 14.29 to 14.36, meeting the requirements of this section. The rules shall contain as a minimum:

- (a) Procedures for application by municipalities; and
- (b) Criteria for reviewing grant and loan applications.

Sec. 8. [116J.37] [ALTERNATIVE ENERGY ECONOMIC ANALYSIS.]

The commissioner shall carry out the following energy economic analysis duties:

- (a) provide continued analysis of alternative energy issues for the biennial*

report, certificates of need, and legislative requests;

(b) provide alternative energy information to consumers and business;

(c) assist in the maintenance and improvement of alternative energy input-output multipliers and market penetration models;

(d) provide analysis of alternative energy data.

Sec. 9. [116J.371] [SURVEY OF STEAM TRAPS.]

The commissioner shall survey the steam traps in 100 state-owned buildings, to be selected by the commissioner of administration or his or her designee. The purpose of the survey is to assess the energy efficiency of current steam traps and to recommend repair or replacement of faulty steam traps.

Sec. 10. [116J.372] [ENERGY MANAGEMENT TRAINING PROGRAM.]

The commissioner shall establish a program to train state building operators in efficient energy management of state buildings, including the periodic review and maintenance of steam traps as a high priority. The commissioner shall document the energy savings from this program and make it available for use in other program areas, such as in local government buildings.

Sec. 11. [116J.373] [SUPERINSULATED HOME DEMONSTRATION PROJECT.]

The superinsulated home demonstration project funded under Laws 1981, chapter 356, section 30, shall be continued to monitor and document new projects and projects in progress. The project shall:

(a) work with the financial community to bring energy cost and savings into mortgage underwriting standards;

(b) develop a definition of superinsulation for use by financial institutions.

Sec. 12. [116J.38] [BUILDING ENERGY RESEARCH CENTER.]

Subdivision 1. [ENERGY PARTNERSHIP.] To improve the energy efficiency of buildings, the commissioner shall administer a building energy research center that shall be a partnership among the department of energy, planning and development, the university of Minnesota, and certain associations and businesses from the private sector. The center's goal is to become a nationally recognized center for building research.

Subd. 2. [PURPOSE.] The purpose of the building energy research center is to:

(a) conduct studies of actual Minnesota building experience;

(b) disseminate information acquired relating to building energy efficiency;

(c) conduct continuing education courses;

(d) provide limited energy and design consultation services for innovative projects;

(e) coordinate and stimulate research efforts; and

(f) seek private sector pledges to match the appropriation for this program as provided in section 20.

Sec. 13. [116J.39] [ENERGY BUSINESS DEVELOPMENT ASSISTANCE PROGRAM.]

The commissioner shall provide direct assistance to businesses that plan to begin or expand their operations into the area of energy. The assistance shall include:

(a) providing data currently collected by the state that relates to resources, markets, economics, demographics, loans, and business planning;

(b) performing a limited technical review of prototypes or processes;

(c) conducting a limited number of feasibility studies to assist business development; and

(d) conducting workshops, seminars, and other educational opportunities that relate to starting energy businesses or specific technical subjects.

Sec. 14. Minnesota Statutes 1982, section 216B.164, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section as well as any rules promulgated by the commission pursuant to implement this section or the public utility regulatory policies act of 1978, Pub.L. 95-617, 92 Stat. 3117, and the federal energy regulatory commission regulations thereunder, ~~48 C.F.R. Code of Federal Regulations, title 18, part 292, shall apply to all Minnesota electric utilities, including cooperative electric associations and municipal electric utilities; that become interconnected with any qualifying facility as defined in 48 C.F.R. Section 292.101(b)(1).~~

Sec. 15. Minnesota Statutes 1982, section 216B.164, subdivision 3, is amended to read:

Subd. 3. [PURCHASES; SMALL FACILITIES.] *(a) For a qualifying facilities facility having less than 40 kilowatt capacity, the customer shall be billed for the net energy supplied by the utility according to the applicable rate schedule for sales to that class of customer. In the case of net input into the utility system by the a qualifying facility having less than 40 kilowatt capacity, compensation to the customer shall be at a per kilowatt hour rate set by the commission determined under paragraph (b) or (c) of this subdivision.*

(b) In setting these rates, the commission shall consider the fixed distribution costs to the utility not otherwise accounted for in the basic monthly charge and shall ensure that the costs charged to the qualifying facility are not discriminatory in relation to the costs charged to other customers of the utility. Notwithstanding any other language to the contrary in this section, The commission shall set the rates for net input into the utility system based on avoided costs as defined in ~~48 C.F.R. the Code of Federal Regulations, title 18, section 292.101(b)(6), the factors listed in 48 C.F.R. Code of Federal Regulations, title 18, section 292.304, and all other relevant factors.~~

(c) Notwithstanding any provision in this chapter to the contrary, a qualifying facility having less than 40 kilowatt capacity may elect that the compensation for net input by the qualifying facility into the utility system shall be

at the average retail utility energy rate. "Average retail energy rate" is defined as the average of the retail energy rates, exclusive of special rates based on income, age, or energy conservation, according to the applicable rate schedule of the utility for sales to that class of customer.

(d) If the qualifying facility is interconnected with a non-generating utility which has a sole source contract with a municipal power agency or a generation and transmission utility, the non-generating utility may elect to treat its purchase of any net input under this subdivision as being made on behalf of its supplier and shall be reimbursed by its supplier for any additional costs incurred in making the purchase. Qualifying facilities having less than 40 kilowatt capacity may, at the customer's option, elect to be governed by the provisions of subdivision 4.

(e) No utility may be required to file information for the determination of avoided costs with the commission until:

(i) a qualifying facility has requested an interconnection or has actually interconnected with a utility; and

(ii) the utility or the qualifying facility having 40 or more kilowatt capacity proposes that the rate to be paid by the utility upon purchase of electric power from a qualifying facility be fixed by reference to avoided costs rather than the average retail energy rate as provided in clause (c).

If the proposal in clause (ii) is made by a qualifying facility, the qualifying facility shall make a preliminary showing that there is reasonable cause to believe that the rate determined by reference to avoided costs would exceed the average retail energy rate.

Sec. 16. Minnesota Statutes 1982, section 216B.164, subdivision 6, is amended to read:

Subd. 6. [RULES AND UNIFORM CONTRACT.] *(a) The commission shall promulgate rules to implement the provisions of this section. The commission shall also establish a uniform statewide form of contract for use between utilities and a qualifying facility having less than 40 kilowatt capacity.*

(b) The commission shall require the qualifying facility to provide the utility with reasonable access to the premises and equipment of the qualifying facility only if the particular configuration of the qualifying facility precludes disconnection or testing of the qualifying facility from the utility side of the interconnection and only if the utility personnel are qualified to work on the qualifying facility's equipment.

(c) The uniform statewide form of contract shall be applied to all new and existing interconnections established between a utility and a qualifying facility having less than 40 kilowatt capacity except that existing contracts may remain in force until written notice of election that the uniform statewide contract form applies is given by either party to the other, with the notice being the shortest time period permitted under existing contract for termination of the existing contract by either party but not less than ten nor longer than 30 days.

Sec. 17. Minnesota Statutes 1982, section 216B.164, subdivision 8, is amended to read:

Subd. 8. [CUSTOMER, INTERCONNECTION AND WHEELING CHARGES.] (a) Utilities shall be required to interconnect with a qualifying facility that offers to provide available energy or capacity and that satisfies the requirements of this section. (b) 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 nongenerating customers.

Sec. 18. [216B.242] [INVERTED RATES.]

The commission may initiate a program designed to demonstrate the effect of inverted rates on promoting conservation by the residential customers of natural gas utilities. Any inverted rates ordered by the commission shall present customers with a tailblock price that, to the maximum extent practicable, reflects the replacement cost of gas. Total revenues collected from customers involved in this pilot program may not exceed those that would be collected under a flat rate. The commission may order two public gas utilities to implement a pilot program of inverted rates for residential customers and to monitor the effects of these rates on gas consumption, and on costs to residential customers. The programs shall include a sufficient number of residential customers to provide statistically significant conclusions regarding the effects and costs of inverted rates. The inverted rate schedules and monitoring plans shall be prepared in consultation with the energy division of the Minnesota department of energy, planning and development.

Sec. 19. Minnesota Statutes 1982, section 453.54, is amended by adding a subdivision to read:

Subd. 7a. It may invest in various technologies at any one time to minimize long-run costs of providing electrical services to consumers. These investments include energy conservation measures and renewable resources.

Sec. 20. [APPROPRIATIONS.]

Subdivision 1. The sum of \$..... is appropriated from the general fund to the department of energy, planning and development for staff and program costs of the steam trap survey program under section 9.

Subd. 2. The sum of \$..... is appropriated from the general fund to the department of energy, planning and development to operate the energy management training program under section 10. Included in this sum is money for the energy efficiency training of 800 building operators.

Subd. 3. The sum of \$..... is appropriated from the general fund to the department of energy, planning and development to hire one complement and to fund the continuing superinsulated home demonstration project for two years, as provided in section 11.

Subd. 4. The sum of \$..... is appropriated from the general fund to the department of energy, planning and development to hire necessary staff, consultants, and equipment for the building energy research center as provided in section 12.

Subd. 5. The sum of \$..... is appropriated from the general fund to the department of energy, planning and development to carry out the energy

business development assistance program in section 13.

Subd. 6. The sum of \$..... is appropriated from the general fund to the department of energy, planning and development to fund the secondary phase of district heating planning for municipalities that have received district heating loans under section 116J.36. The sum of \$..... shall be used for five matching grants of \$..... each, as provided in section 116J.36, subdivision 3a; the remaining \$..... shall be used to pay for one complement position and administration.

Subd. 7. The sum of \$..... is appropriated from the general fund to the department of energy, planning and development to develop and market energy audits for multi-family and commercial buildings pursuant to section 6.

Sec. 21. [REPEALER.]

Minnesota Statutes 1982, section 116J.27, subdivisions 5 and 7, are repealed.

Sec. 22. [EFFECTIVE DATE.]

Section 18 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy; providing an omnibus energy policy; appropriating money; amending Minnesota Statutes 1982, sections 16.02, by adding a subdivision; 116J.27, subdivisions 2, 6, and by adding a subdivision; 116J.31; 116J.36; 216B.164, subdivisions 2, 3, 6, and 8; 453.54, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116J and 216B; repealing Minnesota Statutes 1982, section 116J.27, subdivisions 5 and 7."

And when so amended the bill do pass and be re-referred to the Committee on Public Utilities and State Regulated Industries. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 316 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.
		316	287		

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. 576 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.
	576		534		

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. 681, 219, 204, 527, 391, 541, 692, 684, 529, 967, 682, 246, 34, 464, 463, 746, 509 and 719 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 316 and 576 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Ramstad moved that the name of Ms. Reichgott be added as a co-author to Senate Resolution No. 39. The motion prevailed.

Mr. Ramstad moved that the name of Ms. Reichgott be added as a co-author to Senate Resolution No. 40. The motion prevailed.

Mr. Novak moved that the name of Mr. Schmitz be added as a co-author to S.F. No. 884. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 924. The motion prevailed.

Mr. Luther moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 966. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 977. The motion prevailed.

Mr. Wegscheid moved that the name of Ms. Reichgott be added as a co-author to S.F. No. 995. The motion prevailed.

Mr. Lessard introduced—

Senate Resolution No. 45: A Senate resolution congratulating the Broncos hockey team from International Falls High School for participating in the 1983 State High School Hockey Tournament.

Referred to the Committee on Rules and Administration.

CALENDAR

S.F. No. 369: A bill for an act relating to local government; providing for

the investment of debt service funds; amending Minnesota Statutes 1982, section 475.66, 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:

Adkins	Dicklich	Knaak	Nelson	Renneke
Anderson	Diessner	Knutson	Novak	Samuelson
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Laidig	Peterson,C.C.	Spear
Berglin	Frederickson	Langseth	Peterson,D.C.	Storm
Bernhagen	Freeman	Lantry	Peterson,D.L.	Stumpf
Bertram	Hughes	Lessard	Peterson,R.W.	Taylor
Brataas	Isackson	Luther	Petty	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Dahl	Johnson, D.J.	Merriam	Purfeerst	Waldorf
Davis	Jude	Moe, D. M.	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 87: A bill for an act relating to public welfare; requiring reporting of abuse or neglect of children; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; clarifying investigative authority of welfare agencies in making mandated investigations of physical or sexual abuse and neglect; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.011, subdivision 2; 260.242, subdivision 2, and by adding a subdivision; 364.09; and 626.556, subdivisions 2, 4, 7, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Reichgott
Anderson	Diessner	Knutson	Nelson	Renneke
Belanger	Dieterich	Kroening	Novak	Samuelson
Benson	Frank	Kronebusch	Olson	Schmitz
Berg	Frederick	Laidig	Pehler	Sieloff
Berglin	Frederickson	Langseth	Peterson,C.C.	Spear
Bernhagen	Freeman	Lantry	Peterson,D.C.	Storm
Bertram	Hughes	Lessard	Peterson,D.L.	Stumpf
Brataas	Isackson	Luther	Peterson,R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Petty	Ulland
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Davis	Jude	Merriam	Purfeerst	Waldorf
DeCramer	Kamrath	Moe, D. M.	Ramstad	Wegscheid

So the bill passed and its title was agreed to.

S.F. No. 218: A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental deficiency to be held in the court in which acquittal took place; modifying the burden of going forward with the evidence on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding subdivisions; 253B.07, subdivisions 1, 2, 3, and 7, and by adding a subdivision; 253B.08, subdivision 7; 253B.12, subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; 253B.23, subdivision 7; and 611.026.

With the unanimous consent of the Senate, Mr. Freeman moved to amend S.F. No. 218 as follows:

Page 1, line 27, delete "*retardation*" and insert "*deficiency*"

Pages 8 and 9, delete section 15

Page 9, line 3, delete "16" and insert "15"

Amend the title as follows:

Page 1, line 17, after "5;" insert "and"

Page 1, line 18, delete "; and 611.026"

The motion prevailed. So the amendment was adopted.

S.F. No. 218: A bill for an act relating to commitment of persons who are mentally ill, mentally retarded, or mentally ill and dangerous; requiring mental commitment proceedings for persons acquitted of a criminal charge pursuant to a verdict of not guilty by reason of mental illness or not guilty by reason of mental deficiency to be held in the court in which acquittal took place; modifying the burden of going forward with the evidence on the issues of mental illness, mental retardation, and mental illness and dangerousness in certain cases; amending Minnesota Statutes 1982, sections 253B.02, subdivision 4, and by adding subdivisions; 253B.07, subdivisions 1, 2, 3, and 7, and by adding a subdivision; 253B.08, subdivision 7; 253B.12, subdivision 4; 253B.18, subdivision 1; 253B.19, subdivision 1; 253B.21, subdivision 5; and 253B.23, subdivision 7.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Reichgott
Anderson	Diessner	Knutson	Nelson	Renneke
Belanger	Dieterich	Kroening	Novak	Samuelson
Benson	Frank	Kronebusch	Olson	Schmitz
Berg	Frederick	Laidig	Pehler	Solon
Berglin	Frederickson	Langseth	Peterson.C.C.	Spear
Bernhagen	Freeman	Lantry	Peterson.D.C.	Storm
Bertram	Hughes	Lessard	Peterson.D.L.	Stumpf
Brataas	Isackson	Luther	Peterson.R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Petty	Ulland
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Davis	Jude	Merriam	Purfeerst	Waldorf
DeCramer	Kamrath	Moe, D. M.	Ramstad	Wegscheid

So the bill, as amended, passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 356: A bill for an act relating to driver's licenses; requiring examination of applicants' knowledge of the effects of alcohol and drugs on drivers; amending Minnesota Statutes 1982, section 171.13, 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:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson,C.C.	Spear
Benson	Frederick	Langseth	Peterson,D.C.	Storm
Berg	Frederickson	Lantry	Peterson,D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson,R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 854: A bill for an act relating to commerce; providing for the filing and recording of mortgages and deeds of trust of pipeline companies; amending Minnesota Statutes 1982, section 300.115.

Was read the third time 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:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson,C.C.	Spear
Benson	Frederick	Langseth	Peterson,D.C.	Storm
Berg	Frederickson	Lantry	Peterson,D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson,R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 708: A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17. sub-

division 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05; 345.06; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 347.05; 347.06; 357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

With the unanimous consent of the Senate, Mr. Peterson, R.W. moved to amend S.F. No. 708 as follows:

Page 16, line 27, reinstate "shall" and delete "may"

Page 17, line 6, reinstate the stricken language

Page 17, line 7, delete the new language

The motion prevailed. So the amendment was adopted.

S.F. No. 708 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Samuelson
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C. C.	Solon
Berg	Frederickson	Lantry	Peterson, D. C.	Spear
Berglin	Freeman	Lessard	Peterson, D. L.	Storm
Bernhagen	Hughes	Luther	Peterson, R. W.	Stumpf
Bertram	Isackson	McQuaid	Petty	Taylor
Brataas	Johnson, D.E.	Mehrkens	Pogemiller	Ulland
Chmielewski	Johnson, D.J.	Merriam	Purfeerst	Vega
Dahl	Jude	Moe, D. M.	Ramstad	Waldorf
Davis	Kamrath	Moe, R. D.	Reichgott	Wegscheid
DeCramer	Knaak	Nelson	Renneke	

So the bill, as amended, passed and its title was agreed to.

H.F. No. 468: A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

Was read the third time 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:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Berhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

H.F. No. 26, which the committee recommends to pass with the following amendments offered by Mr. Dahl:

Amend H. F. No. 26, the unofficial engrossment, as follows:

Page 3, after line 21, insert:

“(c) If the nonconformity results in a complete failure of the braking or steering system of the new motor vehicle and is likely to cause death or serious bodily injury if the vehicle is driven, it is presumed that a reasonable number of attempts have been undertaken to conform the vehicle to the applicable express warranties if the conformity has been subject to repair at least once by the manufacturer, its agents, or its authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, and the nonconformity continues to exist.

(d)“

Page 3, line 26, after the period, insert:

“(e)“

Page 3, line 26, delete *“presumption”* and insert *“presumptions”*

Page 3, line 27, delete *“this section”* and insert *“paragraph (b)”*

Page 3, line 33, after the period, insert:

“(f)”

The motion prevailed. So the amendment was adopted.

Mr. Dahl then moved to amend H.F. No. 26, the unofficial engrossment, as follows:

Page 4, after line 7, insert:

“Subd. 4. [RESALE OF RETURNED MOTOR VEHICLE.] (a) If a motor vehicle has been returned under the provisions of subdivision 3, it may not be resold in this state unless:

(1) the manufacturer provides the same express warranty it provided to the original purchaser, except that the term of the warranty need only last for 12,000 miles or 12 months after the date of resale, whichever is earlier; and

(2) the manufacturer provides the consumer with a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: “IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER’S EXPRESS WARRANTY AND THE NONCONFORMITY WAS NOT CURED WITHIN A REASONABLE TIME AS PROVIDED BY MINNESOTA LAW.”

The provisions of this section apply to the resold motor vehicle for full term of the warranty required under this subdivision.

(b) Notwithstanding the provisions of paragraph (a), if a new motor vehicle has been returned under the provisions of subdivision 3 because of a non-conformity resulting in a complete failure of the braking or steering system of the motor vehicle likely to cause death or serious bodily injury if the vehicle was driven, the motor vehicle may not be resold in this state.”

Renumber the subdivisions in sequence

Mr. Sieloff moved to amend the Dahl amendment to H.F. No. 26, the unofficial engrossment, as follows:

Page 1, line 6, delete the colon

Page 1, delete lines 7 to 10

Page 1, line 11, delete “(2)”

Page 1, delete lines 18 to 20

The question was taken on the adoption of the Sieloff amendment to the Dahl amendment.

The roll was called, and there were yeas 18 and nays 44, as follows:

Those who voted in the affirmative were:

Benson	Frederickson	Laidig	Peterson,R.W.	Storm
Bernhagen	Isackson	McQuaid	Ramstad	Ulland
Chmielewski	Kamrath	Olson	Renneke	
Frederick	Kronebusch	Peterson,D.L.	Sieloff	

Those who voted in the negative were:

Adkins	Dicklich	Knaak	Nelson	Schmitz
Anderson	Diessner	Kroening	Novak	Solon
Belanger	Dieterich	Langseth	Pehler	Spear
Berglin	Frank	Lantry	Peterson,C.C.	Stumpf
Bertram	Freeman	Lessard	Peterson,D.C.	Taylor
Brataas	Hughes	Luther	Pogemiller	Vega
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Davis	Johnson, D.J.	Merriam	Reichgott	Wegscheid
DeCramer	Jude	Moe, R. D.	Samuelson	

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the motion of Mr. Dahl.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Schmitz
Anderson	Diessner	Kronebusch	Olson	Spear
Belanger	Dieterich	Laidig	Pehler	Storm
Benson	Frank	Langseth	Peterson,D.C.	Stumpf
Berg	Frederickson	Lantry	Peterson,D.L.	Taylor
Berglin	Freeman	Lessard	Peterson,R.W.	Vega
Bernhagen	Hughes	Luther	Pogemiller	Waldorf
Bertram	Isackson	McQuaid	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Ramstad	
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Jude	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	

Messrs. Kamrath, Sieloff and Ulland voted in the negative.

The motion prevailed. So the amendment was adopted.

Mr. Dahl then moved to amend H.F. No. 26, the unofficial engrossment, as follows:

Page 3, line 26, delete "*Except as provided below,*"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass H.F. No. 26.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Nelson	Renneke
Anderson	Diessner	Kronebusch	Novak	Samuelson
Belanger	Dieterich	Laidig	Olson	Sieloff
Benson	Frank	Langseth	Pehler	Spear
Berg	Frederickson	Lantry	Peterson,C.C.	Storm
Berglin	Freeman	Lessard	Peterson,D.C.	Stumpf
Bernhagen	Hughes	Luther	Peterson,D.L.	Taylor
Bertram	Isackson	McQuaid	Peterson,R.W.	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Dahl	Johnson, D.J.	Merriam	Purfeerst	Waldorf
Davis	Jude	Moe, D. M.	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R. D.	Reichgott	

Mr. Kamrath voted in the negative.

The motion prevailed. So H.F. No. 26 was recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Merriam, Pehler, Laidig, Schmitz and Ramstad introduced—

S.F. No. 1012: A bill for an act relating to waste management; amending the Hazardous Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; amending Minnesota Statutes 1982, sections 115.071, subdivisions 2 and 3; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28, subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3; 116.06, subdivision 13; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding a subdivision; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. DeCramer, Lessard, Schmitz, Ms. Peterson, D.C. and Mr. Storm introduced—

S.F. No. 1013: A bill for an act relating to the Minnesota veterans home; clarifying the treatment of assets for purposes of calculating maintenance charges; amending Minnesota Statutes 1982, section 198.03.

Referred to the Committee on Veterans and General Legislation.

Mr. Solon introduced—

S.F. No. 1014: A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, subdivision 2.

Referred to the Committee on Local and Urban Government.

Mrs. Kronebusch, Messrs. Chmielewski, Storm, Frederickson and Spear

introduced—

S.F. No. 1015: A bill for an act relating to cemeteries; increasing the penalty for illegal molestation of human remains; requiring the state or political subdivision to obtain archaeologist services and to pay for removal of Indian burial grounds under certain circumstances; amending Minnesota Statutes 1982, section 307.08, subdivisions 2, 4, 8, and 10.

Referred to the Committee on Veterans and General Legislation.

Mr. Merriam, Ms. Reichgott, Messrs. Peterson, D.L.; Dahl and Langseth introduced—

S.F. No. 1016: A bill for an act relating to education; providing for hearings before an arbitrator in certain cases and for a school board to furnish a teacher with certain transcripts; eliminating certain hearings before a school board; requiring that probationary teachers be placed on unnegotiated, unrequested leave in the inverse order of their employment; amending Minnesota Statutes 1982, section 125.12, subdivisions 2, 3, 4, 6a, 6b, 8, 9, 10, and 11.

Referred to the Committee on Education.

Mr. Frank introduced—

S.F. No. 1017: A bill for an act relating to the legislature; regulating associations which may lobby the legislature; proposing new law coded in Minnesota Statutes, chapter 10A.

Referred to the Committee on Elections and Ethics.

Mr. Frank introduced—

S.F. No. 1018: A bill for an act relating to labor; protecting the rights of employees of associations; proposing new law coded in Minnesota Statutes, chapter 181.

Referred to the Committee on Employment.

Mr. Frank introduced—

S.F. No. 1019: A bill for an act relating to commerce; regulating finance charges imposed on open end credit sales; amending Minnesota Statutes 1982, section 334.16, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Mr. Schmitz, Mrs. Adkins, Mr. Ramstad, Mrs. McQuaid and Mr. Stumpf introduced—

S.F. No. 1020: A bill for an act relating to communications; removing restrictions on telecast agreements for games at metropolitan sports facilities; repealing Minnesota Statutes 1982, section 473.568.

Referred to the Committee on Local and Urban Government.

Mr. Pogemiller introduced—

S.F. No. 1021: A bill for an act relating to no-fault automobile insurance; prohibiting reparation obligors from prorating the disability and income loss benefits maximum on a daily basis; amending Minnesota Statutes 1982, section 65B.44, subdivision 3.

Referred to the Committee on Economic Development and Commerce.

Mr. Peterson, C.C. introduced—

S.F. No. 1022: A bill for an act relating to state governmental finances; defining the nature and scope of the state budget reserve account; amending Minnesota Statutes 1982, section 16A.15, subdivision 1, and by adding subdivisions; repealing Minnesota Statutes 1982, section 16A.153.

Referred to the Committee on Finance.

Mr. Merriam, Ms. Reichgott and Mr. Peterson, R.W. introduced—

S.F. No. 1023: 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 1982, sections 525.13; 525.14; 525.145; 525.15; 525.151; 525.16; 525.17; 525.171 to 525.202; and 525.212 to 525.216.

Referred to the Committee on Judiciary.

Mr. Peterson, C.C. introduced—

S.F. No. 1024: A bill for an act relating to health insurance; reinstating health insurance for a certain annuitant.

Referred to the Committee on Governmental Operations.

Mr. Peterson, R.W. introduced—

S.F. No. 1025: A bill for an act relating to probate; providing a procedure for succession without administration; enacting additions to the Uniform Probate Code; proposing new law coded in Minnesota Statutes, chapter 524.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 1026: A bill for an act relating to Independent School District No. 319, Nashwauk-Keewatin; authorizing a transfer of funds to reduce the operating debt.

Referred to the Committee on Education.

Mr. Moe, D.M. introduced—

S.F. No. 1027: A bill for an act relating to state government; making technical changes relating to insurance benefits to recognize the existence of the court of appeals; providing time limitations on the rights of former

members of the legislature to purchase certain insurance; amending Minnesota Statutes 1982, sections 43A.24, subdivision 2; and 43A.27, subdivision 4.

Referred to the Committee on Governmental Operations.

Messrs. Taylor; Moe, R.D.; Purfeerst and Frederick introduced—

S.F. No. 1028: A bill for an act relating to the agriculture interpretive center at Waseca; providing for construction of improvements; providing for the sale of state building bonds.

Referred to the Committee on Finance.

Mr. Peterson, C.C. introduced—

S.F. No. 1029: A bill for an act relating to game and fish; requiring nonresident bear hunters to be accompanied by a licensed guide; amending Minnesota Statutes 1982, section 98.455.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 1030: A bill for an act relating to elections; providing for school district elections to be held at the same time as municipal elections; providing for municipal clerks to administer school district elections; providing for school district elections to be conducted according to the Minnesota election law; amending Minnesota Statutes 1982, sections 122.25, subdivision 2; 123.32, subdivisions 9 and 23; 123.33, subdivision 4; 123.351, subdivisions 1 and 3; 123.51; 128.01; 200.015; 200.02, by adding a subdivision; 201.071, subdivision 1, and by adding a subdivision; 203B.05, subdivision 2; 203B.06, subdivision 3; 204B.02; 204B.14, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 2; 204B.35, subdivision 1; 204B.40; 204C.02; 204C.19, subdivision 2; 204C.25; 204C.27; 204C.28, by adding a subdivision; 204C.36; 209.02, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapters 206 and 210A; proposing new law coded as Minnesota Statutes, chapter 205A; repealing Minnesota Statutes 1982, sections 123.015; 123.11, subdivisions 2, 3, and 4; 123.32, subdivisions 1, 1a, 2, 3, 4, 5, 6, 7, 8, 8a, 11, 22, 24, 25, 26, 27, and 28; and 201.095.

Referred to the Committee on Elections and Ethics.

Messrs. Langseth, Frederickson and Davis introduced—

S.F. No. 1031: A bill for an act relating to agriculture; regulating commerce in seeds; establishing a seed laboratory for the regulatory and service testing of seeds; appropriating money; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 1982, sections 21.47 to 21.58.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Frederickson introduced—

S.F. No. 1032: A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other financial authority for New Ulm.

Referred to the Committee on Local and Urban Government.

Messrs. Peterson, R.W.; Merriam and Luther introduced—

S.F. No. 1033: A bill for an act relating to commerce; secured transactions; changing the place of filing of farm equipment and farm product liens; regulating examination and search fees; absolving filing officers of liability for negligence in supplying information; appropriating money; amending Minnesota Statutes 1982, sections 336.9-401; 336.9-403; 336.9-404; and 336.9-407.

Referred to the Committee on Judiciary.

Messrs. Peterson, R.W and Merriam introduced—

S.F. No. 1034: A bill for an act relating to agriculture; specifying procedures for minimizing soil loss on agricultural lands; amending Minnesota Statutes 1982, sections 40.01, by adding subdivisions; 40.036, subdivision 3; and 40.07, subdivision 9, and by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Lantry, Mr. Hughes and Ms. Berglin introduced—

S.F. No. 1035: A bill for an act relating to elections; changing the time and day of precinct caucuses; amending Minnesota Statutes 1982, section 202A.14, subdivision 1.

Referred to the Committee on Elections and Ethics.

Messrs. Peterson, R.W. and Sieloff introduced—

S.F. No. 1036: A bill for an act relating to negligence actions; providing for joint and several liability and equal contribution to awards; amending Minnesota Statutes 1982, section 604.02, subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Mr. Peterson, R.W. introduced—

S.F. No. 1037: A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

Referred to the Committee on Economic Development and Commerce.

Mr. Peterson, R.W. introduced—

S.F. No. 1038: A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Renneke introduced—

S.F. No. 1039: A bill for an act relating to insurance; allowing certain aircraft owners to elect not to carry passenger seat liability coverage if they will not be carrying passengers; amending Minnesota Statutes 1982, sections 60A.081, subdivision 2; and 360.59, subdivision 10.

Referred to the Committee on Economic Development and Commerce.

Messrs. Johnson, D.E. and Benson introduced—

S.F. No. 1040: A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ramstad introduced—

S.F. No. 1041: A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

Referred to the Committee on Local and Urban Government.

Messrs. Diessner, Vega, Novak and Pehler introduced—

S.F. No. 1042: A bill for an act relating to education; severance pay plans for teachers; authorizing school districts to make a property tax levy for severance pay; authorizing equalization aid for the severance pay levy; amending Minnesota Statutes 1982, section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 124 and 125.

Referred to the Committee on Education.

Messrs. Belanger, Pogemiller, Freeman and Ms. Peterson, D.C. introduced—

S.F. No. 1043: A bill for an act relating to intoxicating liquor; authorizing a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Samuelson introduced—

S.F. No. 1044: A bill for an act relating to the city of Baxter; authorizing the city to employ a full-time police officer; providing exception to peace officer licensing requirement.

Referred to the Committee on Governmental Operations.

Mr. Schmitz introduced—

S.F. No. 1045: A bill for an act relating to health; modifying the reporting

requirements for community health services; amending Minnesota Statutes 1982, section 145.918, subdivision 1.

Referred to the Committee on Health and Human Services.

Mr. Schmitz introduced—

S.F. No. 1046: A bill for an act relating to public welfare; eliminating the requirement that the commissioner of public welfare amend the state medical assistance plan to include reimbursement for local screening teams; eliminating the requirement that the commissioner apply for a federal waiver to expand the availability of alternative care services; eliminating the disregard of social security cost of living increases when determining eligibility for medical assistance; amending Minnesota Statutes 1982, sections 256B.06, subdivision 1; 256B.091, subdivisions 6 and 8.

Referred to the Committee on Health and Human Services.

Mr. Schmitz introduced—

S.F. No. 1047: A bill for an act relating to public welfare; establishing a board of social work examiners; licensing and regulating social workers; providing penalties; appropriating money; amending Minnesota Statutes 1982, section 214.01, subdivision 2; proposing new law coded as Minnesota Statutes, chapter 148A.

Referred to the Committee on Health and Human Services.

Mr. Peterson, C.C. introduced—

S.F. No. 1048: A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; amending Minnesota Statutes 1982, section 97.45, subdivisions 1, 4, 5, 6, 7, and 12.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Solon, Freeman, Petty, Belanger and Mrs. Adkins introduced—

S.F. No. 1049: A bill for an act relating to occupations and professions; providing changes in real estate salespersons education requirements; amending Minnesota Statutes 1982, section 82.22, subdivision 6.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 1050: A bill for an act relating to unemployment compensation; including backpay for wrongful discharge as wages; allowing employees to collect unemployment compensation when they may have a claim for backpay for wrongful discharge; allowing employers to repay and withdraw the unemployment compensation claims of employees who have been wrongfully discharged; amending Minnesota Statutes 1982, sections 268.04, subdivisions 23 and 25; and 268.06, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Chmielewski introduced—

S.F. No. 1051: A bill for an act relating to recreational trails; allowing three-wheel off-road vehicles to use certain trails during certain periods of time; requiring vehicle owners to pay a registration fee; amending Minnesota Statutes 1982, sections 84.81, by adding a subdivision; 85.015, by adding a subdivision; 85.017; and 85.018, subdivisions 2, 5, and by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Solon, Petty and Anderson introduced—

S.F. No. 1052: A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1982, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; repealing Minnesota Statutes 1982, sections 60A.11, subdivisions 5a, 5b, and 7; and 60A.111, subdivision 4.

Referred to the Committee on Economic Development and Commerce.

Mr. Spear introduced—

S.F. No. 1053: A bill for an act relating to notarial acts; providing for various notarial acts; enacting the Uniform Law on Notarial Acts; proposing new law coded in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1982, sections 358.32 to 358.40.

Referred to the Committee on Judiciary.

Mr. Petty introduced—

S.F. No. 1054: A bill for an act relating to health services; establishing voluntary and contingent mandatory systems for health service provider reporting or disclosure of prices; appropriating money; proposing new law coded in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1982, section 144.705.

Referred to the Committee on Health and Human Services.

Mr. Petty, Ms. Berglin and Mr. Spear introduced—

S.F. No. 1055: A bill for an act relating to insurance; prohibiting sex and age discrimination under the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty and Spear introduced—

S.F. No. 1056: A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 1 and 2.

Referred to the Committee on Local and Urban Government.

Mr. Petty introduced—

S.F. No. 1057: A bill for an act relating to economic development; requiring certain agreements relating to job creation as a condition for approval of industrial revenue bonds; amending Minnesota Statutes 1982, sections 474.01, by adding a subdivision; and 474.08.

Referred to the Committee on Economic Development and Commerce.

Messrs. Petty; Langseth; Moe, R.D. and Bertram introduced—

S.F. No. 1058: A bill for an act relating to taxation; exempting certain business property from ad valorem taxation; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; and 473F.02, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 273.

Referred to the Committee on Economic Development and Commerce.

Mr. Taylor introduced—

S.F. No. 1059: A bill for an act relating to unemployment compensation; requiring work search documentation; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

Referred to the Committee on Employment.

Messrs. Frederick and Benson introduced—

S.F. No. 1060: A bill for an act relating to taxation; requiring certain information on income tax forms; amending Minnesota Statutes 1982, section 290.39, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Wegscheid introduced—

S.F. No. 1061: A bill for an act relating to retirement; maximum age for initial membership in a second class city volunteer firefighters' relief association; amending Minnesota Statutes 1982, section 424.04, subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Petty, Solon, Benson and Laidig introduced—

S.F. No. 1062: A bill for an act relating to insurance; health and accident; regulating benefits for treatment of alcoholism and drug addiction; amending Minnesota Statutes 1982, section 62A.149, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Messrs. Hughes, Renneke, Knaak, Spear and Wegscheid introduced—

S.F. No. 1063: A bill for an act relating to the small business set-aside program; providing for an increased amount for which sealed bids are required; providing a limitation on set-aside awards over estimated contract

price; limiting subcontracting of set-aside awards; providing a uniform system of certification; prohibiting a quota system for set-aside awards; amending Minnesota Statutes 1982, sections 16.07, subdivisions 2 and 4; 16.083, subdivisions 2 and 4; 16.085; and 471.345, subdivisions 3 and 4.

Referred to the Committee on Governmental Operations.

Messrs. Moe, R.D.; Peterson, R.W. and Luther introduced—

S.F. No. 1064: A bill for an act relating to wrongful death; allowing award of punitive damages in actions for death by wrongful act; amending Minnesota Statutes 1982, section 573.02, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Belanger introduced—

S.F. No. 1065: A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 458.195, subdivision 5; and 473.556, subdivision 6.

Referred to the Committee on Local and Urban Government.

Mr. Hughes introduced—

S.F. No. 1066: A bill for an act relating to watershed districts; providing additional standards for assessing properties benefited by a watershed project; amending Minnesota Statutes 1982, section 112.501, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Pehler introduced—

S.F. No. 1067: A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Freeman introduced—

S.F. No. 1068: A bill for an act relating to economic development; creating the world trade center commission; appropriating money.

Referred to the Committee on Economic Development and Commerce.

Ms. Peterson, D.C. introduced—

S.F. No. 1069: A bill for an act relating to public welfare; establishing a formula for apportioning among counties the cost of federal fiscal sanctions resulting from quality control errors in the aid to families with dependent children, medical assistance, and food stamp programs; amending Minnesota Statutes 1982, section 256.01, subdivision 2.

Referred to the Committee on Health and Human Services.

Ms. Peterson, D.C. introduced—

S.F. No. 1070: A bill for an act relating to public welfare; allowing the state to require an advance from the county agency for the county share of medical assistance and general assistance medical care; amending Minnesota Statutes 1982, sections 256B.041, subdivisions 2 and 5; and 256D.03, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, C.C.; Langseth and Moe, R.D. introduced—

S.F. No. 1071: A bill for an act relating to loan guarantees for persons obtaining loans on farm land within the White Earth Indian Reservation; proposing new law coded as Minnesota Statutes, chapter 41A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C.; Lessard; Bernhagen; Johnson, D.J. and Merriam introduced—

S.F. No. 1072: A bill for an act relating to game and fish; authorizing reciprocity with Wisconsin in the purchase and sale of annual fishing licenses; proposing new law coded in Minnesota Statutes, chapter 98.

Referred to the Committee on Agriculture and Natural Resources.

Without objection, the Senate reverted to the Order of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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. 512: A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for March 24, 1983, be amended to read:

“the bill do pass and be re-referred to the Committee on Judiciary”.
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. 591: A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for March 30, 1983, be amended to read:

“the bill be amended and when so amended the bill do pass.” Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 262: A bill for an act relating to insurance; health and accident; providing benefits for the services of a clinical nurse specialist in psychiatric or mental health nursing; amending Minnesota Statutes 1982, section 62A.152, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for March 24, 1983, be adopted; that committee recommendation being

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health and Human Services”. 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. 263: A bill for an act relating to insurance; health and accident; providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.15.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for March 24, 1983, be amended to read:

“the bill be amended and when so amended the bill do pass.” Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred for proper reference under Rule 35:

S.F. No. 920, reports the same back with the recommendation that the bill be re-referred as follows:

S.F. No. 920 to the Committee on Local and Urban Government.

Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 591 and 263 were read the second time.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 6, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIRST DAY

St. Paul, Minnesota, Wednesday, April 6, 1983

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Michael Kartes.

The roll was called, and the following Senators answered to their names:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Laidig	Peterson, C.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D.L.	Stumpf
Bertram	Hughes	Luther	Peterson, R.W.	Taylor
Brataas	Isackson	McQuaid	Petty	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Dahl	Johnson, D.J.	Merriam	Purfeerst	Waldorf
Davis	Jude	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R.D.	Renneke	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Lessard and Ramstad were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 6, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 15.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 96, 81, 207 and 589.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1983

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. 164: A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.

Senate File No. 164 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1983

Mr. Moe, R.D. moved that S.F. No. 164 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. 210, 406, 430, 403, 573, 602, 633 and 706.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 4, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 210: A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 406: A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, sections 549.04; and 580.17.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 328, now on General Orders.

H.F. No. 430: A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy firefighters.

Referred to the Committee on Governmental Operations.

H.F. No. 403: A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 573: A bill for an act relating to retirement; Brooklyn Park volunteer firefighters relief association; repealing Laws 1975, chapter 237, as amended.

Referred to the Committee on Governmental Operations.

H.F. No. 602: A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

Referred to the Committee on Judiciary.

H.F. No. 633: A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 676, now on General Orders.

H.F. No. 706: A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, subdivision 1.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 620: 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, line 13, after "of" insert "*intermediate care services in*" and after "hospitals" insert "*and in community residential facilities*"

Page 2, line 5, delete "90" and insert "95"

Page 2, line 6, delete "50" and insert "80"

Page 2, line 20, after "hospitals" insert "*and in intermediate care facilities*"

Page 2, line 24, delete everything before "*maximize*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 796: A bill for an act relating to public welfare; entitling certain low income families to child care at reduced rates; amending Minnesota Statutes 1982, sections 245.83; 245.84, subdivisions 1, 2, and 5; 245.85; 245.86; and 245.87.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 8 and 9, reinstate the stricken language

Page 2, line 9, before "to" insert "*or other sources*"

Page 3, line 15, after "*following*" insert "*two*"

Page 3, line 16, delete "year" and insert "years"

Page 3, line 20, after "that" insert "*and the next*"

Page 3, line 32, after the comma, insert "*and*"

Page 3, line 33, delete "*of the program*" and insert "*, that the county provides services under this subdivision*"

Page 4, delete lines 3 and 4

Page 4, line 5, delete everything before "are"

Page 4, line 6, delete "7" and insert "8"

Page 4, line 6, delete everything after the period

Page 4, lines 7 to 35, delete the new language, strike the old language, and insert "*As money that is allowed or required to be used for providing child care, becomes available to the county from federal, state, or local sources, including money appropriated for sections 1 to 8 that becomes available when families cease receiving services under section 245.84, subdivision 2, the county board shall make child care services available to single parent*"

families in which the parent needs child care services under this section to secure or retain employment, or obtain the training or education necessary to secure employment, or for other circumstances, established by the commissioner, related to education, training, or employment, and, in the following order of priority:

(1) who are receiving aid to families with dependent children under sections 256.72 to 256.87. Child care services to these families shall be made available as in-kind services, to cover the difference between the actual cost and \$160 per month per child or the amount disregarded under rules for persons not employed full-time, then

(2) whose household income is within the income range established by the county board. Child care services to these families shall be made available on a sliding fee. The minimum income range a county board may establish is between the aid to families with dependent children eligibility limit and household income of less than 60 percent of the state median income for a family of four adjusted for family size, and the maximum income range is between the aid to families with dependent children eligibility limit and household income of less than 90 percent, of the state median income for a family of four adjusted for family size.’’

Page 5, line 21, delete everything after “residents”

Page 5, line 22, delete “paragraphs (c) and (d)” and insert “entitled to them under paragraph (c)”

Page 5, line 24, delete “the” and insert “any”

Page 5, line 25, after “services” insert “under paragraph (c)”

Page 5, line 28, delete “7” and insert “8”

Reletter the paragraphs in sequence

Page 6, lines 2 and 3, reinstate the stricken language

Page 7, line 3, after “allocation” insert “under section 245.84, subdivision 1”

Page 7, after line 6, insert:

“Sec. 8. [SCHEDULE FOR PARTICIPATION.]

The commissioner of public welfare shall report to the legislature by January 1, 1984, with a schedule for requiring additional counties to provide child care services under sections 1 to 8.”

Page 7, line 7, delete “8” and insert “9”

Page 7, line 8, delete “7” and insert “8”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “requiring a report to the legislature;”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which

was referred

S.F. No. 876: A bill for an act relating to marriage licenses; increasing the marriage license fee; providing funds for new displaced homemaker programs; amending Minnesota Statutes 1982, section 517.08, subdivisions 1b and 1c.

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. 634: A bill for an act relating to game and fish; designation of experimental and specialized fishing waters; notice of netting season; licensing fishing guides; fishing license surcharge and fees; establishing a sport fishing improvement account and joint select committee on sport fisheries; advisory committee; restricting the use of tip-ups; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.49, by adding a subdivision; 97.53, by adding a subdivision; 98.46, subdivision 5; and 101.42, subdivision 20; proposing new law coded in Minnesota Statutes, chapters 98 and 101.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 84.027, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The commissioner shall have charge and control of all the public lands, parks, timber, waters, minerals, and wild animals of the state and of the use, sale, leasing, or other disposition thereof, and of all records pertaining to the performance of his functions relating thereto. *The commissioner shall make special provisions for the management of fish and wildlife to insure quality recreational opportunities for anglers and hunters.*

Sec. 2. Minnesota Statutes 1982, section 97.48, subdivision 26, is amended to read:

Subd. 26. The commissioner may designate all or part of any lake ~~which does not exceed 2,000 acres of water area or any stream~~, but in aggregate not more than ~~15~~ 100 lakes or ~~five and~~ 25 streams; ~~not more than 10,000 acres of water~~; at any one time, as experimental waters and, notwithstanding any other provision of law, may establish by order the seasons, limits and methods for the taking of fish therefrom and such other regulations relating thereto as he deems desirable; provided the above may be done only on waters to which the public has free access after a public ~~hearing~~ *meeting* has been held in the county where the lake or stream, or major portion thereof, is located. Notice of ~~said the public hearing~~ *meeting* shall be published once in a legal newspaper within the county or counties where the lake is located not less than seven days prior to the ~~hearing~~ *meeting*. *The commissioner shall establish methods and criteria for citizen initiation of experimental waters designation and for citizen participation in the evaluation of waters designated as experimental waters.*

Sec. 3. Minnesota Statutes 1982, section 97.48, is amended by adding a subdivision to read:

Subd. 26a. The commissioner may develop a system of classification under which waters which have been designated as experimental waters pursuant to subdivision 26 and other waters intrinsically suitable therefor are classified as primarily intended for use as trophy lakes, family fishing lakes, special species management lakes, or other categories of special use designated by the commissioner.

Sec. 4. Minnesota Statutes 1982, section 97.53, is amended by adding a subdivision to read:

Subd. 3. In addition to the publication requirements of this section, notice of opening of the netting season on whitefish, tulibee, and herring may be given by posting the date and time in the public places deemed most appropriate by the commissioner not less than 48 hours prior to the opening of the netting season.

Sec. 5. Minnesota Statutes 1982, section 97.55, is amended by adding a subdivision to read:

Subd. 14. Every person who violates the provisions of section 101.42, subdivision 11, is guilty of a gross misdemeanor.

Sec. 6. Minnesota Statutes 1982, section 97.55, is amended by adding a subdivision to read:

Subd. 15. Except as provided in section 102.23, every person who unlawfully buys or sells game fish or small game where the total amount of the sale or sales is \$50 or more, and where no penalty is provided in subdivision 8 or 9, is guilty of a gross misdemeanor.

Sec. 7. Minnesota Statutes 1982, section 97.55, is amended by adding a subdivision to read:

Subd. 16. Every person who illegally buys or sells game fish, big game, or small game, when the total amount of the sale or sales is \$300 or more, is guilty of a gross misdemeanor punishable by a fine of not less than \$500 nor more than \$5,000 or by imprisonment in the county jail for not less than 90 days or more than one year or by both such fine and imprisonment.

Sec. 8. [98.457] [FISHING GUIDE LICENSE.]

No person shall engage for compensation in the business or occupation of guiding or assisting in the guiding of fishermen in seeking to take fish without an annual license from the commissioner. The commissioner may promulgate rules governing qualifications of applicants and the issuance and administration of licenses. A licensed fishing guide shall submit monthly reports on his activities, as prescribed by the commissioner, in the same manner as licensed inland commercial fishermen insofar as applicable. A license may be issued to residents or nonresidents. The fee for a resident fishing guide license is \$25 for a person 18 years of age or older, and \$3.50 for a person 13 years of age and older but under the age of 18 years. The fee for a non-resident fishing guide license is the fee charged for a non-resident fishing guide license by the state of residence of the person applying for the non-resident license, or the fee charged by Minnesota for a resident fishing guide license,

whichever is greater. The commissioner may enter reciprocal agreements with other states on the subject of non-resident fishing guide licenses and fees. No license may be issued to a person under 13 years of age. No person licensed under this section may possess any fish while guiding or assisting in guiding a fisherman.

Sec. 9. [97.86] [IMPROVEMENT OF FISHING RESOURCES.]

Subdivision 1. [LICENSE SURCHARGE.] A surcharge of \$2.50 shall be added to the annual license fee for each license issued pursuant to section 98.46, subdivision 2, clauses (4) and (5), subdivision 2a, subdivision 5, clauses (1), (2), and (3), and subdivision 15. The proceeds of the surcharge shall be credited to the game and fish fund.

The commissioner may spend the proceeds of the surcharge for the following purposes:

(a) Resolution of fishing related conflicts. The commissioner shall develop and recommend to the legislature a program to resolve conflicts between commercial and recreational fishermen. Fair and equitable compensation shall be provided to any commercial fishermen whose game fish netting licenses are eliminated under the program. The program of the commissioner shall not apply to the Lake Superior fishery. No money is available for expenditure under this clause until July 1, 1985.

(b) Rehabilitation and improvement of marginal fish producing waters administered on a cost sharing basis under agreements between the commissioner and other parties interested in sport fishing.

(c) Expansion of fishing programs including, but not limited to, aeration, stocking of marginal fishing waters in urban areas, shore fishing areas, and fishing piers. In the expenditure of funds pursuant to this clause, preference shall be given to local units of government and other parties willing and able to share costs.

(d) Upgrading of fish propagation capabilities in order to improve the efficiency of fish production, expansion of walleyed pike production from waters subject to winter kill for stocking in more suitable waters, and introduction of new species where deemed biologically appropriate by the commissioner.

(e) Financing the preservation and improvement of fish habitat. First priority shall be given to expansion of habitat improvement programs approved by the commissioner and implemented in cooperation with other interested parties.

(f) Increasing enforcement through use of covert operations, workteams, and added surveillance, communication, and navigational equipment.

(g) Not more than ten percent of the money available under this subdivision may be used for administrative or permanent personnel costs.

Subd. 2. [JOINT LEGISLATIVE COMMITTEE ON FISHING RESOURCES.] The joint legislative committee on fishing resources is created and shall consist of the commissioner of natural resources as an ex-officio nonvoting member, and:

(a) the chairmen of the standing committee and subcommittee of each house of the legislature with jurisdiction over fish and wildlife matters;

(b) two members of the house of representatives appointed by the speaker of the house; and

(c) two members of the senate appointed by the senate committee on rules and administration.

One member of the minority party in each house shall be appointed as one of the two additional members from that house. Vacancies in the committee shall not affect the authority of the remaining members of the committee to carry out its functions.

The joint committee may elect a chairman from among its members. The chairmanship shall alternate between the members of the house and senate on the joint committee.

Subd. 3. [DUTIES OF JOINT COMMITTEE.] The joint legislative committee on fishing resources shall review issues and trends in the management and improvement of fishing resources, using information obtained by and presented to the committee by public and private agencies and organizations, and other parties interested in management and improvement of fishing resources. The joint committee shall make recommendations to the commissioner on programs and projects for management and improvement of fishing resources.

The committee may advise and make recommendations to the commissioner of natural resources on the expenditure of money under subdivision 1. The commissioner shall prepare an annual work plan for the expenditure of money under subdivision 1 and provide copies of the plan and any subsequent amendments to the committee and to other parties interested in management and improvement of fishing resources.

Sec. 10. Minnesota Statutes 1982, section 98.46, subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, \$7.50;

(2) For any fish house or dark house used during the winter fishing season, ~~\$3~~ \$5 for each fish house or dark house not rented or offered for hire, and ~~\$13~~ \$15 for each fish house or dark house rented or offered for hire. Each fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;

(3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;

(4) To conduct a taxidermist business, for three consecutive years for residents 18 years of age and older, \$40; for residents under the age of 18, \$25;

(5) To maintain fur and game farms, including deer, \$15;

(6) To take, transport, purchase and possess for sale unprocessed turtles

and tortoises within the state, \$50;

(7) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$13;

(8) Minnow dealer, \$70 plus \$10 for each vehicle;

(9) Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;

(10) Exporting minnow dealer, \$250, plus \$10 for each vehicle.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed.

Sec. 11. Minnesota Statutes 1982, section 98.52, is amended by adding a subdivision to read:

Subd. 6. When a person is convicted of violating the provisions of section 101.42, subdivision 11, or is convicted of unlawfully buying or selling game fish or small game and is subject to the penalties prescribed in section 97.55, subdivision 15, any license to take fish or small game possessed by the person immediately becomes null and void and the person forfeits all rights to take fish and small game in any manner for a period of three years after the date of conviction.

Sec. 12. Minnesota Statutes 1982, section 98.52, is amended by adding a subdivision to read:

Subd. 7. When a person is convicted of unlawfully buying or selling game fish, big game, or small game, and is subject to the penalty prescribed in section 97.55, subdivision 16, any license to take wild animals possessed by the person immediately becomes null and void and the person forfeits all rights to take any wild animals in any manner for a period of three years after the date of conviction.

Sec. 13. Minnesota Statutes 1982, section 101.42, subdivision 1a, is amended to read:

Subd. 1a. No muskellunge less than 36 inches in length may be taken in any waters north of trunk highway No. 210. The commissioner may designate particular lakes north of trunk highway No. 210 in which muskellunge less than 36 inches but not less than 30 inches in length may be taken.

Sec. 14. Minnesota Statutes 1982, section 101.42, subdivision 20, is amended to read:

Subd. 20. It shall be unlawful to take fish by angling with a set or unattended line except that two lines with a single hook attached to each line, used for angling through the ice, shall not be deemed an unattended line if the owner is within sight of the line. Lines to which tip-ups are attached shall not be deemed unattended if the owner is within 80 feet of the tip-up; except that it is unlawful to use tip-ups or take fish by angling while spearing fish in a dark house.

Sec. 15. [102.235] [NEW LICENSES PROHIBITED.]

The commissioner shall not issue any new commercial fishing license

which permits netting of game fish.

Sec. 16. [EFFECTIVE DATE.]

This act is effective March 1, 1984."

Delete the title and insert:

"A bill for an act relating to game and fish; establishing the joint legislative committee on fishing resources; imposing a surcharge on fishing licenses for development and improvement of state fishing resources; authorizing designation of experimental and specialized fishing waters; authorizing additional notice of netting season; licensing fishing guides; increasing certain license fees; prohibiting angling and use of tip-ups while spearing in a dark house; prohibiting issuance of new commercial game fish netting licenses; allowing designation of lakes for taking of certain muskellunge; imposing penalties for various offenses; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.53, by adding a subdivision; 97.55, by adding subdivisions; 98.46, subdivision 5; 98.52, by adding subdivisions; and 101.42, subdivisions 1a and 20; proposing new law coded in Minnesota Statutes, chapters 97, 98, and 102."

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. 346: A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing the policy behind the dairy industry unfair trade practices act; removing certain dairy product retailers from certain prohibitions; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; authorizing the sale of certain wild flowers; eliminating certain wild rice labeling requirements; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry and warehouses; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 2; 28A.03; 28A.05; 28A.15, subdivisions 1 and 4; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 32A.02; 32A.04, subdivision 1; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17.23; 30.49; 31.401 to 31.406; 32.12; 32.472; 32.473; and 231.01 to 231.39.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, delete section 2 and insert:

“Sec. 2. Minnesota Statutes 1982, section 17B.15, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATION; APPROPRIATION.] The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reserve sufficient for up to six months, and including repayment by the department of any amount appropriated from the general fund to establish the grain inspection and weighing account. ~~The fees may be adjusted and set so as to establish a six month or less reserve. The commissioner shall review the fee schedule twice each year. Fee adjustments are not subject to chapter 14.~~ Payment shall be required for services rendered. If the grain is in transit, the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, the fees shall be paid by the warehouseman, and added to the storage charges.

All fees collected and all fines and penalties for violation of any provision of this chapter shall be deposited in the grain inspection and weighing account, which is created in the state treasury for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23.”

Pages 4 and 5, delete sections 4, 5, and 6

Page 7, line 22, strike “federal act” and insert “*Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6,*”

Page 7, line 29, strike “adopted under authority”

Page 7, line 30, strike “of the federal act” and insert “, *as provided by Code of Federal Regulations, title 21, parts 170 to 199,*”

Page 7, line 36, strike “adopted under authority”

Page 8, line 1, strike “of the federal act” and insert “, *as provided by Code of Federal Regulations, title 21, parts 70 to 82,*”

Page 8, line 7, strike “adopted under”

Page 8, line 8, strike “authority of the federal act” and insert “, *as provided by Code of Federal Regulations, title 21, parts 104 and 105,*”

Page 8, line 16, before “Title” insert “*as provided by United States Code,*”

Page 8, line 16, strike “U.S.C.”

Page 8, line 29, strike “Chapter 1,”

Page 11, line 20, strike “paragraph” and insert “*clause*”

Page 12, line 22, delete “\$600” and insert “\$500”

Page 12, line 23, delete "\$60" and insert "\$50"

Pages 12 to 18, delete sections 23 and 24

Page 21, line 7, strike "may have" and insert "has"

Page 21, line 8, strike "shall be" and insert "is" and strike "such" and insert "the"

Page 21, line 11, strike "hereunder"

Page 21, line 13, strike "such" and insert "the"

Page 21, line 14, strike "hereunder"

Page 21, after line 19, insert:

Sec. 23. Minnesota Statutes 1982, section 231.11, is amended to read:

231.11 [SCHEDULE OF RATES.]

~~Every warehouseman shall file with the department and print and keep open for public inspection a schedule of rates. The department may determine and prescribe the form in which the schedules required by this chapter to be filed with the department and to be kept open for public inspection shall be prepared and arranged and may change the form from time to time if it shall be found expedient. In order to insure nondiscriminatory rates and charges for all depositors, the commissioner shall establish a collective rate making procedure which will insure the publication and maintenance of just and reasonable rates and charges under uniform, reasonably-related rate structures. These procedures shall provide for the joint consideration, initiation, and establishment of rates and charges, and shall assure that the respective revenues and expenses of warehousemen engaged in warehouse services are ascertained. Any participating warehouseman party to a collectively mandated rate or charge has the right to petition the commissioner for the establishment of a rate or charge which deviates from the collectively set rate. Upon receiving the commissioner's approval, that warehouseman may proceed to establish the requested rate or charge. All warehousemen subject to rate regulation under this chapter must comply with the commissioner's rate making procedures. No warehouseman shall undertake to perform any service, or store any goods, wares, or merchandise, unless or until such a schedule of rates has been filed and published in accordance with the provisions of this chapter; provided, that in case of emergency, however, a service or storage not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which rate shall forthwith must then be promptly filed, and shall be which is subject to review in accordance with the provisions of this chapter.~~

Sec. 24. Minnesota Statutes 1982, section 231.12, is amended to read:

231.12 [CHANGE OF RATES.]

Unless the department otherwise orders, no change shall be made by any warehouseman; ~~it~~ may change any rate except after ~~30~~ ten-days' notice to the department and to the public as ~~herein provided pursuant to this section.~~ Such Notice shall be given by filing with the department and keeping open for public inspection new schedules or supplements stating plainly the changes to be made in the schedules then in force and the time when the

changes will go into effect. The department for good cause shown, may, after hearing, allow changes without requiring the ~~30~~ *ten*-days notice ~~herein provided for~~ by an order specifying the changes ~~so~~ to be made ~~and~~, the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 25. Minnesota Statutes 1982, section 231.16, is amended to read:

231.16 [WAREHOUSEMAN TO OBTAIN LICENSE.]

Every person desiring to engage in the business of warehouseman, before engaging therein, shall be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. Written application in the form prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character, and equipment of the buildings or premises to be used by the warehouseman, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouseman making the application is qualified to carry on the business of warehousing. Should the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of the decision shall be given the interested parties and, upon the applicants filing with the department the necessary bond, as provided for in this chapter, the department shall issue the license provided for, upon payment of the license fee, as in this section provided. A warehouseman to whom a license is issued shall pay for the license a fee ~~set by the commissioner~~ based on the storage capacity of the warehouse as follows:

Storage capacity in square feet

<i>(1) 5,000 or less</i>	<i>\$ 80</i>
<i>(2) 5,001 to 10,000</i>	<i>\$155</i>
<i>(3) 10,001 to 20,000</i>	<i>\$250</i>
<i>(4) 20,001 to 100,000</i>	<i>\$315</i>
<i>(5) 100,001 to 200,000</i>	<i>\$410</i>
<i>(6) over 200,000</i>	<i>\$470</i>

Fees collected under this chapter shall be paid into the grain buyers and storage fund established in section 232.22.

The license shall be renewed annually on ~~June 30~~ *or before July 1*, and always upon payment of the full license fee, as provided for in this section for such renewal; and no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this chapter shall be publicly displayed in the main office of the place of business of the warehouseman to whom it is issued. The license shall authorize the warehouseman to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouseman already duly licensed under the provisions of this chapter to

operate an additional warehouse in the same city or town for which his original license was issued during the term thereof, upon his filing an application for a permit in the form prescribed by the department.

License may be refused for good cause shown and revoked by the department for violation of law or of any rule or regulation by it prescribed, upon notice and after hearing.

Sec. 26. Minnesota Statutes 1982, section 232.22, subdivision 3, is amended to read:

Subd. 3. [FEES; GRAIN BUYERS AND STORAGE FUND.] There is created in the state treasury an account known as the grain buyers and storage fund. The commissioner shall set the fees for inspections, certifications and licenses under sections 232.20 to 232.25 at levels necessary to pay the costs of administering and enforcing sections 232.20 to 232.25. All money collected pursuant to sections 232.20 to 232.25 and chapters ~~231~~, 233 and 236 shall be paid by the commissioner into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 232.20 to 232.25 and chapters ~~231~~, 233 and 236. *All money collected pursuant to chapter 231 shall be paid by the commissioner into the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of chapter 231.*"

Page 21, line 21, delete "17.23" and insert "17B.15, subdivision 2"

Page 21, line 22, delete "30.49;" and delete "32.12;"

Page 21, line 23, after the first semicolon insert "and"

Page 21, line 23, delete everything after "32.473"

Page 21, delete lines 24 to 27

Page 21, line 28, delete "and 231.39"

Page 21, after line 28, insert:

"Sec. 28. [EFFECTIVE DATE.]

Sections 2, 19, 20, 25, and 26 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete everything after the semicolon

Page 1, delete lines 12 and 13

Page 1, delete lines 18 and 19

Page 1, line 22, delete "and" and insert "; adjusting fees for inspection of"

Page 1, line 22, after "warehouses;" insert "directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen;"

Page 1, line 24, delete "2" and insert "1"

Page 1, line 24, delete "28A.05; 28A.15,"

Page 1, line 25, delete "subdivisions 1 and 4;"

Page 1, line 29, delete everything before "34.05"

Page 1, line 30, after the semicolon insert "231.11; 231.12; 231.16; 232.22, subdivision 3;"

Page 1, line 32, delete "17.23; 30.49" and insert "17B.15, subdivision 2"

Page 1, line 33, delete "32.12;" and after "32.472;" insert "and"

Page 1, line 33, delete "; and 231.01 to" and insert a period

Page 1, delete line 34

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. 402: A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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. 653: A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 606: A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivisions 2 and 3; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.35, sub-

division 1; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; and 422A.221, subdivision 2; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 28, strike everything after "legislature"

Page 1, strike lines 29 and 30

Page 1, line 31, strike everything before "entitled" and insert "shall be"

Page 1, line 33, strike "his" and insert "the member's"

Pages 14 and 15, delete section 22

Page 15, line 10, strike "fund" and insert "member's account"

Page 15, line 30, reinstate the stricken language and delete the new language

Page 20, after line 32, insert:

"Sec. 29. Minnesota Statutes 1982, section 354A.32, is amended to read:

354A.32 [OPTIONAL RETIREMENT ANNUITIES.]

The boards of the Minneapolis and the St. Paul teachers retirement fund associations shall each establish for the coordinated program and the board of the Duluth teachers retirement fund association shall establish for the new law coordinated program an optional retirement annuity which shall take the form of a joint and survivor annuity. Each board may also in its discretion establish an optional annuity which shall take the form of an annuity payable for a period certain and for life thereafter. Each board shall also establish an optional retirement annuity which shall take the form of a guarantee that in the event of death the balance of the accumulated deductions shall be paid to a designated beneficiary. All optional forms shall be the actuarial equivalent of the normal forms provided in section 354A.31. In establishing these optional forms, the board shall obtain the written recommendation of an approved actuary and the recommendation shall be a part of the permanent records of the board.

In the event of the death of the designated beneficiary of a retired member who had elected an optional annuity, the member shall thereafter receive the unreduced amount of the earned benefit computed pursuant to section 354A.31.

Sec. 30. Minnesota Statutes 1982, section 354A.35, subdivision 2, is amended to read:

Subd. 2. [DEATH WHILE ELIGIBLE TO RETIRE; SURVIVING SPOUSE OPTIONAL ANNUITY.] *The surviving spouse of any coordinated member who has attained the age of at least 55 years and has credit for at least 20 years of service or has credit for at least 30 years of service regardless of age shall be entitled to elect a joint and survivor annuity covering the spouse of the member. If a coordinated member has elected a joint and survivor annuity pursuant to this subdivision and the member dies prior to retirement,*

coverage in the event of death of the member prior to retirement. The member's surviving spouse shall be paid a joint and survivor annuity as provided in section 354A.32 and computed pursuant to section 354A.31. The benefits shall be payable for life."

Page 24, after line 36, insert:

"Sec. 38. Minnesota Statutes 1982, section 422A.22, subdivision 1, is amended to read:

Subdivision 1. If an employee to whom sections 422A.01 to 422A.25 applies becomes absolutely separated from the service prior to attaining the minimum retirement age established in section 422A.13, the net accumulated amount of deduction from his or her salary, pay, or compensation, made for the purpose of accumulating a fund from which to pay retirement allowances, shall be returned to such employee, with interest. Any contributing employee who separates from a department, board or commission of the city whose employees are covered by a fund organized under sections 422A.01 to 422A.25, and becomes an employee of a department or board of the same city, whose employees are covered by a retirement fund or relief association by whatever name known, organized under any other law and supported in whole or in part by taxes on the same city, shall have the option of: (1) Retaining their membership in the fund organized under sections 422A.01 to 422A.25, regardless of the provisions of any law, rule, bylaw or other action requiring membership in any other retirement fund or relief association however organized.

(2) Transferring to the fund or association covering the employees of the department or board to which they are transferring, providing they are eligible for membership therein.

Any contributing employee who elects to transfer to another fund or association as herein provided, shall make such election within one year from the date of separation from the city service covered by this fund. If the contributing employee elects to transfer to another fund as herein provided, a refund of the net accumulated contributions made by such employee to the fund organized under sections 422A.01 to 422A.25, shall be returned to the employee with interest *at six percent compounded annually*.

Sec. 39. Minnesota Statutes 1982, section 422A.22, subdivision 4, is amended to read:

Subd. 4. Upon the death of a contributing member while still in the service of the city, and before reaching the compulsory age of retirement there shall be paid to such person or persons as he or she shall have nominated by written designation filed with the retirement board, in such form as the retirement board shall require, the net accumulated amount of deductions from his or her salary, pay or compensation including interest *at six percent compounded annually*, to his or her credit on date of death. If the employee fails to make a designation, or if the person or persons designated by such employee pre-deceases such employee, the net accumulated amount of deductions from his or her salary, pay, or compensation including interest, to the credit of such employee on date of death shall be paid to such employee's estate.

Sec. 40. Minnesota Statutes 1982, section 422A.22, subdivision 5, is

amended to read:

Subd. 5. Upon reinstatement of a former employee to the service, credit for such past service or for any part thereof shall be granted only upon repayment of the amount of the separation refund, with interest *at eight percent compounded annually*, from the time of separation."

Page 25, after line 8, insert:

"Sec. 42. Minnesota Statutes 1982, section 490.124, subdivision 12, is amended to read:

Subd. 12. [REFUND.] Any person who ceases to be a judge but who does not qualify for a retirement annuity or other benefit under section 490.121 shall be entitled to a refund in an amount equal to all his contributions to the judges' retirement fund plus interest computed to the first day of the month in which the refund is processed based on fiscal year balances at the rate of *five six percent per annum compounded annually*.

Sec. 43. [MINNEAPOLIS AND ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATIONS; BASIC PROGRAM; INTEREST ON REFUNDS.]

Notwithstanding anything to the contrary in the articles and bylaws of the basic programs enumerated in chapter 354A, the payment of interest on refunds and interest on repayment of refunds shall be computed in the same manner as for the coordinated programs covered by chapter 354A."

Page 25, line 13, delete everything after "effective" and insert "July 1, 1983."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete "subdivisions 2 and 3" and insert "subdivision 2"

Page 1, line 16, after the last semicolon, insert "354A.32;"

Page 1, line 17, delete "subdivision 1" and insert "subdivisions 1 and 2"

Page 1, line 19, delete "and" and insert "422A.22, subdivisions 1, 4 and 5;"

Page 1, line 20, after the semicolon, insert "and 490.124, subdivision 12;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 289: A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 923: A bill for an act relating to libraries; consolidating provisions for county libraries and city libraries; defining misuse of library materials; prescribing a penalty; restricting tort liability for public libraries; correcting internal references; amending Minnesota Statutes 1982, sections 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 375.335; 466.01, subdivision 1; 648.39, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 134; repealing Minnesota Statutes 1982, sections 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 11, delete sections 1 to 17

Pages 12 to 14, delete section 19

Pages 14 to 16, delete sections 21 to 23

Renumber the sections in sequence

Delete the title and insert:

“A bill for an act relating to libraries; restricting tort liability for public libraries; prescribing a penalty; amending Minnesota Statutes 1982, section 466.01, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 134.”

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 887: A bill for an act relating to transportation; providing for the inclusion of former municipal state-aid streets in the county state-aid highway system; amending Minnesota Statutes 1982, section 162.02, subdivision 1, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 7, before “*federal*” insert “1980”

Page 2, line 8, delete “*body*” and insert “*bodies*”

Page 2, line 9, after “*city*” insert “*and the county. An action taken by a county board approving the inclusion of a former municipal state-aid street in the county state-aid highway system must also include a resolution taking over the street as a county highway under section 163.11. The county state-aid highway system is increased in extent by the addition of the mileage of municipal state-aid streets reverting or turned over to the jurisdiction of the counties under this subdivision*”

Page 2, line 11, after “*effective*” insert “*the day following final enactment. Section 2 is effective*”

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. 818: A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 22, insert:

“Sec. 3. Minnesota Statutes 1982, section 161.241, subdivision 3, is amended to read:

Subd. 3. ~~Upon recommendation of the commissioner of transportation, The governor~~ *commissioner* shall convey to the railroad company, by quit claim deed, ~~such~~ lands or interests in lands acquired by the state pursuant to the provisions of subdivisions 1 to 3.”

Page 8, line 15, delete “5, 6, and 7” and insert “6, 7, and 8”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 18, delete the first “subdivision” and insert “subdivisions 3 and”

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. 365 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.
365	333				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 365 be amended as follows:

Page 5, delete lines 11 to 23 and insert:

“Subd. 4. [INFORMATION ABOUT RIGHTS.] Patients and residents shall be fully informed, prior to or at the time of admission and during their stay at a facility, of the rights and responsibilities set forth in this section and of all facility policies governing their rights and responsibilities. This information shall be provided both verbally and in writing, with reasonable arrangements made for those with communication impairments and those who speak a language other than English. Current facility policies and inspection findings of state and local health authorities shall be available to patients, residents, their guardians or their designated representatives upon reasonable request to the administrator or other designated staff person.”

Page 6, line 7, delete *“upon request”*

Page 6, line 21, delete *“alternatives,”*

Page 6, line 21, delete *“as required by the physician’s legal”*

Page 6, line 22, delete *“duty to disclose. This information shall be”*

Page 6, line 26, delete *“likely”* and insert *“probable”* and delete *“results”* and insert *“consequences”*

Page 6, line 29, delete *“medical”* and insert *“care”*

Page 7, line 2, delete *“request and”*

Page 7, line 3, delete *“formal”*

Page 7, line 4, delete *“In the event”*

Page 7, delete lines 5 to 7

Page 7, line 13, delete *“including”*

Page 7, line 14, delete *“likely”*

Page 7, line 15, delete *“results”* and insert *“consequences”*

Page 7, line 16, delete *“medical”* and insert *“care”*

Page 7, line 17, delete *“patient or”*

Page 7, line 18, delete *“or when”* and insert *“limitation of this right”*

Page 7, delete line 19

Page 7, line 20, delete *“conditions and circumstances”*

Page 7, line 21, delete *“medical”* and insert *“care”*

Page 7, line 29, delete *“and”* and insert *“or”* and delete *“the”*

Page 7, line 30, delete *“Vulnerable Adults Protection Act”* and insert *“section 626.557, subdivision 2, clause (d)”*

Page 7, line 31, delete *“assault, sexual exploitation,”* and insert *“solicitation, inducement or promotion of prostitution as described in section 609.322”*

Page 7, line 32, delete *“section 626.557, subdivision 2d.”* and insert

“sections 609.342, 609.343, 609.344, and 609.345;”

Page 7, line 33, delete “nontherapeutic” and insert “non-therapeutic”

Page 7, line 36, delete “nontherapeutic”

Page 8, line 18, after “when” insert “personal” and delete “, other than medical”

Page 8, line 19, delete “records.” and delete “by any individual outside the facility”

Page 8, line 29, after “be” insert “fully”

Page 8, line 31, delete “or daily room” and delete “that”

Page 8, line 32, after “other” insert “available”

Page 8, line 32, delete “are available at” and insert “for which there are”

Page 8, line 36, after the period insert “A resident may purchase or rent goods or services not included in the per diem rate from a supplier of his or her choice unless otherwise provided by law. The supplier shall ensure that these purchases are sufficient to meet the medical or treatment needs of the resident.”

Subd. 18. [FINANCIAL AFFAIRS.] Competent residents may manage their personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on their behalf if they delegate this responsibility in accordance with the laws of Minnesota to the facility for any period of time.”

Page 9, line 1, delete “18” and insert “19”

Page 9, line 4, delete “19” and insert “20”

Page 9, line 8, delete “patients’ or”

Page 9, line 11, delete “20” and insert “21”

Page 9, line 23, delete “21” and insert “22”

Page 9, line 25, delete “, except as provided by the Minnesota”

Page 9, line 26, delete “Commitment Act.” and after the period insert “In cases where it is medically or programmatically inadvisable, as documented by the attending physician in a patient’s or resident’s care record, this right shall be limited accordingly.”

Page 9, line 35, delete “This”

Page 9, delete line 36

Page 10, delete lines 1 to 4 and insert:

“*Subd. 23. [RIGHT TO ASSOCIATE.] Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11, and community groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for im-*

provements in long-term care.

Subd. 24. [ADVISORY COUNCILS.] Residents and their families shall have the right to organize, maintain, and participate in resident advisory and family councils. Each facility shall provide assistance and space for meetings. Council meetings shall be afforded privacy, with staff or visitors attending only upon the council's invitation. A staff person shall be designated the responsibility of providing this assistance and responding to written requests which result from council meetings. Resident and family councils shall be encouraged to make recommendations regarding facility policies."

Page 10, line 5, delete "22" and insert "25"

Page 10, line 9, delete "for" and insert "and" and delete " medical, safety, or programmatic"

Page 10, line 10, delete "reasons" and insert "by their physicians in the medical record"

Page 10, after line 14 insert:

"Subd. 26. [MARRIED RESIDENTS.] Residents, if married, shall be assured privacy for visits by their spouses and, if both spouses are residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their physicians in the medical records."

Page 10, line 15, delete "23" and insert "27"

Page 10, line 15, before "Patients" insert "No" and delete "and" and insert "or"

Page 10, line 16, delete "not" and insert "be required to" and delete "labor or"

Page 10, line 17, delete "those" and insert "the"

Page 10, delete lines 18 and 19 and insert "in their plans of care."

Delete page 10, line 20 to page 11, line 16

Page 11, line 17, delete "29" and insert "28"

Page 11, line 32, delete "nonpayment" and insert " non-payment"

Page 11, line 36, after the second comma insert "subdivision 1,"

Page 12, delete the new language on lines 12 to 15 and insert "Hospitals may delete subdivisions 18, 23, 24, 26, and 28 from copies posted or distributed to hospital patients. A notation of this deletion shall be made."

Delete page 12, line 27 to page 13, line 5

Amend the title as follows:

Page 1, line 5, after "144.652" insert ", subdivision 1"

And when so amended H.F. No. 365 will be identical to S.F. No. 333, and further recommends that H.F. No. 365 be given its second reading and substituted for S.F. No. 333, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 529 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.
529	528				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 529 be amended as follows:

Page 1, line 14, insert a comma after "state"

Page 1, line 14, strike "such" and insert "the"

Page 1, line 16, strike "such" and insert "the" and strike "may" and insert ", if prosecuted, shall"

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. [609.251] [DOUBLE JEOPARDY; KIDNAPPING.]

A prosecution for or conviction of the crime of kidnapping is not a bar to conviction of any other crime committed during the time of the kidnapping."

Amend the title as follows:

Page 1, line 6, delete "sections" and insert "section"

Page 1, line 6, delete "and 609.25" and insert "; proposing new law code in Minnesota Statutes, chapter 609"

And when so amended H.F. No. 529 will be identical to S.F. No. 528, and further recommends that H.F. No. 529 be given its second reading and substituted for S.F. No. 528, 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. 459 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.
459	580				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 459 be amended as follows:

Page 1, line 18, delete "*less*" and insert "*fewer*"

Page 2, line 1, after "*than*" insert "*hand field work or*"

Page 2, line 2, delete the new language

Page 2, delete line 3

Page 2, line 4, delete the new language

Page 3, line 27, delete "*The provisions of*"

Page 3, line 27, delete "*shall be*" and insert "*are*"

And when so amended H.F. No. 459 will be identical to S.F. No. 580, and further recommends that H.F. No. 459 be given its second reading and substituted for S.F. No. 580, 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. 325 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.
325	630				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 325 be amended as follows:

Page 3, lines 11 and 20, strike "*thereof*" and insert "*of it*"

Page 3, lines 15 and 23, strike "*such*" and insert "*the*"

Page 3, lines 19 and 30, strike "*the same*" and insert "*it*"

Page 3, line 25, strike "*wherein*" and insert "*in which*"

Page 3, line 34, strike "*thereby*" and insert "*by it*"

Page 3, line 36, strike "*the*"

Page 4, line 1, strike "*same*" and insert "*it*"

Page 4, line 1, strike the first "*the*" and insert "*its*" and strike "*thereof*"

Page 4, line 1, strike ", and" and insert a period

Page 4, line 2, strike "*thus*"

Page 4, line 4, strike "*therein*" in both places and insert "*in it*" in both places and strike "*Such*" and insert "*The*"

Page 4, line 22, after "2." insert "[JURISDICTION.]" and strike "*as*"

herein''

Page 4, line 23, strike ''provided,'' and strike everything after ''court'' and insert ''*acquires*''

Page 4, line 27, strike ''the same'' and insert ''*it*''

Page 4, line 33, delete '', *as herein*''

Page 4, line 34, delete ''*provided,*''

Page 5, line 11, strike the last ''the'' and insert ''*its*''

Page 5, line 12, strike ''thereof''

Page 5, lines 14 and 29, strike ''therein'' and insert ''*in it*''

Page 5, line 14, strike ''thereto'' and insert ''*to it*''

Page 5, line 22, strike the comma and strike ''and such'' and insert ''*The*''

Page 5, line 24, strike ''thereby'' and insert ''*by it*''

Page 5, line 30, strike ''in''

Page 5, line 31, strike ''like manner as if such'' and insert ''*as though the*''

Page 5, line 35, after ''*Ia.*'' insert ''[JUDICIAL DETERMINATION OF BOUNDARIES.]''

Page 6, line 18, after ''2.'' insert ''[PETITION; NONMETROPOLITAN COUNTIES.]''

Page 6, line 21, after ''for'' insert ''*its*'' and strike ''of the same'' and strike '', which'' and insert ''*The*''

Page 6, lines 22, 27, 28, 30, and 34, strike ''such'' and insert ''*the*''

Page 6, line 25, strike '', which'' and insert ''*The*''

Page 7, lines 6, 7, and 18, strike ''such'' and insert ''*the*''

Page 7, line 10, strike ''thereupon shall''

Page 7, lines 17 and 22, strike ''the same'' and insert ''*it*''

Page 7, line 32, strike ''Such'' and insert ''*The*''

Page 8, lines 13 and 17, strike ''thereof'' and insert ''*of it*''

Page 10, lines 3 and 18, strike ''thereof'' and insert ''*of it*''

Page 10, line 7, strike ''therein'' and insert ''*in it*''

Page 11, line 20, strike ''said'' and insert ''*the*''

Page 11, line 22, strike ''the'' and insert ''*its*'' and strike ''thereof''

Page 12, lines 11 and 15, strike ''thereof'' and insert ''*of it*''

Page 12, lines 14, 18, and 26, strike ''such'' and insert ''*the*''

Page 12, line 31, delete ''*such*'' and insert ''*the*''

Page 13, line 8, strike the second ''the'' and insert ''*its*''

Page 13, line 9, strike ''of same''

- Page 13, line 25, strike "the same" and insert "they"
- Page 13, line 25, strike "thereto" and insert "to them"
- Page 13, lines 32 and 33, strike "such" and insert "the"
- Page 13, line 36, strike "the" and insert "its" and strike "thereof"
- Page 14, line 3, strike "thereof" and insert "of it"
- Page 14, line 15, strike "in all cases"
- Page 14, line 19, delete ", and" and insert a period
- Page 14, line 31, delete "thereof" and insert "of it"
- Page 15, line 12, delete "like" and insert "the" and delete "as herein"
- Page 15, line 19, delete "such" and insert "the"
- Page 15, line 30, after "order" insert a comma
- Page 16, line 9, after "1." insert "[ALTERATIONS.]"
- Page 16, line 11, strike "thereon" and insert "on it"
- Page 16, line 13, delete "except"
- Page 16, line 15, after "2." insert "[COURT ORDER.]"
- Page 16, line 17, after "that" insert "(1)"
- Page 16, line 19, strike "or that" and insert "(2)"
- Page 16, line 20, strike "or that" and insert "(3)"
- Page 16, line 22, strike "or that" and insert "(4)"
- Page 16, line 23, strike "or that" and insert "(5)"
- Page 16, line 25, strike "or that" and insert "(6)"
- Page 16, line 27, strike "the same" and insert "it" and after "or" insert "(7)."
- Page 17, lines 1 and 20, strike "such" and insert "the"
- Page 17, line 2, strike "; but" and insert a period
- Page 17, line 13, after "3." insert "[DIRECTIVE BY EXAMINER.]"
- Page 17, line 14, after "interest" insert a comma
- Page 17, line 21, after "4." insert "[REGISTRATION OF MEMORIALS.]"
- Page 17, line 22, after "examiner" insert a comma
- Page 17, line 24, strike the semicolon and insert a colon
- Page 17, line 33, after the comma, insert "and a"
- Page 18, line 1, strike "said" and insert "the" and strike "; and" and insert a period
- Page 18, lines 2, 13, 21, and 23, strike "such" and insert "the"
- Page 18, line 2, after "certificates" insert a comma

Page 18, line 4, after "5." insert "[SURVIVORSHIP.]"

Page 18, line 17, after "6." insert "[RECORDED INSTRUMENTS.]"

Page 18, line 35, strike "thereof" and insert "of it"

Page 19, lines 1 and 5, strike "therewith" and insert "with it"

Page 19, line 21, strike "thereof" and insert "of it"

Page 20, lines 3 and 8, delete "thereto" and insert "to it"

Page 27, line 5, delete "such" and insert "the"

Page 28, line 8, delete "said" and insert "the"

Page 28, line 20, delete ", and" and insert a period

Page 31, line 32, delete "thereof" and insert "of it"

Page 32, lines 14, 20, and 22, delete "thereto" and insert "to it"

And when so amended H.F. No. 325 will be identical to S.F. No. 630, and further recommends that H.F. No. 325 be given its second reading and substituted for S.F. No. 630, 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. 552 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.
552	560				

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. 231 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.
231	276				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 231 be amended as follows:

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete "vehicle transfers" and insert "for the validity of temporary registration permits"

And when so amended H.F. No. 231 will be identical to S.F. No. 276, and further recommends that H.F. No. 231 be given its second reading and substituted for S.F. No. 276, 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. 132 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.
132	108				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 132 be amended as follows:

Page 1, line 10, after "of" insert "*Minnesota Statutes,*"

Page 1, line 15, after "in" insert "*Minnesota Statutes,*"

Page 1, line 18, after "in" insert "*Minnesota Statutes,*"

And when so amended H.F. No. 132 will be identical to S.F. No. 108, and further recommends that H.F. No. 132 be given its second reading and substituted for S.F. No. 108, 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. 441 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.
441	324				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 441 be amended as follows:

Page 4, line 21, delete the comma after "*repaid*"

Page 5, line 29, strike "; provided that"

Page 6, lines 1 to 13, delete the new language

Delete page 7, line 30, to page 8, line 9

Page 8, line 10, delete "14" and insert "13"

Amend the title as follows:

Page 1, line 2, after "to" insert "the" and after "housing" insert "finance agency"

Page 1, line 4, delete everything after "maximum"

Page 1, line 5, delete "loans" and insert "loan amount"

Page 1, line 6, delete "housing finance"

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete everything before "amending"

Page 1, line 10, delete the comma after "14a" and insert "and"

Page 1, line 12, after the semicolon insert "and"

Page 1, line 13, delete "and 462C.07,"

Page 1, line 14, delete "subdivision 1;"

And when so amended H.F. No. 441 will be identical to S.F. No. 324, and further recommends that H.F. No. 441 be given its second reading and substituted for S.F. No. 324, 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, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 511: A bill for an act relating to low-level radioactive waste; entering the Midwest Interstate Low-Level Radioactive Waste Compact; assessing certain low-level radioactive waste generators; providing for enforcement of the compact; providing for civil and criminal penalties; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 18, lines 5 and 6, delete subdivision 2

Renumber the subdivisions in sequence

Page 21, line 12, delete "*advisory committee*" and insert "*director*"

Page 21, line 14, delete "*The*"

Page 21, delete lines 15 through 17

Page 21, line 18, delete "*advisory committee*" and insert "*director*"

Pages 21 and 22, delete section 9

Page 22, delete subdivision 3

Page 22, line 35, delete the first comma and insert "*and*"

Page 22, line 35, delete "*, and the advisory committee*"

Page 23, line 4, delete the two commas and after "*governor*" insert "*and*"

Page 23, line 5, delete "*and the advisory committee*"

Page 23, delete subdivision 2

Page 23, line 23, delete "*, the advisory committee,*"

Renumber the subdivisions in sequence

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "*creating*"

Page 1, line 7, delete "*an advisory committee;*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 820: A bill for an act relating to state contracts; providing for an increase in small business set-aside awards; providing for subcontracting of state construction contracts in certain cases; requiring a staff complement sufficient to facilitate the set-aside program; providing for a small business procurement advisory council; requiring the commissioner of administration to promulgate rules; providing for certain reports to the governor, legislature, and small business procurement advisory council; limiting the local purchasing authority of state departments and agencies; amending Minnesota Statutes 1982, sections 16.083, subdivisions 1, 4, and by adding a subdivision; 16.084; 16.085; 16.086, subdivision 1; and 16.28.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, delete the comma

Page 1, line 25, delete the new language

Page 2, after line 5, insert:

“Sec. 2. Minnesota Statutes 1982, section 16.083, is amended by adding a subdivision to read:

Subd. 1a. [CONSULTANT, PROFESSIONAL AND TECHNICAL PROCUREMENTS.] Every state agency shall for each fiscal year designate and set aside for awarding to small businesses approximately 30 percent of the value of anticipated procurements of that agency for consultant services or professional and technical services. The set aside under this subdivision shall be in addition to that provided by subdivision 1, but shall otherwise comply with section 16.098 and the set aside for businesses owned and operated by socially or economically disadvantaged persons.”

Page 2, line 27, delete “CONSTRUCTION”

Page 2, line 27, before the semicolon, insert “IN EXCESS OF \$200,000”

Page 2, line 29, delete “. consulting, or technical”

Page 2, line 29, after “contracts” insert “or approving contracts for consultant, professional or technical services pursuant to section 16.098.”

Page 3, line 1, after the period, insert “Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information.”

Page 3, lines 15 to 17, delete the new language

Page 4, line 8, delete “chairman” and insert “chairperson”

Page 5, line 7, after the period, insert “The commissioner may promulgate rules to establish a preference program whereby businesses owned and operated by socially and economically disadvantaged persons would be allowed a 5 percent preference in the bid amount on selected state procurements. Any preference program established by the commissioner shall expire on June 30, 1986, and the commissioner shall report to the legislature on the progress of the program by January 1, 1986. The commissioner shall adopt rules providing for the purchase of supplies, equipment, and other property by state agencies when the amount of the purchase is not less than \$100 nor more than \$500 without prior approval of the commissioner when the agency has adopted a plan to make 10 percent of the purchases on an annual basis from businesses owned and operated by socially and economically disadvantaged persons. The rules shall provide that any agency plan include provisions for purchases from vendors throughout the state for any agency that has offices located statewide, and for purchases from local vendors by agency offices.”

Page 6, after line 8, insert:

“Sec. 8. Minnesota Statutes 1982, section 16.098, subdivision 4, is amended to read:

Subd. 4. [PROCEDURE FOR CONSULTANT AND PROFESSIONAL AND TECHNICAL SERVICES CONTRACTS.] Before approving a proposed state contract for consultant services or professional and technical services the commissioner shall have at least determined that:

(1) all provisions of *section 16.083, subdivisions 1a and 4a, and subdivisions 2 and 3 of this section* have been verified or complied with;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities, and that there is statutory authority to enter into the contract;

(3) the contract will not establish an employer/employee relationship between the state or the agency and any persons performing under the contract;

(4) no current state employees will engage in the performance of the contract;

(5) no state agency has previously performed or contracted for the performance of tasks which would be substantially duplicated under the proposed contract;

(6) the contracting agency has specified a satisfactory method of evaluating and utilizing the results of the work to be performed."

Page 7, delete lines 26 to 29 and insert:

"(17) The purchase of supplies, equipment and other property by state department and agency heads and institutions under their control without prior approval of the commissioner of administration when the amount involved does not exceed \$100, or when the amount involved is at least \$100 but does not exceed \$500 when the purchases are made in accordance with rules adopted pursuant to section 16.085."

Page 7, after line 33, insert:

"Sec. 10. [APPROPRIATION.]

The sum of \$200,000 is appropriated from the general fund to the department of administration for the 1984-85 biennium to implement sections 1 to 9. The approved complement of the department of administration is increased by two positions."

Page 7, line 35, delete "*the day following final enactment*" and insert "*July 1, 1983*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for set aside of consultant, professional and technical contracts;"

Page 1, line 11, delete everything after the semicolon

Page 1, line 12, delete everything before the semicolon and insert "appropriating money; increasing the approved complement of the department of administration"

Page 1, line 14, delete "a subdivision" and insert "subdivisions"

Page 1, line 15, after the semicolon, insert "16.098, subdivision 4;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 318 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.
318	219				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 318 be amended as follows:

Page 1, line 10, after "Any" insert "*home rule charter*"

Page 1, line 11, strike "operating under a home rule charter"

And when so amended H.F. No. 318 will be identical to S.F. No. 219, and further recommends that H.F. No. 318 be given its second reading and substituted for S.F. No. 219, 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 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.
		624	509		

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. 634, 346, 402, 653, 606, 887 and 818 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 365, 529, 459, 325, 552, 231, 132, 441, 318 and 624 were read

the second time.

MOTIONS AND RESOLUTIONS

Ms. Peterson, D.C. moved that the name of Mr. Hughes be added as a co-author to S.F. No. 494. The motion prevailed.

Mr. Merriam moved that his name be stricken as a co-author to S.F. No. 951. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Merriam and Frank be added as co-authors to S.F. No. 1030. The motion prevailed.

Mr. Ramstad moved that the name of Mr. Jude be added as a co-author to S.F. No. 1041. The motion prevailed.

Mr. Diessner moved that the name of Mr. Frank be added as a co-author to S.F. No. 1042. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Frank be added as a co-author to S.F. No. 1050. The motion prevailed.

Mr. Freeman moved that the names of Messrs. Novak and Luther be added as co-authors to S.F. No. 1068. The motion prevailed.

Mr. Lessard introduced—

Senate Resolution No. 46: A Senate resolution congratulating the Vikings boys basketball team from Little Fork-Big Falls High School for participating in the 1983 Class A State High School Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Dicklich moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Stumpf be added as chief author to S.F. No. 973. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Nelson be added as a co-author to S.F. No. 973. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and the Consent Calendar. The motion prevailed.

CALENDAR

H.F. No. 26: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; 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 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson,C.C.	Solon
Berg	Frederickson	Lantry	Peterson,D.C.	Spear
Berglin	Freeman	Luther	Peterson,D.L.	Storm
Bernhagen	Hughes	McQuaid	Peterson,R.W.	Stumpf
Bertram	Isackson	Mehrkens	Petty	Taylor
Brataas	Johnson, D.E.	Merriam	Pogemiller	Ulland
Dahl	Johnson, D.J.	Moe, D. M.	Purfeerst	Vega
Davis	Jude	Moe, R. D.	Reichgott	Waldorf
DeCramer	Knaak	Nelson	Renneke	Wegscheid
Dicklich	Knutson	Novak	Samuelson	Willet

Mr. Kamrath voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 316: A bill for an act relating to insurance; accident and health; extending the period of time during which group coverage is in force for terminated employees who elect this coverage; amending Minnesota Statutes 1982, section 62A.17, subdivisions 2 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Samuelson
Anderson	Dieterich	Kroening	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederickson	Laidig	Peterson.C.C.	Storm
Berg	Freeman	Lantry	Peterson.D.C.	Stumpf
Berglin	Hughes	Luther	Peterson.D.L.	Taylor
Bernhagen	Isackson	McQuaid	Peterson,R.W.	Taylor
Bertram	Johnson, D.E.	Mehrkens	Petty	Ulland
Brataas	Johnson, D.J.	Merriam	Pogemiller	Vega
Dahl	Jude	Moe, D. M.	Purfeerst	Waldorf
Davis	Kamrath	Moe, R. D.	Reichgott	Wegscheid
DeCramer	Knaak	Nelson	Renneke	Willet

So the bill passed and its title was agreed to.

S.F. No. 246: A bill for an act relating to elections; reducing the filing fee for candidates for soil and water conservation supervisor; amending Minnesota Statutes 1982, section 204B.11, 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:

Adkins	Diessner	Knutson	Olson	Sieloff
Anderson	Dieterich	Kroening	Pehler	Solon
Belanger	Frank	Kronebusch	Peterson, C. C.	Spear
Benson	Frederick	Laidig	Peterson, D. C.	Storm
Berg	Frederickson	Langseth	Peterson, D. L.	Stumpf
Berglin	Freeman	Lantry	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Merriam	Reichgott	Wegscheid
Davis	Jude	Moe, D. M.	Renneke	Willet
DeCramer	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Nelson	Schmitz	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 9, pertaining to the Joint Rules of the Senate and House of Representatives, shown in the Journal of March 24, 1983, be taken from the table. The motion prevailed.

Mr. Sieloff moved to amend Senate Concurrent Resolution No. 9 as follows:

Rule 2.06, third paragraph, after the third sentence insert *"A conference committee report shall be limited to provisions the substance of which was included in either the Senate bill or the House bill and no other provisions."*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Peterson, D.L.	Ulland
Belanger	Frederickson	Kronebusch	Peterson, R.W.	Waldorf
Benson	Isackson	Laidig	Renneke	
Berg	Johnson, D.E.	McQuaid	Sieloff	
Bernhagen	Kamrath	Mehrkens	Storm	
Frank	Knaak	Olson	Taylor	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, C.C.	Solon
Berglin	Dieterich	Luther	Peterson, D.C.	Spear
Bertram	Freeman	Merriam	Petty	Stumpf
Chmielewski	Hughes	Moe, D. M.	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Moe, R. D.	Purfeerst	Willet
Davis	Jude	Nelson	Reichgott	
DeCramer	Kroening	Novak	Samuelson	
Dicklich	Langseth	Pehler	Schmitz	

The motion did not prevail. So the amendment was not adopted.

Mr. Berg moved to amend Senate Concurrent Resolution No. 9 as follows:

After Joint Rule 3.03 insert:

"FUNDRAISING DURING SESSIONS

Rule 3.04. A state legislator may not solicit or accept contributions, or

allow his principal campaign committee to solicit or accept contributions, from a lobbyist between the time the legislature is convened as a body empowered to enact legislation and the end of the period during which the governor may sign acts. This rule does not apply to caucus fundraisers."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Kamrath	McQuaid	Storm
Benson	Frederick	Knaak	Mehrkens	Taylor
Berg	Frederickson	Knutson	Olson	Ulland
Bernhagen	Isackson	Kronebusch	Renneke	
Brataas	Johnson, D.E.	Laidig	Sieloff	

Those who voted in the negative were:

Adkins	Frank	Luther	Petty	Stumpf
Bertram	Freeman	Merriam	Pogemiller	Waldorf
Chmielewski	Hughes	Moe, D. M.	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Moe, R. D.	Reichgott	Willet
Davis	Jude	Nelson	Samuelson	
DeCramer	Kroening	Novak	Schmitz	
Dicklich	Langseth	Pehler	Solon	
Diessner	Lantry	Peterson, R. W.	Spear	

The motion did not prevail. So the amendment was not adopted.

Mr. Moe, R.D. moved the adoption of the resolution.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Schmitz
Anderson	Diessner	Knutson	Olson	Sieloff
Belanger	Dieterich	Kroening	Pehler	Solon
Benson	Frank	Kronebusch	Peterson, C.C.	Spear
Berg	Frederick	Laidig	Peterson, D.C.	Storm
Berglin	Frederickson	Langseth	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lantry	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Reichgott	Willet
Davis	Jude	Moe, D. M.	Renneke	
DeCramer	Kamrath	Moe, R. D.	Samuelson	

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. Waldorf, Solon and Moe, R.D. introduced—

S.F. No. 1073: A bill for an act relating to public welfare; requiring certain duties of the state authority on alcohol and other drug abuse; amending Minnesota Statutes 1982, section 254A.03, subdivision 1, and by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Kroening introduced—

S.F. No. 1074: A bill for an act relating to labor; requiring the commissioner of labor and industry to promulgate standards prohibiting employees from operating certain heavy machinery for more than 16 hours in a 24-hour period; amending Minnesota Statutes 1982, section 182.655, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Kroening introduced—

S.F. No. 1075: A bill for an act relating to labor; requiring the commissioner of labor and industry to promulgate standards prohibiting employees from working alone at dangerous jobs; amending Minnesota Statutes 1982, section 182.655, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Pehler introduced—

S.F. No. 1076: A bill for an act relating to education; modifying payment application dates for aid for limited English proficiency programs; amending Minnesota Statutes 1982, section 124.273, subdivision 4.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 1077: A bill for an act relating to education; providing a limit of 180 hours per pupil for determining state aid for summer school; amending Minnesota Statutes 1982, section 124.17, subdivision 2d.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 1078: A bill for an act relating to education; modifying the state aid penalty when school boards authorize or permit within the district certain violations of law; modifying the state aid penalty when school districts employ one or more teachers who do not hold a valid teaching certificate; amending Minnesota Statutes 1982, sections 124.15, subdivision 5; and 124.19, subdivision 3.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 1079: A bill for an act relating to education; changing the date school districts submit audited financial statements from June 30 to December 31; amending Minnesota Statutes 1982, section 121.908.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 1080: A bill for an act relating to education; exempting certain school aids and grants from contract approval procedures; amending Minnesota Statutes 1982, section 124.14, subdivision 1.

Referred to the Committee on Education.

Messrs. Peterson, C.C.; Sieloff and Mrs. Lantry introduced—

S.F. No. 1081: A bill for an act relating to retirement; altering the reduction factor for early retirement and establishing a rule of 90 for teachers retirement associations in cities of the first class; authorizing the St. Paul Teachers Retirement Fund Association to amend its bylaws accordingly; amending Minnesota Statutes 1982, section 354A.31, subdivision 6.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 1082: A bill for an act relating to workers' compensation; regulating the assigned risk plan; amending Minnesota Statutes 1982, section 79.251; proposing new law coded in Minnesota Statutes, chapter 79; repealing Minnesota Statutes 1982, section 79.63.

Referred to the Committee on Employment.

Mr. Nelson introduced—

S.F. No. 1083: A bill for an act relating to transportation; authorizing placement of vending machines in highway rest areas, tourist information centers, and weigh stations; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; and 160.28.

Referred to the Committee on Transportation.

Ms. Berglin introduced—

S.F. No. 1084: A bill for an act relating to taxation; adopting certain federal changes in the dependent care credit; amending Minnesota Statutes 1982, section 290.067, subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin introduced—

S.F. No. 1085: A bill for an act relating to public welfare; altering eligibility standards, payment rates, and other provisions of the programs for medical assistance and general assistance medical care; repealing eligibility for unemployment compensation for personal care attendants and home-workers; eliminating certain state administration aid to counties; amending Minnesota Statutes 1982, sections 256B.02, subdivision 8; 256B.04, subdivision 14; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 4, and by adding subdivisions; 256D.03, subdivision 4; and 268.04, subdivision 9.

Referred to the Committee on Health and Human Services.

Mr. Dicklich introduced—

S.F. No. 1086: A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Purfeerst introduced—

S.F. No. 1087: A bill for an act relating to highway traffic regulations; prohibiting the sale, possession, installation, or operation of radar jamming devices with certain exceptions; providing for seizure by peace officers; prescribing a penalty; proposing new law coded in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

Messrs. Pogemiller and Willet introduced—

S.F. No. 1088: A bill for an act relating to occupations and professions; expanding the jurisdiction of the board of wrestling and boxing to regulate karate and kick boxing; proposing new law coded in Minnesota Statutes, chapter 341.

Referred to the Committee on Economic Development and Commerce.

Mr. Pogemiller introduced—

S.F. No. 1089: A bill for an act relating to ethics in government; providing for an exception to campaign expenditure limitations where a candidate's opponent does not accept state campaign funds; amending Minnesota Statutes 1982, sections 10A.25, subdivisions 2 and 10; 10A.31, subdivision 5; and 10A.32, subdivisions 3 and 3b.

Referred to the Committee on Elections and Ethics.

Mr. Langseth introduced—

S.F. No. 1090: A bill for an act relating to the town of Flowing; permitting the town to conduct town business in a nearby city.

Referred to the Committee on Local and Urban Government.

Mr. Diessner introduced—

S.F. No. 1091: A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Lessard and Dicklich introduced—

S.F. No. 1092: A bill for an act relating to firearms; extending the length of time a permit to carry is valid; amending Minnesota Statutes 1982, section 62A.714, subdivision 7.

Referred to the Committee on Judiciary.

Messrs. Diessner and Peterson, C.C. introduced—

S.F. No. 1093: A bill for an act relating to insurance; health and accident; allowing insurers to negotiate and contract for alternative rates of payment; allowing insurers to limit payments to providers who contract for alternative rates with the agreement of policyholders; amending Minnesota Statutes 1982, sections 62A.03, by adding a subdivision; 62A.10, by adding a subdivision; 62A.11, subdivision 5; 62C.14, subdivision 3; and 72A.20, subdivision 15.

Referred to the Committee on Health and Human Services.

Mr. Solon introduced—

S.F. No. 1094: A bill for an act relating to children; clarifying what court has jurisdiction over grandparental visitation rights when the parents' marriage is dissolved; amending Minnesota Statutes 1982, section 257.022, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Storm introduced—

S.F. No. 1095: A bill for an act relating to financial institutions; increasing additional detached facilities; increasing the distance between a main office and facilities; authorizing establishment of detached facilities in certain counties; amending Minnesota Statutes 1982, section 47.52.

Referred to the Committee on Economic Development and Commerce.

Messrs. Freeman and Belanger introduced—

S.F. No. 1096: A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

Referred to the Committee on Local and Urban Government.

Messrs. Stumpf, Bernhagen, Purfeerst and Peterson, C.C. introduced—

S.F. No. 1097: A bill for an act relating to agriculture; making certain changes in the grain buyers act; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 8, and by adding a subdivision; 223.17; 223.18; and 223.19; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf, Purfeerst, DeCramer, Langseth and Peterson, C.C. introduced—

S.F. No. 1098: A bill for an act relating to motor vehicles; establishing special license plates for personal vehicles of emergency personnel; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Novak introduced—

S.F. No. 1099: A bill for an act relating to retirement; authorizing the purchase of allowable service credit in the Minnesota state retirement system by a certain member.

Referred to the Committee on Governmental Operations.

Messrs. Bertram, Jude, Wegscheid, Mrs. Adkins and Mr. Spear introduced—

S.F. No. 1100: A bill for an act relating to the operation of state government; establishing a division of legal services for the University of Minnesota in the office of the attorney general; proposing new law coded in Minnesota Statutes, chapter 8.

Referred to the Committee on Judiciary.

Messrs. Knaak, Wegscheid, Chmielewski and Laidig introduced—

S.F. No. 1101: A bill for an act relating to occupations and professions; providing a contingency fee recovery scale for attorneys; proposing new law coded in Minnesota Statutes, chapter 481.

Referred to the Committee on Judiciary.

Mr. Samuelson introduced—

S.F. No. 1102: A bill for an act relating to public welfare; increasing the maximum licensing fee that may be charged under the public welfare licensing act; exempting the department of public welfare from the definition of a "business license"; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; and 245.811.

Referred to the Committee on Health and Human Services.

Mr. Langseth introduced—

S.F. No. 1103: A bill for an act relating to game and fish; appropriating funds for contracting for certain walleyed pike studies.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Merriam introduced—

S.F. No. 1104: A bill for an act relating to motor vehicles; clarifying requirements for issuance of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, subdivision 3.

Referred to the Committee on Transportation.

Mr. Frederickson introduced—

S.F. No. 1105: A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of St. Peter for use as a roadway.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Luther introduced—

S.F. No. 1106: A bill for an act relating to insurance; health and accident; providing group coverage for handicapped children; proposing new law coded in Minnesota Statutes, chapter 62A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Jude, Knaak and Ms. Reichgott introduced—

S.F. No. 1107: A bill for an act relating to the revisor of statutes; recodifying the laws governing the office of the revisor of statutes and the publication of Minnesota Statutes; amending Minnesota Statutes 1982, sections 15.18; 16.02, subdivision 24; 60B.01, subdivision 1; 336.1-101; 480.057; 524.1-101; and 609.01, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 645; proposing new law coded as Minnesota Statutes, chapter 3C; repealing Minnesota Statutes 1982, chapters 482 and 648.

Referred to the Committee on Rules and Administration.

Messrs. Jude, Knaak and Ms. Reichgott introduced—

S.F. No. 1108: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; amending Minnesota Statutes 1982, sections 10A.275; 10A.31, subdivision 2; 10A.32, subdivision 3b; 10A.335; 11A.24, subdivision 6; 15.06, subdivision 1; 16.861, subdivision 3; 17A.06, subdivision 3; 32.212; 32.213; 35.251; 43A.18, subdivision 5; 45.16, subdivision 2; 48.605, subdivision 1; 60A.07, subdivision 8; 60A.17, subdivision 7a; 93.20, subdivision 9; 98.46, subdivision 16; 100.27, subdivision 9; 112.85, subdivision 2; 116D.05; 116G.03, subdivision 5; 116J.70, subdivision 2a; 120.80, subdivision 1; 120.81, subdivision 1; 121.904, subdivision 11b; 168.021, subdivision 2; 169.451; 169.974, subdivision 2; 169.974, subdivision 6; 169.99, subdivision 1; 171.131, subdivision 2; 179.70, subdivision 1; 238.04, subdivision 2; 244.09, subdivision 1; 252A.13, subdivision 2; 253B.19, subdivision 5; 256.871, subdivision 7; 256.976, subdivision 4; 260.185, subdivision 1; 260.193, subdivision 6; 268.18, subdivision 2; 273.13, subdivisions 6 and 7d; 275.125, subdivision 1; 282.38, subdivisions 1 and 2; 290.012, subdivision 2; 297.02, subdivision 5; 298.28, subdivision 1; 326.241, subdivision 1; 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivision 1; 327B.09, subdivision 1; 340.069; 354.532, subdivision 4; 363.03, subdivision 10; 367.41, subdivisions 1 and 5; 367.42, subdivision 1; 375B.01; 381.12, subdivision 2; 383A.35; 398A.01, subdivision 8; 462.355, subdivision 4; 462.36, subdivision 1; 462.445, subdivision 14; 462C.04, subdivision 2; 474.03; 508A.46; 515A.1-102; 518.24; and 525.619; amending Laws 1982, chapter 581, section 18, subdivision 4; and Laws 1982, Third Special Session chapter 1, article II, section 7; repealing Minnesota Statutes 1982, section 609.01, subdivision 2; repealing Laws 1976, chapters 2, section 62; and 173, section 53; Laws 1981, chapter 224, section 18; Laws 1982, chapters 416, section 1; 424, sections 3 and 8; and

642, section 8.

Referred to the Committee on Rules and Administration.

Mr. Freeman introduced—

S.F. No. 1109: A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 458.195, subdivision 5; and 473.556, subdivision 6.

Referred to the Committee on Local and Urban Government.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 7, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 7, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Deacon Ronald Getz.

The roll was called, and the following Senators answered to their names:

Adkins	Dieterich	Kronebusch	Pehler	Solon
Anderson	Frank	Laidig	Peterson, C.C.	Spear
Belanger	Frederick	Langseth	Peterson, D.C.	Storm
Benson	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berg	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Ulland
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Brataas	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	
Diessner	Kroening	Olson	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. Chmielewski was excused from the Session of today. Mr. Kamrath was excused from the Session of today at 11:00 a.m. Mr. Laidig was excused from the Session of today from 11:00 a.m. to 12:30 p.m. Mr. Berg was excused from the Session of today at 11:30 a.m. Mr. Peterson, R.W. was excused from the Session of today at 12:00 noon. Mr. Mehrkens was excused from the Session of today from 12:00 noon to 12:45 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 6, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
15		16	April 6	April 6
	371	17	April 6	April 6

Sincerely,

Joan Anderson Growe
Secretary of State

April 6, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 31, 221, 224, 270, 152 and 421.

Sincerely,

Rudy Perpich, 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. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 531: A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 751: A resolution memorializing the Commission on Wartime Relocation and Internment of Civilians to recommend to the United States

Congress to provide adequate compensation to internees.

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. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 839: A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Education. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 759: A bill for an act relating to veterans; providing funds for an emergency shelter for veterans and their families; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "\$5,000" and insert "\$10,000"

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. 1009: A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; delaying transfer of duties, functions, and powers from the public utilities commission to the board until established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions; 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171;

221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 13, delete *“having a capacity of seven to 16 persons and”* and after *“used”* insert *“in a ridesharing arrangement and used”*

Page 5, line 16, after *“authority”* insert “:

(a) when the vehicle is operated by a person who does not drive the vehicle for that person’s principal occupation but is driving it only to or from that person’s principal place of employment or to or from a transit stop authorized by a local transit authority; or

(b) when the vehicle is operated for personal use at other times by an authorized driver”

Page 6, line 16, before the period, insert *“transporting passengers and their luggage”*

Page 8, line 19, delete *“having a”*

Page 8, line 20, delete *“capacity of seven to 16 persons and”* and after *“used”* insert *“in a ridesharing arrangement and used”*

Page 10, line 6, delete *“under conditions prescribed by the board”*

Page 13, line 8, delete *“18”* and insert *“20”*

Page 19, line 32, after *“Trailers”* insert *“and semi-trailers”*

Page 21, lines 5 and 6, reinstate the stricken *“secure and cause to be filed”*

Page 21, line 6, delete *“file”*

Page 27, line 35, before *“No”* insert *“Subdivision 1. [COMPENSATION FIXED.]”*

Page 28, after line 8, insert:

“Subd. 2. [EXCEPTION.] A person engaged in the transportation of household goods for the federal government or an agency of the federal government or the transportation of household goods for the state government or an agency of the state government where competitive bids are required by law is exempt from subdivision 1.”

Page 28, line 12, delete *“carry in the vehicle a bill of lading which conforms”* and insert *“conform”*

Page 28, line 14, delete everything before the period and insert *“with respect to shipping documents”*

Page 28, line 15, delete *“MATERIAL”* and insert *“WASTE”*

Page 28, line 20, delete *“this section”* and insert *“ subdivision 2”*

Page 29, lines 14 and 18, after *“fees”* insert *“or renew permits”*

Page 29, line 31, after "registration" insert "or permit renewal"

Page 31, lines 20 and 21, reinstate the stricken "or under other appropriate circumstances"

Page 31, lines 25 to 36, delete the new language

Page 35, line 30, delete "33" and insert "35"

Amend the title as follows:

Page 1, line 20, delete "delaying transfer of" and insert "assigning"

Page 1, line 21, delete "from" and insert "to" and delete "to" and insert "until"

Page 1, line 22, before "board" insert "transportation regulation" and delete "until" and insert "is"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 740: A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, section 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; and 327B.09, subdivisions 1 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, strike "and"

Page 2, line 33, strike the period and insert "; and"

Page 2, after line 33, insert:

"(e) the applicant has provided evidence of having had at least two years' prior experience in the sale of manufactured homes, working for a licensed dealer."

Page 5, after line 10, insert:

"Sec. 7. Minnesota Statutes 1982, section 327B.07, subdivision 1, is amended to read:

Subdivision 1. [LIABILITY.] Each dealer is responsible for the activities of any person employed by or acting on behalf of that dealer when the activities occur in connection with the sale or attempted sale of a manufactured home. Each ~~officer~~ officer of a corporation licensed as a dealer is responsible for the activities of any person employed by or acting on behalf of the corporation when such activities occur in connection with the sale or attempted sale of a manufactured home."

Page 6, line 10, delete "8" and insert "9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 8, after the semicolon, insert "327B.07, subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 497: A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing for the abatement of certain court actions; allowing a penalty in certain cases; amending Minnesota Statutes 1982, section 116J.27, 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 1982, section 116J.27, is amended by adding a subdivision to read:

Subd. 3a. [RESIDENTIAL RENTAL PROPERTY WEATHERIZATION DISCLOSURE PROGRAM.] On or before January 1, 1985, the owner of a renter-occupied residence shall file with the county recorder of the county in which the residence is located a certificate of compliance with all applicable energy efficiency standards prescribed by subdivisions 1 and 3. The certificate shall be obtained from a building evaluator following an inspection of the residence conducted after January 1, 1984, and recorded on a form provided by the commissioner. A building evaluator certified according to the standards prescribed in subdivision 6, or pursuant to section 116J.31, is qualified to inspect the residence and to issue the certificate required by this subdivision. For the purposes of this subdivision, building evaluators shall include building officials as qualified by Minnesota Statutes, section 16.861, subdivision 2. After inspection, if the building evaluator determines that the energy efficiency standards prescribed in subdivisions 1 and 3 have been met, he or she shall issue and sign a certificate of compliance. No building evaluator may make energy efficiency improvements or profit directly or indirectly from the provision of energy efficiency improvements to a building that he or she has inspected. The commissioner shall adopt a form for the certificate, and the form shall include at least the following information: (a) name, address, and social security or Minnesota tax identification number of the owner of the residence; (b) street address of the residence; (c) date of the inspection by the building evaluator; (d) name of the building evaluator who performed the inspection; (e) date the certificate is signed by the building evaluator; and (f) a statement that a copy of the certificate should be filed with the county recorder. The county recorder shall maintain a file by street address of the certificates filed pursuant to this subdivision. The certificates shall be released to the public according to section 13.03. If a certificate is not on file for a residence, upon request of any person, the county recorder

shall provide without charge a written statement that a certificate is not on file as of the date of execution of the statement. The statement is prima facie evidence in a court action of the facts it contains. The county recorder may charge a fee to owners who file certificates under this subdivision in an amount sufficient to defray the costs of administering the residential rental property weatherization disclosure program. This subdivision does not apply to low income housing projects owned by a housing and redevelopment authority, as defined in section 462.421, subdivision 2.

Sec. 2. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

Subd. 4a. [ABATEMENT OF CERTAIN ACTIONS.] In a civil action to recover possession on the basis of nonpayment of rent or holding over after termination of the tenancy by notice to quit, or in a civil action to recover rent, or other damages arising from the rental of property subject to subdivision 3, a defendant may plead a failure to file the certificate required by subdivision 3a in order to abate the action, if the action was commenced before the certificate was filed. All proceedings in the action shall be stayed until the certificate is filed pursuant to subdivision 3a; and the defendant, whether or not he or she prevails in the action, may tax \$50 costs, in addition to other costs allowed by law. In actions to recover possession on the basis of nonpayment of rent, the court may condition the stay upon payment into court of the rent as it becomes due, and the defendant may elect to tax the \$50 costs allowed by this subdivision by reducing the rent to be paid into court by \$50.

Sec. 3. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

Subd. 4b. [CIVIL DAMAGES IN CERTAIN ACTIONS.] A tenant who occupies or occupied, after January 1, 1986, property subject to subdivision 3 and who makes a claim in a civil action against the owner before the certificate required under subdivision 3a is filed, shall be entitled to recover \$200 from the owner. For purposes of this subdivision, the term "owner" has the meaning given in section 566.18, subdivision 3.

Sec. 4. [116J.305] [RENTAL PROPERTY CONSERVATION ENFORCEMENT.]

Subdivision 1. [GENERALLY.] If the owner of a rental residential property fails to comply with the weatherstripping, caulking, storm window and storm door energy efficiency standards prescribed by section 116J.27, subdivision 3, within the period set forth in this section, the tenant may remedy the noncompliance and deduct the actual expense from the rent in accordance with this section.

Subd. 2. [DEFINITIONS.] As used in this section, the terms defined in this subdivision shall have the meanings given them.

(a) "Owner" means an owner as defined in section 566.18, subdivision 3.

(b) "Tenant" means a tenant as defined in section 566.18, subdivision 2.

Subd. 3. [TIME FOR COMPLIANCE BY OWNER.] For the purpose of this section only, the owner's period of time to remedy noncompliance with the weatherstripping, caulking, storm window and storm door energy efficiency standards prescribed by section 116J.27, subdivision 3, shall be 30

days after a written statement describing noncompliance and indicating the tenant's intention to remedy the noncompliance has been deposited in the United States mail with first class postage prepaid, properly addressed to the owner, his agent, his caretaker, or the person to whom rent is paid, or, if not mailed, when the statement is otherwise personally received by one of those persons.

Subd. 4. [ACTIONS INVOLVING NONPAYMENT OF RENT.] In a proceeding for restitution of the premises on the ground of nonpayment of rent or in any other proceeding in which the tenant's rental obligation is an issue:

(a) If the tenant proves that the owner failed to comply within the time set forth in subdivision 3, and that thereafter the tenant paid for remedying the noncompliance, the court shall abate the tenant's rental obligation by the amount so paid, unless the owner establishes by clear and convincing evidence that the tenant acted both unreasonably and in bad faith.

(b) If the tenant proves that the owner failed to comply and the tenant paid for remedying the noncompliance, but fails to prove that the owner was given the period of time to remedy the noncompliance set forth in subdivision 3, or if the owner proves that during the time set forth in subdivision 3 the tenant unreasonably refused the owner or his agent entry to the premises for the purpose of remedying the noncompliance, the court shall, upon a finding that the tenant acted in good faith, abate the tenant's rental obligation by the amount which the owner proves would have been the reasonable cost to him of remedying the noncompliance. In a proceeding for restitution of the premises, the court shall enter an order establishing a reasonable payment schedule for the difference, if any, between the reasonable cost to the owner of remedying the noncompliance and the amount actually deducted. If the tenant fails to comply with the payment schedule, the owner may, upon three days' written notice to the tenant, move for an order for judgment of restitution of the premises.

(c) In a proceeding for restitution of the premises, if the tenant fails to prove that the condition which he remedied constituted noncompliance with section 116J.27, subdivision 3, the court shall, upon a finding that the tenant acted in good faith, enter an order establishing a reasonable payment schedule for the unpaid rent. If the tenant fails to comply with the payment schedule, the owner may, upon three days' written notice to the tenant, move for an order for judgment of restitution of the premises.

Subd. 5. [TENDER NOT REQUIRED.] The court may not require that the amount alleged by the tenant to have been expended under this section be tendered to the court or to the owner as a condition to the assertion of rights under this section. The court may require the tenant to produce receipts concerning the amount so expended as a condition to the assertion of rights under this section. The court may continue a proceeding for not more than five days in order to allow the tenant an opportunity to produce receipts.

Subd. 6. [LIMITATION.] In a calendar year, a tenant may not deduct under this section an amount greater than the total of two months' rent.

Subd. 7. [LIMITATIONS; WAIVER PROHIBITED; RIGHTS AS ADDITIONAL.] The rights afforded to the tenant under this section:

(a) shall not extend to conditions caused by the willful, malicious, or neg-

ligent conduct of the tenant or of a person under his direction or control;

(b) may not be waived or modified; and

(c) are in addition to and shall not limit other rights available to the tenant; including the right to damages or to additional abatement of the rental obligation based upon the owner's noncompliance and the right to restoration of possession of the premises afforded by section 504.02.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 and 4 are effective the day following final enactment. Sections 2 and 3 are effective January 1, 1985.'

Delete the title and insert:

“A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing for the abatement of certain court actions; allowing a penalty in certain cases; providing for a tenant remedy of non-compliance with energy efficiency standards; amending Minnesota Statutes 1982, section 116J.27, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 116J.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 843: A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to accept gifts; revising the procedure for purchasing veterans grave markers; authorizing an imprest cash fund at veterans homes; providing for the disposal of abandoned property of veterans at veterans homes; amending Minnesota Statutes 1982, section 197.23; proposing new law coded in Minnesota Statutes, chapter 198; and repealing Minnesota Statutes 1982, section 198.055.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 26, delete “*from funds provided by counties and others*” and delete “*For each*” and insert “*The commissioner shall provide the available funds for each*”

Page 2, line 27, delete the comma and insert “*in*”

Page 2, line 28, delete “*must be*” and insert “*in*”

Page 2, line 29, delete “*as the*” and delete “*of*” and insert “*as*” and after “*funds*” insert “*that may be*”

Page 3, after line 14, insert:

“Sec. 5. Minnesota Statutes 1982, section 268.14, subdivision 5, is amended to read:

Subd. 5. [VETERANS REPRESENTATIVES.] *(a)* As may be determined

by the commissioner, based on a demonstrated need for the service, there shall be assigned by the commissioner to the staff of each full functioning employment service office a veterans employment representative ~~whose activities shall be devoted to discharging the duties prescribed of a veterans employment representative.~~ The position of veterans employment representative shall be filled by one or more employees of the department of economic security who are veterans as defined in section 197.447. Pursuant to United States Code, title 38, section 2003A, representatives shall be assigned only those duties directly related to meeting the employment needs of eligible veterans, with priority for the provision of services in the following order:

(1) Services to disabled veterans of the Vietnam era who are participating in or have completed a program of vocational rehabilitation under United States Code, title 38, chapter 31;

(2) Services to other disabled veterans;

(3) Services to other eligible veterans, taking into account applicable rates of unemployment and the employment emphasis in United States Code, title 38, chapter 42.

(b) Each representative shall carry out the following functions for the purpose of providing services to eligible veterans:

(1) Development of job training opportunities for veterans through contacts with employers, especially small and medium sized private sector employers;

(2) Promotion and development of apprenticeship and other on the job training positions;

(3) Outreach activities to locate veterans through contacts with local veterans organizations, the Veterans Administration, the state system of public employment offices, and community-based organizations;

(4) Appropriate assistance to community-based groups, organizations, and prime sponsors under the comprehensive employment and training act;

(5) Appropriate assistance to local employment service office employees with responsibility for veterans;

(6) Consultation and coordination with other appropriate representatives of federal, state, and local programs to promote employment opportunities for and provide maximum employment assistance to veterans;

(7) Promotion and development of entry level and career job opportunities for veterans."

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 268.14, subdivision 5;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to

which was referred

S.F. No. 915: A bill for an act relating to public safety; providing that the capitol complex security division of the department of public safety shall be responsible for the detection of crime in the capitol complex; providing benefits to survivors of security guards or guard supervisors employed by the capitol complex security division who are killed in the line of duty; exempting employees of the capitol complex security division from uniform color requirements; amending Minnesota Statutes 1982, sections 299E.01, subdivision 2; 352E.01, subdivision 2; and 626.88, subdivision 1; repealing Minnesota Statutes 1982, section 626.88, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

“Section 1. Minnesota Statutes 1982, section 299C.46, subdivision 3, is amended to read:

Subd. 3. The datacommunications network shall be used exclusively for criminal justice agencies of the state in connection with enforcement of the criminal or traffic laws of the state, *and for the capitol complex security division, limited to article inquiries and entries, motor vehicle identification, communication to law enforcement agencies, and statistical information.*

The commissioner of public safety, after consultation with representatives of participating criminal justice agencies, may establish a monthly operational charge to be paid by each participating criminal justice agency *and the capitol complex security division* in the event that money available to the commissioner for this purpose is not adequate to pay these costs.

The commissioner of public safety is authorized to arrange for the connection of the datacommunications network with the criminal justice information system of the federal government, any adjacent state, or Canada.”

Page 3, after line 26, insert:

“Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Amend the title as follows:

Page 1, line 11, delete “299E.01, subdivision 2” and insert “299C.46, subdivision 3”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 609: A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.09, subdivision 1.

Reports the same back with the recommendation that the bill do pass.

Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 793: A bill for an act relating to economic development; authorizing certain incorporators to establish two innovation center public corporations to assist in the development of the state's high technology businesses, products, and systems by providing certain services and assistance; establishing the purposes, powers, and duties of the corporation; providing for directors, articles, and by-laws; appropriating money; proposing new law coded as Minnesota Statutes, chapter 301B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 21, 23, 30, and 33, delete "to"

Page 3, line 31, delete "any such" and insert "these"

Page 4, line 1, delete "such" and "as" and "may"

Page 4, line 2, delete "deem" and insert "deems"

Page 4, line 2, delete ", together" and "such"

Page 4, line 3, delete "as may be" and insert "that are"

Page 4, line 10, delete "as may be"

Page 4, lines 11, 15, and 23, delete "to"

Page 4, line 13, delete "any such" and insert "that"

Page 5, line 7, after "duration" insert a comma

Page 6, line 27, delete "such" and insert "an"

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 Economic Development and Commerce, to which was referred

S.F. No. 597: A bill for an act relating to financial institutions; credit unions; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, section 52.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1982, section 52.01, is amended to read:

52.01 [ORGANIZATION.]

Any seven residents of the state may apply to the commissioner of banks for permission to organize a credit union.

A credit union is a cooperative society, incorporated for the two-fold pur-

pose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes.

A credit union is organized in the following manner:

(1) The applicants execute, in duplicate, a certificate of organization by the terms of which they agree to be bound, which shall state:

(a) The name and location of the proposed credit union;

(b) The names and addresses of the subscribers to the certificate and the number of shares subscribed by each;

(c) The par value of the shares of the credit union, which shall not exceed \$10 each;

(2) *The applicants submit the following in the form prescribed by the commissioner of banks:*

(a) *A statement of the common bond of the proposed credit union;*

(b) *The number of potential members;*

(c) *The geographic dispersion of the potential members;*

(d) *Evidence of interest, including willingness of potential members to assume responsibility for leadership and service;*

(e) *A two-year forecast of probable levels of assets, shares and deposits, and income and expense;*

(f) *The availability of other credit union services to the potential members;*

(g) *Other information the commissioner requires;*

~~(2)~~ (3) They next prepare and adopt bylaws for the general governance of the credit union consistent with the provisions of this chapter, and execute ~~the same~~ *them* in duplicate;

~~(3)~~ (4) The certificate and the bylaws, both executed in duplicate, are forwarded to the commissioner of banks; ~~and there shall be paid to the commissioner an~~ *with a \$100 application fee of \$100;*

~~(4)~~ (5) The commissioner of banks shall, within 60 days of the receipt of the certificate, ~~the information required by paragraph (2),~~ the bylaws, and a commitment for insurance of accounts as required by section 52.24, subdivision 2, determine whether they comply with the provisions of this chapter, and whether or not the organization of the credit union in question would benefit ~~the its members of it~~ *, be economically feasible*, and be consistent with the purposes of this chapter;

~~(5)~~ (6) Thereupon the commissioner of banks shall notify the applicants of his decision; . If it is favorable, the commissioner shall issue a certificate of approval, attached to the duplicate certificate of organization, and return ~~the same, together~~ *them* with the duplicate bylaws; to the applicants; . If it is unfavorable, the applicants may, within 60 days after ~~said the~~ *the* decision, ~~have the right to~~ *appeal for a review in a court of competent jurisdiction;*

~~(6)~~ (7) The applicants shall thereupon file the duplicate of the certificate of organization, with the certificate of approval attached thereto, with the county recorder of the county ~~within which the credit union is to do business~~

secretary of state, who shall make a record of the certificate and return it, with a certificate of record attached thereto, to the commissioner of banks; for permanent records; and

(7) (8) Thereupon the applicants shall ~~become~~ and be a credit union, incorporated in accordance with the provisions of this chapter.

In order to simplify the organization of credit unions, the commissioner of banks shall ~~cause to be prepared an~~ *prepare* approved ~~form~~ *forms* of certificate of organization and a ~~form~~ of bylaws, consistent with this chapter, which may be used by credit union incorporators for their guidance, and on written application of seven residents of the state, shall supply them, without charge, with a blank certificate of organization and a copy of the form of suggested bylaws.”

Page 2, lines 7 to 12, delete the new language and insert:

“Any 25 residents of the state representing a group may apply to the commissioner, advising him of the common bond of the group and its number of potential members, for a determination whether it is feasible for the group to form a credit union. Upon a determination that it is not feasible to organize because the number of potential members is too small, the applicants will be certified by the commissioner as eligible to petition for membership in an existing credit union geographically situated to adequately service the group. If the credit union so petitioned resolves to accept the group into membership, it shall follow the bylaw amendment and approval procedure set forth in section 52.02.

Sec. 3. Minnesota Statutes 1982, section 168.67, is amended to read:

168.67 [SALES FINANCE COMPANIES; LICENSES, FEES, RE-FUNDS.]

(a) No person shall engage in the business of a sales finance company in this state without a license therefor as provided in sections 168.66 to 168.77 provided, however, that no bank, trust company, savings bank, ~~or~~ savings and loan association, *or credit union*, whether state or federally chartered, industrial loan and thrift company, or small loan company authorized to do business in this state shall be required to obtain a license under sections 168.66 to 168.77.

(b) The application for a license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners, or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information the administrator requires.

(c) The licensee fee for the fiscal year beginning July 1 and ending June 30 of the following year, or any part thereof shall be the sum of \$150 for the principal place of business of the licensee, and the sum of \$75 for each branch of the licensee, maintained in this state. Any licensee who proves to the satisfaction of the administrator, by affidavit or other proof satisfactory to the administrator, that during the twelve calendar months of the immedi-

ately preceding fiscal year, for which his license has been paid that he has not held retail installment contracts exceeding \$15,000 in amount, shall be entitled to a refund of that portion of each license fee paid in excess of \$25. The administrator shall certify to the commissioner of finance that the licensee is entitled to a refund, and payment thereof shall be made by the state treasurer. The amount necessary to pay for the refundment of the license fee is appropriated out of the general fund. All license fees received by the administrator under sections 168.66 to 168.77 shall be deposited with the state treasurer.

(d) Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location be changed, the administrator shall endorse the change of location on the license.

(e) Upon the filing of such application, and the payment of the fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of sections 168.66 to 168.77 for a period which shall expire the last day of June next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by sections 168.66 to 168.77 under any other name.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after final enactment.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "requiring applicants to form a credit union to submit certain information to the commissioner of banks;"

Page 1, line 6, delete "section" and insert "sections 52.01;"

Page 1, line 6, after "52.05" insert "; and 168.67"

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. 776: A bill for an act relating to state government; reorganizing functions related to water; abolishing the water planning board, the southern Minnesota rivers basin board, and the water resources board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, sections 40.072, subdivision 3; 112.35, subdivision 4; 473.877, subdivision 2; and 473.878, subdivisions 5, 7, and 8; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, sections 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; and chapter 114A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [116C.80] [COORDINATION OF WATER RESOURCE MANAGEMENT AND PLANNING; DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 1 and 2 the terms defined in this section have the meanings given them.

Subd. 2. [SOUTHERN MINNESOTA RIVERS BASIN.] “Southern Minnesota rivers basin” means the area within the watersheds of rivers and streams tributary to the Minnesota river, and the areas within the watersheds of rivers tributary to the Mississippi river on the westerly side of the Mississippi south of its confluence with the Minnesota river.

Subd. 3. [BOARD.] “Board” means the environmental quality board.

Sec. 2. [DUTIES OF BOARD.]

Subdivision 1. [WATER PLANNING.] The board shall:

(1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area;

(2) initiate, coordinate, and continue to develop comprehensive long-range water resources planning in furtherance of the plan adopted by the water planning board entitled “A Framework for a Water and Related Land Resources Strategy for Minnesota, 1979;”

(3) coordinate water planning activities of local, regional, and federal bodies with state water planning and integrate these plans with state strategies; and

(4) administer federal water resources planning with multi-agency interests.

Subd. 2. [SOUTHERN MINNESOTA RIVERS BASIN.] The board shall guide the creation and implementation of a comprehensive environmental conservation and development plan for the southern Minnesota rivers basin. The board shall coordinate state and local interests with respect to the study in southwestern Minnesota under Public Law 87-639. The board shall appoint an advisory council to advise the board concerning its responsibilities under this subdivision. The council shall consist of eleven members who are residents of the basin and appointed by the governor. The council is subject to the provisions of section 15.059. The council shall expire June 30, 1987. The council shall make recommendations to the board by June 30, 1985, concerning the establishment of a statewide advisory council to advise the board on water resources planning, regulation, and management.

Subd. 3. [GOVERNOR’S REPRESENTATIVE.] The board chairperson shall represent the governor on interstate water resources organizations.

Sec. 3. [BOARD ABOLISHED.]

The southern Minnesota rivers basin board established by section 114A.04 is abolished.

Sec. 4. [PERSONNEL.]

The authorized complement of the environmental quality board is increased by six due to its increase in duties under section 2. Classified and unclassified state employees involved in the implementation and administra-

tion of the duties of the water planning board and the southern Minnesota rivers basin board shall be transferred, except for the position of chairperson of the water planning board, to the environmental quality board in the classified service of the state without competitive examination and shall be placed in the proper classification by the commissioner of employee relations with compensation as provided for the classifications. Incumbents of positions placed in the classified service shall receive status and length of service credit as would have accrued to them if they had originally been appointed to the classified service. Length of service shall not include seniority under the provisions of a collective bargaining agreement negotiated pursuant to sections 179.61 to 179.76, until the effective date of classified service. Annual leave and sick leave shall be transferred and accrued in accordance with section 43A.18.

Sec. 5. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as permanent members the commissioner of the department of energy, planning and development, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate.

At least two of the five public members shall have knowledge of and be conversant in water management issues in the state.

Sec. 6. Minnesota Statutes 1982, section 473.878, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBLE UNITS.] Where a watershed management organization exists, the plan for the watershed shall be prepared and adopted by the organization. If a watershed management organization is not established by December 31, 1983, for any minor watershed unit located wholly outside of Hennepin and Ramsey counties, the county or counties containing the watershed unit shall prepare and adopt the watershed plan and shall have the planning, review, and permitting authority of a watershed management organization specified in section 473.877. If a watershed management organization is not established by December 31, 1983, for any minor watershed unit within the metropolitan area and wholly or partly within Hennepin or Ramsey counties, the county or counties containing the watershed unit shall petition for the establishment of a watershed district under chapter 112, provided, however, that a district established pursuant to such a petition shall not cross a primary river nor a river forming the boundary between a metropolitan county and a county outside the metropolitan area, shall have boundaries which are based upon negotiations among all local government units which may have territory within the district and adjacent watersheds and shall not cross county boundaries to include territory whose distinguishing characteristic is multiple drainage points into a primary river. A watershed management organization may request a county to prepare all or part of a plan. A county may delegate the preparation of all or part of a plan to the county soil and water conservation district. Upon request of a statutory or home rule charter city or town, a county may delegate the prep-

aration of all or part of a plan to the city or town. *Notwithstanding any contrary provisions of this subdivision, until July 1, 1984, no county shall petition for establishment of a watershed district or assume any authority under this subdivision for a minor watershed unit if the metropolitan council finds by December 31, 1983, that reasonable progress is being made to negotiate a joint powers agreement in order to form a watershed management organization for that watershed unit.*

Sec. 7. [TRANSITIONAL PROVISION.]

The members of the southern Minnesota rivers basin board as constituted before enactment of this act shall be the first members of the southern Minnesota rivers basin advisory council under section 2, subdivision 4. The environmental quality board may adjust the terms of the first members of the advisory council to conform to the requirements of Minnesota Statutes, section 15.059.

Sec. 8. [APPROPRIATION.]

There is appropriated to the environmental quality board from the general fund the sum of \$..... for the purpose of the duties assigned to the board by this act.

Sec. 9. [REPEALER.]

Minnesota Statutes 1982, sections 114A.01; 114A.02; 114A.03; 114A.04; 114A.05; 114A.06; 114A.07; 114A.08; and 114A.09 are repealed.

Sec. 10. [EFFECTIVE DATE.]

This act is effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to state government; reorganizing functions related to water; abolishing the water planning board and the southern Minnesota rivers basin board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 473.878, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, chapter 114A."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was re-referred

S.F. No. 828: A bill for an act relating to energy; providing an omnibus energy policy; appropriating money; amending Minnesota Statutes 1982, sections 16.02, by adding a subdivision; 116J.27, subdivisions 2, 6, and by adding a subdivision; 116J.31; 116J.36; 216B.164, subdivisions 2, 3, 6, and 8; 453.54, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116J and 216B; repealing Minnesota Statutes 1982, section 116J.27, subdivisions 5 and 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 14, delete lines 32 to 36

Page 15, delete lines 1 to 9

Page 15, after line 9, insert:

“Sec. 16. Minnesota Statutes 1982, section 216B.164, subdivision 5, is amended to read:

Subd. 5. [DISPUTES.] In the event of disputes between an electric utility and a qualifying facility, either party may request a determination of the issue by the commission. In any ~~such~~ dispute determination, the burden of proof shall be on the utility *except as otherwise expressly provided in this section. The commission, in its order resolving each dispute, may require payments to the prevailing party of that party's costs, disbursements, and reasonable attorneys' fees.*”

Page 15, line 19, delete “only”

Page 15, line 22, delete “and only if” and insert “with”

Page 15, line 22, delete “personnel are”

Page 15, line 23, delete everything before the period and insert “*remaining responsible for its personnel*”

Page 15, after line 32, insert:

“(d) *The commission may promulgate temporary rules for the purpose of implementing this section. The temporary rules are subject to sections 14.29 to 14.36 of the Administrative Procedure Act.*”

Page 16, after line 9, insert:

“Sec. 19. Minnesota Statutes 1982, section 216B.164, is amended by adding a subdivision to read:

Subd. 9. [MUNICIPAL ELECTRIC UTILITIES.] *For purposes of this section only, except subdivisions 5 and 7, and with respect to municipal electric utilities only, the term “commission” means the governing body of each municipal electric utility that adopts and has in effect rules implementing this section which are consistent with the rules adopted by the Minnesota public utilities commission under subdivision 6. As used in this subdivision, the governing body of a municipal electric utility means the city council of that municipality; except that, if another board, commission, or body is empowered by law or resolution of the city council or by its charter to establish and regulate rates and days for the distribution of electric energy within the service area of the city, that board, commission, or body shall be considered the governing body of the municipal electric utility.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the second comma insert “5,”

Page 1, line 7, after “8” insert “, 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. Purfeerst from the Committee on Transportation, to which was re-

ferred

S.F. No. 891: A bill for an act relating to transportation; providing for a unique registration category and special license plates for commuter vans; defining ridesharing arrangement and other terms; clarifying taxation, licensing, and vehicle use requirements in ridesharing arrangements; excluding certain ridesharing arrangements from the provisions of chapter 176 governing workers' compensation; clarifying employers' liability under workers' compensation for a ridesharing arrangement; excluding participation in a ridesharing arrangement from overtime compensation and the payment of minimum wages as defined in chapter 177; excluding payments other than salary to drivers in ridesharing arrangements from the definition of gross income; excluding motor vehicles participating in ridesharing arrangements from the definition of commercial motor vehicle; deleting the requirement to transfer rideshare program development from the commissioner of transportation; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 174.257, by adding subdivisions; 176.041; 176.051, by adding subdivisions; 290.08, by adding a subdivision; 296.17; and Laws 1981, chapter 363, section 55, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 168 and 177.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 28, insert:

“Section 1. Minnesota Statutes 1982, section 16.753, subdivision 3, is amended to read:

Subd. 3. [PERMITTED USES.] A state vehicle may be used by a state employee to travel to or from the employee's residence:

(a) On a day on which it may be necessary for the employee to respond to a work-related emergency during hours when the employee is not normally working; or

(b) If the employee has been assigned the use of a state vehicle for authorized state business on an extended basis, and the employee's primary place of work is not the state work station to which he is permanently assigned; or

(c) If the employee has been assigned the use of a state vehicle for authorized state business away from the work station to which he is permanently assigned, and the number of miles travelled, or the time needed to conduct the business, will be minimized if the employee uses a state vehicle to travel to the employee's residence before or after travelling to the place of state business. Use of a state vehicle pursuant to this subdivision shall require the prior approval of the agency head, or the designee of the agency head. Within 15 days of the end of each three-month period, beginning July 1, 1981, the head of each state agency or department shall report to the commissioner of administration on each case in which a state vehicle is used by an employee of that agency to travel to or from the employee's residence. The commissioner shall specify the form of this report and the information to be included. If no state vehicles have been used for this travel, the head of the agency shall report this to the commissioner; or

(d) If the employee is authorized to participate in a ridesharing program

established by the commissioner pursuant to section 174.257."

Page 1, line 36, delete "to an owner of" and insert "for"

Page 4, line 7, delete "2" and insert "3"

Page 4, line 13, delete "shall" and insert "may"

Page 4, line 16, after the period, insert "*The commissioner of administration shall by September 1, 1983, establish a demonstration program for using state-owned vehicles, other than commuter vans, for use in ridesharing arrangements for state employees.*"

Page 6, line 1, delete "2" and insert "3"

Page 6, line 5, delete "8" and insert "9"

Page 7, lines 5 and 25, delete "2" and insert "3"

Page 8, lines 9 and 21, delete "2" and insert "3"

Page 9, delete line 19 and insert "*Sections 1 to 10 and section 13 are*"

Page 9, line 20, delete "10" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "permitting the use of state vehicles in ridesharing arrangements;"

Page 1, line 21, after "sections" insert "16.753, subdivision 3;"

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. 781: A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, strike "Any" and insert "A"

Page 1, line 20, before "suspension" strike "such a" and insert "the"

Page 1, line 20, before "revocation" strike "such" and insert "the"

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

S.F. No. 812: A bill for an act relating to highway traffic regulations;

clarifying certain bumper requirements; restricting the height of bumpers on certain vehicles; amending Minnesota Statutes 1982, section 169.73.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 918: A bill for an act relating to public welfare, clarifying provisions dealing with the medical assistance drug formulary; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred the following appointment as reported in the Journal for February 7, 1983:

IRON RANGE RESOURCES AND REHABILITATION
COMMISSIONER

Gary Lamppa

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 596: A bill for an act establishing an agricultural resource energy loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 290.01, by adding a subdivision; 297A.44, subdivision 1; and 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, delete "*and*" and "*energy*,"

Page 2, line 24, delete "*planning and development*" and insert "*commerce, and the director of the pollution control agency*"

Page 4, line 26, insert "6" in the blank

Page 5, line 4, insert "95" in the blank

Page 5, line 11, insert "80" in the blank

Page 6, line 8, after "*prior*" insert "*written*"

Page 7, line 25, delete "*nonfailure*" and insert "*failure*"

Page 7, line 27, delete "projects" and insert "project" and after "significant" insert "adverse"

Page 8, line 8, delete "and"

Page 8, line 11, after "state" insert "; and (vi) funds are available for allocation to the account established for the project in the guaranty fund, and are continuously allocated to the account in accordance with the provisions of section 4, subdivision 3, in an amount equal to the amount of interest on the advances until actually reimbursed to the state by the borrower"

Page 8, line 22, after "paid" insert "to the state"

Page 10, after line 18, insert:

"Subd. 2. [ENVIRONMENTAL ASSESSMENT.] Notwithstanding any other law or rule, the board shall be the responsible governmental unit for the completion of an environmental assessment worksheet with respect to each project considered for a loan guaranty in the agricultural resource energy loan guaranty program, and for considering comments on and determining the need for an environmental impact statement in accordance with section 116D.04, subdivision 2a, or other law. Notwithstanding the provisions of any other law or rule, an environmental impact statement shall not be required to be prepared, unless so determined by the board, with respect to an agricultural resource energy project which will have a capacity to utilize 300,000 dry tons or less per year of input, or, if designed for production of alcohol fuels, will have a capacity to produce 60,000,000 or less gallons per year of alcohol."

Page 10, line 19, delete "2" and insert "3"

Page 10, line 26, after "policies," insert "and it has determined the adequacy of the environmental impact statement if one is required,"

Page 11, line 5, after the semicolon, insert "provided that bonds authorized by the legislature need not be issued until and unless the proceeds allocated to a project account must be deposited therein to comply with clause (2) or (3);"

Page 11, line 14, after "3" insert ", which binds the state to cause state bonds to be offered for sale at the times and in the amounts required, with amounts on hand in the project account, to pay all amounts to become due and payable under the loan guaranty, within the authorization and allocation referred to in clause (1), and when sold, to issue the bonds and apply the proceeds to make these payments"

Page 11, line 31, delete "or paying principal and interest on"

Page 11, line 32, delete "bonds issued by the state,"

Page 12, line 9, after "16A" insert ", except that the commissioner may sell them and determine their interest rate by direct negotiation,"

Page 14, line 9, delete "2" and insert "3"

Page 15, after line 6, insert:

"Sec. 7. Minnesota Statutes 1982, section 116B.03, subdivision 1, is amended to read:

Subdivision 1. Any person residing within the state; the attorney general; any political subdivision of the state; any instrumentality or agency of the state or of a political subdivision thereof; or any partnership, corporation, association, organization, or other entity having shareholders, members, partners or employees residing within the state may maintain a civil action in the district court for declaratory or equitable relief in the name of the state of Minnesota against any person, for the protection of the air, water, land, or other natural resources located within the state, whether publicly or privately owned, from pollution, impairment, or destruction; provided, however, that no action shall be allowable hereunder for acts taken by a person on land leased or owned by said person pursuant to a permit or license issued by the owner of the land to said person which do not and can not reasonably be expected to pollute, impair, or destroy any other air, water, land, or other natural resources located within the state; provided further that no action shall be allowable under this section for conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the pollution control agency, department of natural resources, department of health or department of agriculture, *or by the agricultural resource energy loan guaranty board for conduct taken by a person in the construction or operation of an agricultural resource energy project for which the state has made a conditional or final commitment for a loan guaranty pursuant to section 4, subdivision 3.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after “sections” insert “116B.03, subdivision 1;”

And when so amended the bill do pass and be re-referred to the Committee on Energy and Housing. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 713: A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; authorizing the use of necessary force to prevent escape; removing archaic language; amending Minnesota Statutes 1982, sections 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; and 624.714, subdivision 13.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, before line 11, insert:

“Section 1. Minnesota Statutes 1982, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. [COMMISSIONER, POWERS AND DUTIES.] The commissioner of corrections ~~shall have~~ *has* the following powers and duties:

(a) To accept persons committed to him by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a cor-

rectional facility or other facility of the department of corrections and to prescribe reasonable conditions ~~and rules, and regulations~~ for their employment, conduct, instruction, and discipline within or ~~without~~ outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates or serve on the board of directors or hold any executive position in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility *without written permission from the chief executive officer of the facility.*

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner ~~he determines~~ *deemed to be most efficient and beneficial in the accomplishment of these to accomplish the purposes of this section, but not to close the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.*

(g) To organize the department and employ personnel he deems necessary to discharge the functions of the department, including a chief executive officer for each facility under his control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause, and two internal affairs officers for security who shall be in the unclassified civil service.

(h) To define the duties of these employees and to delegate to them any of his powers, duties and responsibilities, subject to his control and the conditions he prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner ~~shall have the power to~~ *may establish ad hoc advisory committees."*

Page 2, lines 15 and 21, strike " , whereupon" and insert " ; upon receipt,"

Page 2, line 20, strike "thereof" and insert "*of the order*"

Page 2, line 24, strike "thereafter"

Page 2, line 25, after "instituted" insert "*at a later date*"

Page 2, line 26, strike "shall include" and insert "*includes,*" and after "to" insert a comma

Pages 2 and 3, delete section 4 and insert:

"Sec. 5. Minnesota Statutes 1982, section 243.17, subdivision 1, is amended to read:

Subdivision 1. [ALLOWED EXPENSES.] The necessary expenses of sheriffs and other *peace* officers incurred in conveying ~~convicts~~ *convicted persons and children adjudicated delinquent and committed to the custody of the commissioner of corrections to the Minnesota correctional facility Stillwater or the Minnesota correctional facility St. Cloud* ~~the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections,~~ including per diem and expenses of guards, shall be ~~approved~~ *allowed* by the commissioner of finance and paid out of the state treasury. The commissioner of finance may allow ~~for such expenses and pay for the necessary expenses incurred by the sheriff or, deputy, or other peace officer in going to and returning from the Minnesota correctional facility Stillwater or the Minnesota correctional facility St. Cloud~~ *and such sum as is necessary for railroad fare and actual traveling expenses.* Not more than one guard shall be allowed for one prisoner, but one additional guard shall be allowed for every two additional prisoners. ~~In any county wherein the sheriff is paid upon a fee basis, he shall also receive \$10 for each day necessarily spent in conveying prisoners to the Minnesota correctional facility Stillwater or the Minnesota correctional facility St. Cloud.~~ All bills shall be rendered in writing, fully itemized, verified, and accompanied by the receipt of the chief executive officer of the ~~Minnesota correctional facility Stillwater or the Minnesota correctional facility St. Cloud~~ *facility for the delivery of such convict or convicts the convicted or adjudicated persons, in a form prescribed by the commissioner of finance."*

Page 3, line 30, strike "injure" and insert "damage"

Page 3, lines 34 and 35, strike "as may appear" and insert "that appears"

Page 4, line 7, strike "Upon the escape of" and insert "If" and after "inmate" insert "escapes"

Page 4, line 21, strike "shall be" and insert "is"

Page 4, line 26, strike "whereby" and insert "in which"

Page 4, after line 28, insert:

"Sec. 9. Minnesota Statutes 1982, section 609.135, subdivision 1, is amended to read:

Subdivision 1. Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on the terms the court prescribes, including restitution when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony *or gross misdemeanor*, by the commissioner of corrections, or in any case by some other suitable and consenting person.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121."

Page 5, line 1, delete "8" and insert "10"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "limiting certain inmate functions;"

Page 1, line 4, after the semicolon, insert "providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanor probations;"

Page 1, line 5, after "sections" insert "241.01, subdivision 3a;"

Page 1, line 7, before "and" insert "609.135, subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 265: A bill for an act relating to public welfare; permitting reimbursement under the medical assistance program for developmental achievement and semi-independent living services provided to certain mentally retarded and cerebral palsied persons; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 7 and 8; and 256B.03, 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 1982, section 252.24, subdivision 1, is amended to read:

Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall administer developmental achievement services, *including training and habilitation services provided by licensed developmental achievement centers to residents of intermediate care facilities for the mentally retarded.* The county board shall ensure that transportation is provided for persons who fulfill the eligibility requirements of section 252.23, clause (1), utilizing the most efficient and reasonable means available. The county board may contract for developmental achievement services and transportation from a center which is licensed under the provisions of sections 245.781 to 245.813, 252.28, and 257.175, and in the board's opinion, best provides daytime developmental achievement services for mentally retarded and cerebral palsied persons within the appropriation *and medical assistance resources* made available for this purpose. Daytime developmental achievement services administered by the county board shall comply with standards established by the commissioner pursuant to subdivision 2 *and applicable federal regulations.*

Sec. 2. Minnesota Statutes 1982, section 252.28, is amended to read:

252.28 [COMMISSIONER OF PUBLIC WELFARE; DUTIES.]

Subdivision 1. The commissioner of public welfare ~~may~~ *shall* determine, *and may redetermine every fourth year,* the need, location, size, and program of public and private residential and day care facilities and services for

mentally retarded children and adults.

Subd. 2. The commissioner of public welfare shall:

(1) Establish uniform rules, regulations and program standards for each type of residential and day facility or service for ~~more than four~~ *mentally retarded persons*, including state institutions under control of the commissioner and serving mentally retarded persons.

(2) Grant licenses according to the provisions of Laws 1976, Chapter 243, Sections 2 to 13.

Subd. 3. (1) No new license shall be granted pursuant to this section when the issuance of the license would substantially contribute to an excessive concentration of community residential facilities within any town, municipality or county of the state.

(2) In determining whether a license shall be issued pursuant to this subdivision, the commissioner of public welfare shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which a licensee seeks to operate a residence. Under no circumstances may the commissioner newly license any facility pursuant to this section except as provided in section 245.812. The commissioner of public welfare shall establish uniform rules and regulations to implement the provisions of this subdivision.

(3) Licenses for community facilities and services shall be issued pursuant to section 245.821.

Subd. 4. The commissioner shall identify beds targeted for decertification, and shall encourage providers in voluntary decertification efforts. The commissioner shall not recommend to the commissioner of health the decertification of beds determined not to be needed for two years following the implementation of an approved home and community-based services waiver.

Sec. 3. [252.291] [LIMITATION ON DETERMINATION OF NEED.]

Subdivision 1. [MORATORIUM.] Notwithstanding section 252.28, subdivision 1, or any other law or rule to the contrary, the commissioner of public welfare shall deny any request for a determination of need and refuse to grant a license pursuant to section 245.782 for any new intermediate care facility for mentally retarded persons or for an increase in the licensed capacity of an existing facility except as provided in subdivision 2. In no event shall the total of certified intermediate care beds for mentally retarded persons in community facilities and state hospitals exceed 7,500 beds. "Certified bed" means an intermediate care bed for the mentally retarded certified by the commissioner of health for the purposes of the medical assistance program under United States Code, title 42, sections 1395 et seq. and 1396 et seq.

Subd. 2. [EXCEPTIONS.] The commissioner of public welfare in coordination with the commissioner of health may approve a new intermediate care facility for mentally retarded persons only in the following circumstances:

(a) when the facility is developed in accordance with a request for proposal system established pursuant to subdivision 3, clause (c), or

(b) when the facility is necessary to serve the needs of identifiable mentally retarded persons who are seriously behaviorally disordered or who are physically or sensorily impaired, or

(c) to license beds in new facilities where need was determined by the commissioner prior to the effective date of this section.

Subd. 3. [DUTIES OF COMMISSIONER.] The commissioner shall:

(a) establish standard admission criteria for state hospitals and county utilization targets to limit and reduce the number of intermediate care beds in state hospitals and community facilities in accordance with approved waivers under Title XIX of the Social Security Act to assure that appropriate services are provided in the least restrictive setting;

(b) eliminate state hospital beds by consolidating program units and closing other units as necessary to reduce costs and assure quality programming, provided that a staff redeployment plan is in place before the consolidation;

(c) provide technical assistance so that county boards may establish a request for proposal system for meeting individual service plan objectives through home and community-based services, alternative community services, or, if no other alternative will meet the needs of identifiable individuals for whom the county is financially responsible, a new intermediate care facility for mentally retarded persons; and

(d) establish a client tracking and evaluation system as required under applicable federal waiver regulations, Code of Federal Regulations, title 42, sections 431, 435, 440, and 441.

Subd. 4. [MONITORING.] The commissioner of public welfare, in coordination with the commissioner of health, shall implement mechanisms to monitor and analyze the effect of the bed moratorium in the different geographic areas of the state. The commissioner of public welfare shall submit to the legislature annually no later than January 15, an assessment of the impact of the moratorium by geographic areas.

Subd. 5. [RULEMAKING.] The commissioner of public welfare is authorized to adopt permanent and temporary rules to establish uniform rules to implement this section.

Subd. 6. [REPEALER.] The provisions of this section shall be repealed if the home and community-based waiver under the Social Security Act, Title XIX, Section 1915(c) is not approved by December 31, 1984.

Sec. 4. Minnesota Statutes 1982, section 256B.02, subdivision 8, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

(1) Inpatient hospital services.

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services for mentally retarded individuals residing in intermediate care facilities for the mentally retarded.

(3) Physicians' services.

- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services, excluding cast metal restorations.
- (9) Laboratory and x-ray services.

(10) The following if prescribed by a licensed practitioner: drugs, eye-glasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formulary committee shall review and comment on the formulary contents. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the administrative procedure act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the administrative procedure act.

(11) Diagnostic, screening, and preventive services.

(12) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

(13) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

(14) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

(15) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

(16) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

(17) Home and community-based services provided under an approved service plan of care for persons who, without the services, would, as determined through case management screening, require institutional care in an intermediate care facility for mentally retarded.

Sec. 5. [256B.092] [CASE MANAGEMENT OF MENTALLY RETARDED PERSONS.]

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY, DUTIES.] Before any services shall be rendered to mentally retarded persons in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnosis in order to determine whether the person is or may be mentally retarded. If a client is diagnosed mentally retarded, that county must conduct a need assessment, develop an individual service plan, and authorize placement for services. If the county of financial

responsibility places a client in another county for services, the placement shall be made in cooperation with the host county of service, and arrangements shall be made between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility.

Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall: (a) provide consultation on the case management process; (b) assist county agencies in the screening and annual reviews of clients to assure that appropriate levels of service are provided; (c) provide consultation on service planning and development of services with appropriate options; (d) provide training and technical assistance to county case managers; and (e) authorize payment for medical assistance services.

Subd. 3. [TERMINATION OF SERVICES.] County agency case managers, under rules of the commissioner, shall authorize and terminate services of community and state hospital providers in accordance with individual service plans. Services not needed shall not be authorized by county agencies nor funded by the commissioner.

Subd. 4. [ALTERNATIVE HOME AND COMMUNITY-BASED SERVICES.] The commissioner shall make payments to county boards participating in the medical assistance program to pay costs of providing alternative home and community-based services to medical assistance eligible mentally retarded persons screened under subdivision 7. Payment is available under this subdivision only for persons who, if not provided these services, would require the level of care provided in an intermediate care facility for mentally retarded persons.

Subd. 5. [FEDERAL WAIVERS.] The commissioner shall apply for any federal waivers necessary to secure, to the extent allowed by law, federal financial participation under Title XIX of the Social Security Act, for the provision of services to persons who, in the absence of the services, would need the level of care provided in a state hospital or a community intermediate care facility for mentally retarded persons. The commissioner may seek amendments to the waivers or apply for additional waivers under Title XIX of the Social Security Act to contain costs. The commissioner shall ensure that grants for payment for the cost of providing home and community-based alternative services under the federal waiver plan shall not exceed the cost of intermediate care services that would have been provided without the waived services.

Subd. 6. [RULES.] The commissioner shall adopt temporary rules to establish required controls, documentation, and reporting of services provided in order to assure proper administration of the approved waiver plan.

Subd. 7. [SCREENING TEAMS ESTABLISHED.] Each county agency shall establish a screening team which, under the direction of the county case manager, shall make an evaluation of need for home or community-based services of persons who are entitled to the level of care provided by an intermediate care facility for mentally retarded persons or for whom there is a reasonable indication that they might need the services in the near future. The screening team shall consist of the case manager, the client, a parent or

guardian, a qualified mental retardation professional (as defined in the Code of Federal Regulations, title 42, section 442.401) assigned by the commissioner. The case manager shall consult with the client's physician or other persons as necessary to make this evaluation. Other persons may be invited to attend meetings of the screening team. No member of the screening team shall have any direct or indirect financial interest or service provider interest in the case.

Subd. 8. [SCREENING TEAM DUTIES.] The screening team shall:

(a) review diagnostic data;

(b) review health, social, and developmental assessment data;

(c) identify the level of services needed to maintain the person in the most normal and least restrictive setting that is consistent with treatment needs;

(d) identify other noninstitutional public assistance or social service that may prevent or delay long-term residential placement;

(e) determine whether a client is in serious need of long-term residential care;

(f) make recommendations to the county board and the commissioner regarding placement and payment for (1) social service or public assistance support to maintain a client in the client's own home or other place of residence, (2) training and habilitation service, vocational rehabilitation, employment training activities, (3) community residential placement, (4) state hospital placement, or (5) a home and community-based alternative to (3) or (4);

(g) make recommendations to the court as may be needed to assist the court in making commitments of mentally retarded persons; and

(h) inform clients that appeal may be made to the commissioner pursuant to section 256.045.

Sec. 6. [256B.50] [RATES FOR COMMUNITY-BASED SERVICES FOR THE MENTALLY RETARDED.]

Subdivision 1. [DEFINITIONS.] (1) For the purposes of this section, the following terms have the meanings given them.

(2) "Commissioner" means the commissioner of public welfare.

(3) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144, and certified as an intermediate care facility for the mentally retarded.

(4) A "waivered service" means a home for community-based service authorized under the Social Security Act, Title XIX, section 1915(c), and defined in the Minnesota state plan for the provision of medical assistance services. Waivered services include, at a minimum, case management, family training and support, developmental training homes, supervised living arrangements, semi-independent living services, respite care and training and habilitation services.

(5) "Training and habilitation services" are those health and social ser-

vices needed to insure optimal functioning of persons who are mentally retarded or have related conditions. Training and habilitation services shall be provided by an organization which is separate from the organization which provides the residential services.

Subd. 2. [AUTHORITY.] The commissioner shall establish procedures and rules for determining rates for care of residents of intermediate care facilities for the mentally retarded which qualify as vendors of medical assistance, waived services, and for provision of training and habilitation services. Approved rates shall be established on the basis of methods and standards that the commissioner finds adequate to provide for the costs that must be incurred for the quality care of residents in efficiently and economically operated facilities and services. The procedures shall specify the costs that are allowable for payment through medical assistance. The commissioner may use experts from outside the department in the establishment of the procedures.

Subd. 3. [RATES FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.] In establishing rates for care of residents in intermediate care facilities for mentally retarded persons the commissioner shall consider the recommendations contained in the February 11, 1983, report of the legislative auditor on community residential programs for the mentally retarded and the recommendations contained in the 1982 report of the department of public welfare rule 52 task force.

Subd. 4. [WAIVERED SERVICES.] In establishing rates for waived services the commissioner shall consider the need for flexibility in the provision of those services to meet individual needs identified by the screening team.

Subd. 5. [TRAINING AND HABILITATION SERVICES.] (a) Except as provided in subdivision 6, rates for training and habilitation services provided by a developmental achievement center either as a waived service or to residents of an intermediate care facility for mentally retarded persons shall be established and paid in accordance with this subdivision.

(b) Prior to July 1, 1983, the county board shall submit to the commissioner for approval a per diem rate for each developmental achievement center it administers pursuant to section 252.24, subdivision 1, for the period from July 1, 1983, through December 31, 1983, which shall be the rate established for that developmental achievement center for 1983 or 106 percent of the 1982 per diem rate, whichever is less.

(c) The base per diem rate established July 1, 1983, may be increased by the county in subsequent calendar years in an amount up to the percentage increase allowed by the legislature in per diem charges made by intermediate care facilities for mentally retarded persons.

(d) The county board in which an intermediate care facility for mentally retarded persons is located shall contract annually with that facility and with the appropriate developmental achievement center for provision of training and habilitation services for each resident of the facility for whom the services are required by the resident's individual service plan. This contract shall specify the payment rate, the training and habilitation services to be provided, and the performance standards for program provision. A similar

contract shall be entered into between the county and the developmental achievement center for persons receiving training and habilitation services from that center as a waived service.

(e) The commissioner shall reimburse up to 210 days of training and habilitation services at developmental achievement centers which provided less than or equal to that amount in calendar year 1982. For developmental achievement centers providing more than 210 days of service in 1982, the commissioner shall not pay in excess of the number of days provided by those programs in 1982.

(f) Medical assistance payments for training and habilitation service shall be made to the county board financially responsible for the client. The developmental achievement center shall submit invoices to the medical assistance program following procedures established by the medical assistance program.

Subd. 6. [NEW DEVELOPMENTAL ACHIEVEMENT PROGRAMS, RATES.] The commissioner, upon the recommendation of the local county board, shall determine the rate for new developmental achievement programs. The payment rate shall not exceed 125 percent of the average payment rate in the region.

Subd. 7. [ALTERNATIVE RATES FOR TRAINING AND HABILITATION SERVICES.] Alternative methods may be proposed by the counties or the commissioner for provision of training and habilitation services during daytime hours apart from a residential facility to persons for whom needs identified in their individual service plan are not met by the training and habilitation services provided at a developmental achievement center. The commissioner shall establish procedures for approval of the proposals and for payment of reasonable rates which shall not exceed the average rate allowed in that county for training and habilitation services pursuant to subdivision 5. Nothing in this subdivision prohibits a county from contracting with a developmental achievement center for such purposes.

Subd. 8. [PAYMENT FOR PERSONS WITH SPECIAL NEEDS.] The commissioner shall establish by December 31, 1983, procedures to be followed by the counties to seek authorization from the commissioner for payment for waived services or training and habilitation services for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivisions 2, 4, 5, and 6 and procedures to be followed for rate limitation exemptions for intermediate care facilities for mentally retarded persons. No excess payment or limitation exemption shall be authorized unless the need for the service is documented in the individual service plan of the person or persons to be served, the type and duration of the services needed are stated, and there is a reasonable basis for estimated cost of the services.

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.

Subd. 9. [REPORTING REQUIREMENTS.] The developmental achievement center shall submit to the county and the commissioner no later than March 31 of each year an annual report which includes the actual program revenues and expenditures, client information, and program information.

The information shall be submitted on forms prescribed by the commissioner.

Subd. 10. [TEMPORARY RULES.] To implement subdivisions 1 to 9, the commissioner shall adopt temporary and permanent rules in accordance with chapter 14.

Sec. 7. [FEDERAL REQUIREMENTS.]

If any provision of sections 3, 4, 5, or 6 is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to federal participation in medical assistance, the federal requirements shall prevail.

Sec. 8. Minnesota Statutes 1982, section 256E.06, is amended by adding a subdivision to read:

Subd. 2a. [STATE TRANSFER OF FUNDS.] Notwithstanding subdivisions 1 and 2 the commissioner is authorized to transfer, prior to distribution of state aids to the counties, up to \$16,000,000 from the biennial appropriation beginning July 1, 1983, to the medical assistance state account to fund training and habilitation services provided to residents of intermediate care facilities for mentally retarded persons as required by federal regulations. Upon federal approval of the state plan, county boards will not be responsible for the funding of developmental achievement center services as a social service to intermediate care facilities for mentally retarded residents. County board responsibility for the services shall be assumed under section 256B.20. County boards continue to be responsible for funding developmental achievement center services for those persons not covered under the Title XIX medical assistance program.

Sec. 9. [APPROPRIATION.]

Up to \$400,000 is appropriated from the general fund to the department of public welfare to match federal money available for costs establishing a client information system and positions needed to administer the mental retardation program. Up to 15 line item positions are authorized for the implementation of provisions of the case management plan, the home and community-based services waiver program, assisting county agencies in screening of clients for medical assistance services, technical assistance in developing community-based alternatives, and management of the mental retardation medical assistance program.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public welfare; establishing limitation on the number of beds in the state program for mentally retarded persons; establishing reimbursement rates for residential and training and habilitation services; transferring certain appropriations to medical assistance; establishing case management services and screening teams; amending Minnesota Statutes 1982, sections 252.24, subdivision 1; 252.28; 256B.02, subdivision 8; and 256E.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 252 and 256B."

And when so amended the bill do pass and be re-referred to the Committee

on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 159: A bill for an act relating to occupations and professions; regulating chiropractic practice; providing rulemaking authority for the board of chiropractic examiners; amending Minnesota Statutes 1982, sections 148.01; 148.06; and 148.08, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1 and insert:

“Section 1. Minnesota Statutes 1982, section 148.01, is amended to read:

148.01 [CHIROPRACTIC.]

Subdivision 1. For the purposes of sections 148.01 to 148.10, “chiropractic” is hereby defined as being the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function.

Subd. 2. The practice of chiropractic is hereby declared not to be the practice of medicine, surgery, or osteopathy.

Subd. 3. Chiropractic practice includes those non-invasive means of clinical, physical, and laboratory measures and analytical x-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment. No device which utilizes heat or sound shall be used in the treatment of a chiropractic condition unless it has been approved by the Federal Communications Commission. No device shall be used above the neck of the patient. Any chiropractor who utilizes procedures in violation of this subdivision shall be guilty of professional misconduct unprofessional conduct and subject to disciplinary procedures pursuant according to section 148.10.”

Page 4, after line 13, insert:

“Sec. 4. [LEGISLATIVE STUDY COMMISSION.]

A legislative study commission is created to study and report on the utilization of venipuncture for diagnostic purposes in the practice of chiropractic and medicine. The commission shall report its findings to the legislature on December 1, 1984. The commission shall consist of two members of the house of representatives appointed by the speaker of the house and two members of the senate appointed by the majority leader of the senate. There shall also be two doctors of chiropractic and two doctors of medicine, all appointed by their respective licensing boards.”

Page 4, line 15, delete “3” and insert “4”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before "amending" insert "creating a legislative study commission;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 617: A bill for an act relating to health; providing for the distribution of federal funds for maternal and child health care; amending Minnesota Statutes 1982, sections 145.881, subdivision 1; and 145.882; proposing new law coded in Minnesota Statutes, chapter 145.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 2, strike lines 3 to 7 and delete the new language in line 5

Page 2, delete lines 8 to 16 and insert:

"Subdivision 1. [APPORTIONMENT OF CHANGES IN FEDERAL FUNDING.] Any decrease in the amount of federal funding to the state for the maternal and child health block grant shall be apportioned to reflect a proportional decrease for each recipient until June 30, 1985. Any increase in the amount of federal funding to the state shall be distributed for services to children with handicaps and to special projects as provided in sections 2 to 7.

Subd. 2. [DISTRIBUTION OF BLOCK GRANT MONEY.] Except as provided in subdivision 1, the maternal and child health care block grant money shall be distributed to the same recipients that received funds during the previous year until June 30, 1985. After June 30, 1985, all maternal and child health block grant money, except for money used for indirect costs under the block grant program, shall be distributed as state grants as provided in sections 3 to 8.

At least 42 percent of all maternal and child health block grant money shall be distributed to special projects.

The commissioner shall not use more than 15 percent of the maternal and child health block grant money, excluding money distributed to special projects, for indirect costs. "Indirect costs" means operating costs attributable to directly providing services and include but are not limited to the costs of accounting, budgeting control administrative services, and building rental."

Page 2, line 17, delete "[SPECIAL PROJECTS.]" and insert "[GRANT ELIGIBILITY.]"

Page 2, delete lines 18 to 27 and insert:

"Recipients of maternal and child health money in state fiscal year 1983

shall continue to be funded until June 30, 1985, if they comply with provisions of sections 145.881, 145.882 and 2 to 7. These recipients are eligible to apply for state grants under sections 2 to 7."

Page 2, line 35, delete everything after "program"

Page 3, line 1, delete "primary" and after "providing" insert "essential"

Page 3, line 3, after "income" insert "and high risk"

Page 3, line 8, delete "and" and insert "or"

Page 3, line 9, after "ill" insert "children" and after "and" insert "for" and delete everything after "children"

Page 3, line 10, delete everything before the period

Page 3, line 21, after the period, insert "The commissioner shall establish the low income level for eligibility for services to children with handicaps."

Page 3, line 23, delete everything after "patient"

Page 3, delete lines 24 to 36

Page 4, delete lines 1 to 3 and insert "with a condition which significantly increases the probability of disease, injury, death or other adverse health-related problem. Determination that a condition results in high risk shall be based on well-validated, scientific studies."

Page 4, after line 3, insert:

"Subd. 7. [SPECIAL PROJECT.] "Special project" means a qualified program that receives maternal and child health block grant money and is administered by a public or private nonprofit agency other than the Minnesota department of health.

Subd. 8. [MATERNAL AND CHILD HEALTH BLOCK GRANT MONEY.] "Maternal and child health block grant money" means the money received by the state from the federal maternal and child health block grant during the state's fiscal year. Any carryover money from a prior state fiscal year in excess of 25 percent of a federal block grant award shall be distributed as state grants as provided in sections 2 to 7."

Page 5, line 9, before "The" insert "Primary review of all grant applications shall be conducted by the Minnesota department of health technical staff. All technically completed applications will be forwarded for secondary review to the maternal and child health advisory task force and, at the discretion of the commissioner, an impartial panel established by the commissioner. Members of the impartial panel shall be professionals with expertise in maternal and child health care. No member of the panel shall be an employee of a public or private nonprofit agency receiving or applying for maternal and child health block grant money."

Page 5, line 11, after "task force" insert "and, if established, the impartial panel" and after the period, delete "Grant"

Page 5, delete lines 12 and 13

Page 5, after line 18, insert:

"Sec. 9. [RULES.]

The commissioner of health shall promulgate temporary and permanent rules to implement sections 1 to 8."

Page 5, line 19, delete "9" and insert "10"

Page 5, line 20, delete "8" and insert "9"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 406 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.
406	328				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 406 be amended as follows:

Page 2, line 5, delete "1" and insert "549.04"

Amend the title as follows:

Page 1, line 5, delete "sections" and insert "section"

Page 1, line 5, delete "; and 580.17"

And when so amended H.F. No. 406 will be identical to S.F. No. 328, and further recommends that H.F. No. 406 be given its second reading and substituted for S.F. No. 328, 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. 633 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.
633	676				

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. 1009, 740, 497, 843, 915, 597, 891, 781, 812, 713 and 159 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 609, 406 and 633 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Laidig moved that the name of Mr. Storm be added as a co-author to S.F. No. 738. The motion prevailed.

Mrs. Adkins moved that the name of Mr. Bernhagen be added as a co-author to S.F. No. 891. The motion prevailed.

Mr. Pehler moved that the name of Mr. Frederick be added as a co-author to S.F. No. 951. The motion prevailed.

Mrs. Lantry moved that the name of Mr. Frank be added as a co-author to S.F. No. 1035. The motion prevailed.

Ms. Berglin moved that the name of Ms. Peterson, D.C. be added as a co-author to S.F. No. 1084. The motion prevailed.

Mr. Pehler introduced—

Senate Resolution No. 47: 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. Chmielewski moved that the name of Mr. Diessner be added as a co-author to S.F. No. 1082. The motion prevailed.

Ms. Berglin, for Mr. Chmielewski, moved that S.F. No. 994 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Finance. The motion prevailed.

CONSENT CALENDAR

H.F. No. 624: A bill for an act relating to retirement; highway patrol; restating the definition of average monthly salary; amending Minnesota Statutes 1982, section 352B.08, 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:

Adkins	Diessner	Knutson	Novak	Samuelson
Anderson	Dieterich	Kroening	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, C. C.	Spear
Berg	Frederickson	Langseth	Peterson, D. C.	Storm
Berglin	Freeman	Lantry	Peterson, D. L.	Stumpf
Bernhagen	Hughes	Luther	Peterson, R. W.	Taylor
Bertram	Isackson	McQuaid	Petty	Ulland
Brataas	Johnson, D. E.	Mehrkens	Pogemiller	Vega
Dahl	Johnson, D. J.	Merriam	Purfeerst	Waldorf
Davis	Jude	Moe, D. M.	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Reichgott	Willet
Dicklich	Knaak	Nelson	Renneke	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 554, 282, 148, 358, 627, 339, 513, 332, 568, 639, 598, 645, 495, 338, 546, 7, 530, 280, 673, 723, 714, 699 and H.F. Nos. 25, 176, 342, 171, 529, 30, 325, 231, 552, 576 and 413, which the committee recommends to pass.

S.F. Nos. 504 and 85 which the committee recommends be re-referred to the Committee on Finance.

H.F. No. 365, which the committee recommends to pass, subject to the following motions:

Ms. Berglin moved that the amendment made to H.F. No. 365 by the Committee on Rules and Administration in the report adopted April 6, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Ms. Berglin moved to amend H. F. No. 365 as follows:

Page 5, line 29, after "to" insert "appropriate"

Page 5, line 30, after "needs" insert ". Appropriate care for residents means care designed to enable residents"

Page 6, after line 6, insert: "Patients and residents who receive services from an outside provider are entitled, upon request, to be told the identity of the provider."

Page 6, line 7, delete "Patients and" and delete "upon request"

Page 6, line 9, delete "patients or"

Page 6, line 21, after the comma insert "risks,"

Page 6, line 26, after "include" insert ", for residents,"

Page 7, line 13, delete "including"

Page 7, line 14, delete everything before "be" and insert "based on the

information required in subdivision 9. Patients and residents shall"

Page 7, line 15, after "or" insert "major"

Page 8, line 17, delete "Patients and"

Page 8, line 18, after "when" insert "personal" and delete ", other than medical"

Page 8, line 19, delete "records,"

Page 12, line 13, after "subdivisions" insert "8," and after "29," insert "and those portions of other subdivisions that apply only to residents,"

Page 13, after line 5, insert:

"Sec. 3. Minnesota Statutes 1982, section 145.93, subdivision 3, is amended to read:

Subd. 3. [GRANT AWARD; DESIGNATION; PAYMENTS UNDER GRANT.] ~~Each~~ Every odd-numbered year the commissioner shall give reasonable public notice of the availability of ~~moneys~~ money appropriated pursuant to Laws 1980, Chapter 577, Section 2 or otherwise available for the purposes of this section. After consulting with the advisory council, the commissioner shall select as grantee a nonprofit corporation or unit of government which applies for the moneys and best fulfills the criteria specified in subdivision 4. The grantee selected shall be designated the Minnesota poison information center. ~~Moneys~~ Money appropriated under Laws 1980, Chapter 577, Section 2 or otherwise available for the purposes of this section shall be paid to the grantee quarterly beginning on July 1."

Amend the title as follows:

Page 1, line 5, delete "and" and after "144.652" insert "; and 145.93, subdivision 3"

The motion prevailed. So the amendment was adopted.

S.F. No. 621, which the committee recommends to pass with the following amendment offered by Mr. Wegscheid:

Page 3, after line 24, insert:

"Sec. 6. Minnesota Statutes 1982, section 16.851, subdivision 3, is amended to read:

Subd. 3. Nothing in the state building code shall require that each door entering a sleeping *or patient's* room from a corridor in a nursing home *or hospital* with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "regulating the state building code's application to hospitals;"

Page 1, line 11, delete "and"

Page 1, line 11, after "5" insert "; and 16.851, subdivision 3"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Luther, Diessner, Dicklich and Chmielewski introduced—

S.F. No. 1110: A bill for an act relating to state employees; providing for the burden of proof in grievance procedures; amending Minnesota Statutes 1982, section 43A.33, subdivision 2.

Referred to the Committee on Employment.

Mr. Schmitz introduced—

S.F. No. 1111: A bill for an act relating to counties; providing for the publication and other distribution of county accounts; amending Minnesota Statutes 1982, sections 375.12, subdivision 2; and 375.17.

Referred to the Committee on Local and Urban Government.

Messrs. Merriam and Bernhagen introduced—

S.F. No. 1112: A bill for an act relating to drainage; reducing the bond required for appeal of benefits or damages in a drainage assessment proceeding; amending Minnesota Statutes 1982, section 106.631, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Jude; Moe, R.D. and Renneke introduced—

S.F. No. 1113: A bill for an act relating to employee relations; requiring the commissioner to allow the donation of vacation time by highway patrol employees; amending Minnesota Statutes 1982, section 43A.04, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Jude introduced—

S.F. No. 1114: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and waysides; authorizing land acquisition in relation thereto.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Jude, by request, introduced—

S.F. No. 1115: A bill for an act relating to mental health; authorizing county boards to allocate mental health funds; providing the commissioner of public welfare with rulemaking and standard-setting authority for mental

health services; providing for the establishment of community mental health centers; defining community mental health center; authorizing funding for mental health services; providing for the establishment of mental health center boards; establishing additional responsibilities of the commissioner of public welfare for mental health services; authorizing the commissioner of public welfare to receive and expend federal mental health funds and establish a statewide plan for all services and facilities for the mentally ill; providing medical assistance coverage for outpatient mental health services; amending Minnesota Statutes 1982, sections 245.61; 245.62; 245.63; 245.66; 245.69, subdivision 1; 245.71; 245.711, subdivision 2; and 256B.02, subdivision 8; repealing Minnesota Statutes 1982, sections 245.64 and 245.70.

Referred to the Committee on Health and Human Services.

Mr. Peterson, R.W. introduced—

S.F. No. 1116: A bill for an act relating to natural resources; increasing certain water appropriation processing fees; appropriating money; amending Minnesota Statutes 1982, section 105.41, subdivision 5.

Referred to the Committee on Finance.

Messrs. Langseth and Purfeerst introduced—

S.F. No. 1117: A bill for an act relating to transportation; increasing certain fees; amending Minnesota Statutes 1982, sections 169.86, subdivision 5; 169.862; 173.13, subdivision 4; 360.018, subdivision 1; and 360.63, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Solon, Ulland and Chmielewski introduced—

S.F. No. 1118: A bill for an act relating to the cities of Duluth and Hermantown; providing for joint determination of the need for ambulance service.

Referred to the Committee on Local and Urban Government.

Mr. Moe, D.M. introduced—

S.F. No. 1119: A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

Referred to the Committee on Transportation.

Messrs. Pogemiller, Willet, Pehler, Laidig and Kroening introduced—

S.F. No. 1120: A bill for an act relating to communications; establishing the Minnesota state information systems and communications council; prescribing its powers and duties; transferring duties of other state agencies; providing for potential purchase of certain equipment by state employees; appropriating money; amending Minnesota Statutes 1982, sections 10A.01,

subdivision 18; 16.02, subdivision 2a; 16.125, subdivision 2; 16.90, subdivision 1; 16.911; 16.94; 16.95; 121.934, subdivision 7; 238.01; and 238.04, subdivisions 1 and 7; proposing new law coded in Minnesota Statutes, chapters 16; 16B; and 116J; repealing Minnesota Statutes 1982, sections 16.90, subdivisions 3 and 4; 16.91; 16.955; 116J.42, subdivision 8; and 238.05, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Lessard; Willet; Johnson, D.J.; Pehler and Moe, R.D. introduced—

S.F. No. 1121: A bill for an act relating to forestry; formulating a state forest land preservation and conservation policy; imposing duties on state agencies in actions adversely affecting forest lands; removing dollar and term limits on state timber permits; extending certain timber permits; authorizing limited excess weights for timber transport vehicles; removing the exclusive use requirement from timber lands for property taxation purposes; amending Minnesota Statutes 1982, sections 14.11, by adding a subdivision; 90.101, subdivision 1; 90.151, subdivision 1; 169.825, by adding a subdivision; 273.13, subdivision 8a; and Laws 1981, chapter 305, section 11, as amended; proposing new law coded in Minnesota Statutes, chapter 88.

Referred to the Committee on Agriculture and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Monday, April 11, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-THIRD DAY

St. Paul, Minnesota, Monday, April 11, 1983

The Senate met at 9:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Thomas Nielsen.

The roll was called, and the following Senators answered to their names:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Solon
Benson	Frank	Laidig	Pehler	Spear
Berg	Frederick	Langseth	Peterson, C.C.	Storm
Berglin	Frederickson	Lantry	Peterson, D.C.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Davis	Jude	Moe, D.M.	Reichgott	Willet
DeCramer	Kamrath	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mrs. Kronebusch, Messrs. Peterson, D.L. and Sieloff were excused from the Session of today. Mr. Peterson, C.C. was excused from the Session of today from 10:15 a.m. to 12:00 noon. Mr. Davis was excused from the Session of today until 11:00 a.m. Mr. Lessard was excused from the Session of today until 12:30 p.m. Mr. Solon was excused from the Session of today until 2:45 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. 101, 233 and 552.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1983

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 26:

H.F. No. 26: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Begich, Sarna and Marsh have been appointed as such committee on the part of the House.

House File No. 26 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 7, 1983

Mr. Moe, R.D. moved that H.F. No. 26 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. 189, 588, 769, 482, 511, 553, 564, 581, 601, 667, 673, 389, 409, 508 and 567.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1983

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 energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 411, now on General Orders.

H.F. No. 588: A bill for an act relating to the North Suburban Hospital District; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board.

Referred to the Committee on Health and Human Services.

H.F. No. 769: A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport; amending Minnesota Statutes 1982, section 473.608, subdivision 20.

Referred to the Committee on Transportation.

H.F. No. 482: A bill for an act relating to open meetings; requiring avail-

ability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 495, now on the Calendar.

H.F. No. 511: A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, 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. 553: A bill for an act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivision 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.03, by adding a subdivision; 204C.05, subdivision 1; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; and 209.02, subdivision 4; repealing Minnesota Statutes 1982, sections 201.091, subdivisions 6 and 7; 204B.12, subdivision 2; and 204B.36, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 446, now on General Orders.

H.F. No. 564: A bill for an act relating to the state board of investment; modifying the procedures for purchase and sale of securities; clarifying the membership of the investment advisory council; abolishing certain restrictions on stock investments; modifying procedures for the mortality adjustments for the post-retirement investment fund; authorizing additional investment alternatives; amending Minnesota Statutes 1982, sections 11A.07, subdivision 4; 11A.08, subdivision 1, as amended; 11A.17, subdivision 4; 11A.18, subdivisions 5, 9, and 11; 11A.24, subdivisions 1, 5, and 6.

Referred to the Committee on Governmental Operations.

H.F. No. 581: A bill for an act relating to counties; providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 546, now on the Calendar.

H.F. No. 601: A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 436.

H.F. No. 667: A bill for an act relating to employment; providing leaves of

absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 702.

H.F. No. 673: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 842.

H.F. No. 389: A bill for an act relating to drivers licenses; requiring a licensee to add birth date to the signature; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

Referred to the Committee on Transportation.

H.F. No. 409: A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 508: A bill for an act relating to insurance; homeowner's; requiring notices of cancelation to be written in easily readable and understandable language; amending Minnesota Statutes 1982, section 65A.29, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 714, now on the Calendar.

H.F. No. 567: A bill for an act relating to St. Louis County; providing that the county board set the fees for tax search certificates; amending Laws 1955, chapter 633, section 1, subdivision 2, as amended.

Referred to the Committee on Local and Urban Government.

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 S.F. Nos. 429 and 893. The motion prevailed.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 368: A bill for an act relating to insurance; requiring insurance agents to maintain trust accounts; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare supplement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list

health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 4, delete "\$100" and insert "\$500"

Pages 11 and 12, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1982, section 62A.17, is amended by adding a subdivision to read:

Subd. 7. [PREMIUMS.] All premiums or other monies received by an agent from an insured or applicant for insurance must be forthwith deposited directly in a business checking, savings, or other similar account maintained by the agent or his agency, unless the monies are forwarded directly to the designated insurer."

Page 13, after line 14, insert:

"(c) No agent or person acting for an agent shall make any communication to a potential buyer that indicates or gives the impression that the agent is acting on behalf of a government agency.

Sec. 6. Minnesota Statutes 1982, section 60A.17, is amended by adding a subdivision to read:

Subd. 19. [PRIVACY OF CLIENT.] Except as otherwise provided by law, no insurance agent may disclose nor cause to be disclosed to any other person the identity of a person insured through the agent without the consent of the insured."

Page 13, line 19, after "a" insert "signed and completed" and delete "provided"

Page 13, line 20, delete "to" and insert "left with"

Page 15, line 36, delete "PERSONS WITH MORE THAN ONE POLICY" and insert "DUPLICATE COVERAGE PROHIBITED"

Page 16, line 2, delete "two or more such" and insert "one"

Page 16, lines 3 and 15, delete "plans" and insert "plan"

Page 16, line 3, after "effect" insert " ; however, an agent may sell a replacement plan in accordance with section 62A.40, provided that the second plan is not made effective any sooner than necessary to provide continuous benefits for preexisting conditions"

Page 16, line 7, before "An" insert "Notwithstanding the provisions of section 62A.38,"

Page 16, line 8, delete "two or more such policies" and insert "one plan"

Page 16, line 9, after "effect" insert " , except as permitted in subdivision 1,"

Page 16, line 14, delete "*two or more*" and insert "*one*"

Page 16, line 15, after the comma insert "*except as permitted in subdivision 1,*"

Page 16, line 23, delete "*except mass*"

Page 16, delete line 24

Page 16, line 25, delete "*subdivision 2,*"

Page 16, line 26, after "*a*" insert "*signed and completed*" and delete "*provided to*" and insert "*left with*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, after the first semicolon, insert "*62A.17, by adding a subdivision;*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 83: A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1982, 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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 1, insert:

"Sec. 3. Minnesota Statutes 1982, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by his parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion or *affectional or sexual orientation*, when religion or *affectional or sexual orientation* shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) An age restriction applied uniformly and without exception to all individuals established by a bona fide apprenticeship program established pursuant to chapter 178, which limits participation to persons who enter the

program prior to some specified age and the trade involved in the program predominantly involves heavy physical labor or work on high structures. Neither shall the operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, lay-off priorities, vacation credit, and job assignments based on seniority, be a violation of the age discrimination provisions of section 363.03, subdivision 1, so long as the operation of such system is not a subterfuge to evade the provisions of chapter 363;

(5) With respect to age discrimination, a practice whereby a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for such benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

It is not an unfair employment practice for an employer, employment agency or labor organization:

(i) to require a person to undergo physical examination for purpose of determining the person's capability to perform available employment; or

(ii) to conduct an investigation as to the person's medical history for the purpose of determining the person's capability to perform available employment; or

(iii) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(iv) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete the second "subdivision" and insert "subdivisions 1 and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 281: A bill for an act relating to elections; changing the date of precinct caucuses to the second Tuesday in March; amending Minnesota

Statutes 1982, section 202A.14, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING.] At ~~8:00~~ 7:00 p.m. on the ~~fourth~~ *third* Tuesday in ~~February~~ *March* in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19.

Sec. 2. Minnesota Statutes 1982, section 202A.19, is amended to read:

202A.19 [CAUCUS, SCHOOL SCHEDULE PREEMPTION, EXCUSAL FROM EMPLOYMENT TO ATTEND.]

Subdivision 1. No school board, county board of commissioners, township board, or city council may conduct a meeting after ~~7:00~~ 6:00 p.m. on the day of a major political party precinct caucus.

Subd. 2. Every employee who is entitled to attend a major political party precinct caucus is entitled, after giving the employer at least ten days written notice, to absent himself from his work for the purpose of attending the caucus during the time for which the caucus is scheduled without penalty or deduction from his salary or wages on account of his absence other than a deduction in salary for the time he absented himself from his employment.

Subd. 3. *The University of Minnesota may not schedule an event which will take place after 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the board of regents. No state university may schedule an event which will take place after ~~7:00~~ 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state university board. No community college may schedule an event which will take place after ~~7:00~~ 6:00 p.m. on the day of a major political party precinct caucus unless permission to do so has been received from the state board for community colleges.*

Subd. 4. No school official may deny the use of a public school building for the holding of a major political party precinct caucus if the school office has received a written request for the use of the school building 30 days or more prior to the date of the caucus.

Subd. 5. No public elementary or secondary school may hold a school sponsored event after ~~7:00~~ 6:00 p.m. on the day of a major political party precinct caucus.

Subd. 6. No state agency, board, commission, department or committee shall conduct a public meeting after 6:00 p.m. on the day of a major political party precinct caucus.”

Delete the title and insert:

“A bill for an act relating to elections; changing the date and time of precinct caucuses; prohibiting various government, school and university

events on caucus night; amending Minnesota Statutes 1982, sections 202A.14, subdivision 1; and 202A.19.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 603: A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1982, section 201.091, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete “*and on August 15 of each year when*”

Page 1, line 12, delete “*there is not a*” and strike “state general election”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 170: A bill for an act relating to elections; providing for experimental mail elections; proposing new law coded in Minnesota Statutes, chapter 204B.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 175: A bill for an act relating to elections; including certain transportation expenses in the list of noncampaign disbursements; amending Minnesota Statutes 1982, section 10A.01, subdivision 10c.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 831: A bill for an act relating to elections; adopting court ordered congressional redistricting plan with minor adjustments; proposing new law coded in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1982, sections 2.741 to 2.811.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 842: A bill for an act relating to elections; changing eligibility

requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 56: A bill for an act relating to liquor; adding definitions; converting references to metric system; authorizing prosecution as a gross misdemeanor for certain unlawful sales; authorizing exclusive liquor stores to sell additional alcohol-related products; prohibiting clubs from serving guests; authorizing first class cities to issue an unlimited number of off-sale licenses; increasing certain license fees; defining ownership interest for purposes of license transfers; prohibiting licenses for certain felons; prohibiting retailers from wholesaling; prohibiting licensees from allowing unlawful possession or consumption on their premises; changing minimum age of bar employees to 19; making unlawful manufacture or transportation a felony; eliminating liquor control enforcement power over druggists; repealing certain obsolete provisions; making technical changes; amending Minnesota Statutes 1982, sections 340.001; 340.02, subdivision 7; 340.031; 340.033; 340.07, subdivision 13; 340.11, subdivisions 11, 13, and 14; 340.13, subdivisions 9 and 12, and by adding subdivisions; 340.14, subdivisions 1a and 2; 340.19; 340.403; repealing Minnesota Statutes 1982, sections 340.13, subdivision 11; 340.73; 340.74; 340.76; 340.77; 340.78; 340.81; 340.83; 340.88; 340.89; 340.90; 340.91; 340.92; and 340.93.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 340.001, is amended to read:

340.001 [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of the non-intoxicating malt liquor act, except where the context otherwise requires, the terms defined in this section ~~shall~~ have the meanings given them.

Subd. 2. [NON-INTOXICATING MALT LIQUOR.] ~~Non-intoxicating malt liquor is any~~ “Non-intoxicating malt liquor” means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight and is a fermented malt beverage for the purposes of ~~Minnesota Statutes 1965,~~ sections 340.44 to 340.56.

Subd. 3. [COMMISSIONER.] ~~Commissioner is~~ “Commissioner” means the commissioner of public safety.

Subd. 4. [ON-SALE.] “On-sale” ~~is any~~ means a sale of non-intoxicating malt liquor to be consumed on the licensed premises.

Subd. 5. [OFF-SALE.] "Off-sale" is ~~any~~ means a sale of non-intoxicating malt liquor to be consumed off the premises.

Subd. 6. [MUNICIPALITY.] ~~Municipality~~ "Municipality" means ~~any~~ a home rule charter or statutory city.

Subd. 7. [BONA FIDE CLUB.] A ~~bona fide club~~ is "Bona fide club" means an organization organized for social purposes, business purposes, for intellectual improvement, or for the promotion of sports ~~where~~ if the serving of non-intoxicating malt liquor is incidental to and not the main purpose of the club.

Subd. 8. [AFFILIATE; SUBSIDIARY COMPANY.] An ~~affiliate or subsidiary company~~ "Affiliate" or "subsidiary company" of a manufacturer ~~shall be one~~ means a company in which the manufacturer or its stockholders ~~own~~ owns a majority of the stock.

Subd. 9. [PERSON.] "Person" has the meaning given by section 645.44, subdivision 7.

Sec. 2. Minnesota Statutes 1982, section 340.02, subdivision 7, is amended to read:

Subd. 7. [MANUFACTURER; SALES.] A manufacturer of non-intoxicating malt liquor may, without a license, sell ~~such liquor~~ it to ~~licensed dealers holding either "on-sale" an on-sale or "off-sale" licenses off-sale licensee,~~ and may sell and deliver ~~the same~~ in quantities of not less than two gallons; ~~direct~~ 7.57 liters directly to ~~consumers a consumer at their homes his home.~~

Sec. 3. Minnesota Statutes 1982, section 340.031, is amended to read:

340.031 [MANUFACTURERS AND WHOLESALERS.]

Subdivision 1. [OWNERSHIP INTERESTS IN RETAIL LICENSEE PROHIBITED.] No manufacturer or wholesaler of non-intoxicating malt liquor ~~shall~~ may have ~~any~~ an ownership; ~~in whole or in part;~~ interest in the business of ~~any~~ an on-sale licensee holding an "on-sale" license.

Subd. 2. [COMPENSATION TO RETAIL LICENSEES PROHIBITED; EXCEPTIONS.] (a) No manufacturer or wholesaler ~~shall~~ may, directly or indirectly, or through a subsidiary or affiliate corporation, or by ~~any~~ an officer, director, stockholder, or partner thereof, give, lend, or advance any money, credit, or any other thing of value to ~~any~~ a retailer or to ~~any~~ a person for the benefit or relief of ~~any~~ a retailer; ~~nor~~ furnish; give, lend, ~~lease,~~ or sell to ~~any person a retailer~~ any furniture, fixtures, fittings, or equipment; ~~nor shall any manufacturer or wholesaler, directly or indirectly, have any interest in, or pay for, any a retail licenses license, or advance, furnish, lend, or give money for the payment of to pay retail license fees or any expense expenses incident to the obtaining of a retail license; nor shall any manufacturer or wholesaler or become bound in any manner, directly or indirectly, for the repayment of any to repay a loan made to, or the fulfillment of any fulfill a financial obligation of, any a retailer; except that manufacturers or wholesalers may.~~

(a) (b) Notwithstanding paragraph (a), a manufacturer or wholesaler may: (1) furnish, lend, or rent outside signs to retailers; provided a retailer if the

aggregate cost of such the signs, in the aggregate, furnished, lent, or rented by any the manufacturer or wholesaler to any the retailer shall does not exceed \$100, exclusive of erection, installation, and repair charges; (b) (2) furnish inside signs, miscellaneous advertising matter, and other items to a retailer if the aggregate cost of furnishing these items to the retailer does not to exceed, in the aggregate, a cost of \$100 in any a calendar year to any one retailer; (c) (3) furnish or maintain for retailers equipment designed and intended to preserve and maintain the sanitary dispensing of non-intoxicating malt liquors, provided if the expense incurred thereby does not exceed the sum of \$100 per tap per calendar year, no part of which shall may be paid in cash to any a retailer; (d) lease or (4) lend to the owner of the premises, or to any a retailer now or hereafter occupying the premises, any furniture, fixtures, fittings, and equipment actually located on said the premises on April 16, 1943.

Any (c) A retailer who shall be is a party to any a violation of this subdivision or who shall receive receives the benefits thereof shall be is equally guilty of a the violation of the provisions thereof and shall be is subject to the penalty hereinafter provided in paragraph (d).

Any (d) A person who shall violate violates the provisions of this subdivision is guilty of a gross misdemeanor, and each violation shall constitute is a separate offense.

Subd. 3. [TYING ARRANGEMENTS PROHIBITED.] No manufacturer or wholesaler shall hereafter may, directly or indirectly, or through a subsidiary or affiliate corporation, or by any an officer, director, stockholder, or partner, enter into any an agreement, oral or written, whether or not incorporated contained in any a chattel mortgage, conditional sales contract, bill of sale, lease land contract, mortgage, deed, or other instrument, wherein and whereby any the retailer is required to purchase the non-intoxicating malt liquor of any the manufacturer to the exclusion, in whole or in part, of the products of other manufacturers.

Subd. 4. [CERTAIN SALES PROHIBITED.] A manufacturer may sell non-intoxicating malt liquor only to a municipal liquor store, a government instrumentality, a holder of a license issued under the non-intoxicating malt liquor act, or a person described in section 340.02, subdivision 10. A sale to any other person by a manufacturer or wholesaler is a gross misdemeanor.

Sec. 4. Minnesota Statutes 1982, section 340.033, is amended to read:

340.033 [SIZE OF CONTAINERS.]

Notwithstanding any law or regulation of any state department to the contrary, non-intoxicating malt liquors may be sold in containers which contain ~~428 ounces~~ 3.785 liters of such non-intoxicating malt liquor.

Sec. 5. Minnesota Statutes 1982, section 340.07, subdivision 13, is amended to read:

Subd. 13. "Exclusive liquor store" is means an on-sale or off-sale, or combination on-sale and off-sale, establishment used exclusively for the sale of intoxicating liquor at retail and under the control of an individual owner or manager and. As an incident thereof, it may also sell cigars, cigarettes, ice, gift cards, all forms of tobacco, products used in the preparation of alcoholic drinks, including glassware, non-intoxicating malt beverages, and soft drinks at retail, and may offer recorded or live entertainment, and make available coin-operated amusement devices. An exclusive liquor

store includes an on-sale or combination on-sale and off-sale establishment operating a restaurant or selling food for consumption on the premises ~~when~~ *if authorized by the municipality issuing the license or owning or operating the exclusive liquor store; as the case may be.*

Sec. 6. Minnesota Statutes 1982, section 340.11, subdivision 14, is amended to read:

Subd. 14. [LICENSE FEES.] The license fees to be paid before the issuance of licenses shall be as provided in ~~clauses paragraphs~~ *clauses paragraphs* (a), (b), (c), and (d).

(a) Except as provided in ~~clauses paragraphs~~ *clauses paragraphs* (b), (c), and (d), ~~any a~~ *any a* manufacturer shall pay to the state annually a license fee of ~~\$7,500~~ *\$10,000*, and a fee of ~~\$3,000~~ *\$5,000* for each duplicate ~~thereof~~.

(b) ~~Any~~ *A* manufacturer of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of \$500.

(c) Except as provided in ~~clauses paragraphs~~ *clauses paragraphs* (a), (b), and (d), ~~any a~~ *any a* wholesaler shall pay to the state annually a license fee of ~~\$7,500~~ *\$10,000*, and a fee of ~~\$3,000~~ *\$5,000* for each duplicate ~~thereof~~.

(d) ~~Any~~ *A* wholesaler of wines containing not more than 25 percent of alcohol by volume shall pay to the state annually a fee of \$750.

(e) The maximum license fee for an ~~"off-sale"~~ *off-sale* license in the cities of the first class shall be the sum of which, together with any occupation tax that may be imposed by a municipality issuing ~~said "off-sale"~~ *the off-sale* license, will not exceed the sum of ~~\$1,000~~ *\$1,500* annually; in all cities of over 10,000 population, except cities of the first class, the maximum license fee for an ~~"off-sale"~~ *off-sale* license shall be ~~\$200~~ *\$300*; in all cities with a population between 5,000 and 10,000 the maximum license fee shall be ~~\$150~~ *\$225*; in all cities of 5,000 population or less, the maximum license fee shall be ~~\$100~~ *\$150*. ~~All such Off-sale license fees for "off-sale" licenses shall be~~ *are* payable to the municipalities issuing the license. ~~Where such licenses shall be~~ *If a license is* issued for less than one year, a fee may be a pro rata share of the annual license fee.

Sec. 7. Minnesota Statutes 1982, section 340.13, subdivision 9, is amended to read:

Subd. 9. [LICENSES TRANSFERABLE.] A license ~~shall may not be~~ *nontransferable transferred* without the consent of the authority issuing it.

Sec. 8. Minnesota Statutes 1982, section 340.13, subdivision 12, is amended to read:

Subd. 12. [LICENSES; PERSONS ELIGIBLE.] No license ~~shall may be~~ *issued to other than a person who* (1) *is not a citizen of the United States, at least 19 years of age or over who shall be old, and of good moral character and repute; nor to any person who;* (2) *within five years prior to the application of such for a license has been convicted of any wilful willful violation of any a law of the United States or the this state of Minnesota or of any a local ordinance with regard to governing the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor; nor to any person whose; or* (3) *has had an intoxicating liquor license under the intoxicating*

~~liquor act shall be~~ revoked for ~~any wilful~~ *a willful* violation of ~~any such those~~ laws or ordinances.

Sec. 9. Minnesota Statutes 1982, section 340.13, is amended by adding a subdivision to read:

Subd. 15. [CERTAIN SALES PROHIBITED.] A manufacturer, wholesaler, distillery, winery, or importer may sell intoxicating liquor only to a municipal liquor store, government instrumentality, or a holder of a license issued under the intoxicating liquor act. A sale to any other person by a manufacturer, wholesaler, distillery, winery, or importer is a gross misdemeanor.

Sec. 10. Minnesota Statutes 1982, section 340.13, is amended by adding a subdivision to read:

Subd. 16. [RETAILERS NOT TO BE WHOLESALERS.] A retail licensee or municipal liquor store may not sell intoxicating liquor to a person for the purpose of resale, or to a person who he has reason to believe intends to resell the liquor, except with the written permission of the commissioner.

Sec. 11. Minnesota Statutes 1982, section 340.14, subdivision 1a, is amended to read:

Subd. 1a. [PERSONS DENIED ACCESS.] No intoxicating liquor shall may be sold, furnished, or delivered for any purpose to any a minor or, to any person an obviously intoxicated person, or to any of the persons a person to whom sale is prohibited by statute.

Sec. 12. Minnesota Statutes 1982, section 340.14, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] Every A licensee shall be is responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall may keep, possess, house, or operate, or permit the keeping, possession, or operation of, a slot machine, dice, or other gambling device on the licensed premises; or in any room an adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus room, nor permit any gambling therein; nor. A gambling device may, however, be kept or operated and a raffle conducted on the licensed premises or an adjoining room if the activity is licensed by the local unit of government pursuant to section 349.26. No licensee may permit the licensed premises or any, an adjoining room in the same, or in any an adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons; except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms when such activities are licensed by the local unit of government pursuant to section 349.26. No person under 18 years of age shall old may be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale", except that persons under 18 years of age may be employed as musicians a musician, or to perform the duties of as a busboy or dishwashing services dishwasher in places defined as a restaurant or, hotel, or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale".

Sec. 13. Minnesota Statutes 1982, section 340.19, is amended to read:

340.19 [REMOVAL OF OFFICERS; LICENSES REVOKED; BONDS

FORFEITED; VIOLATIONS.]

(1) (a) The failure on the part of ~~any~~ ~~duly~~ ~~constituted~~ a public officer, charged by law with the enforcement of the intoxicating liquor act ~~shall~~ ~~constitute~~ ~~constitutes~~ non-feasance in office and ~~shall be~~ ~~is~~ valid ground for the removal of ~~such~~ ~~the~~ officer.

(2) ~~When any~~ (b) ~~If a~~ licensee ~~shall~~ ~~wilfully~~ ~~violate~~ the provisions of ~~willfully~~ ~~violates~~ the intoxicating liquor act, his license ~~shall~~ ~~must~~ be immediately revoked and his bond forfeited; ~~and~~. No license of ~~any~~ ~~class~~ shall for a term of five years thereafter may be issued to the same person or to ~~any~~ a person who at the time of the violation owns ~~any~~ ~~an~~ interest, whether as holder of more than five percent of the capital stock of a corporation licensee, as partner, or otherwise, in the premises or in the business conducted thereon, or to ~~any~~ a corporation, partnership, association, enterprise, business, or firm in which ~~any~~ ~~such~~ the person is in ~~any~~ ~~manner~~ ~~interested~~ has an interest, within five years after the revocation.

(3) (c) Whoever, in violation of ~~the~~ ~~provisions~~ of the intoxicating liquor act, ~~shall~~ ~~manufacture~~ ~~manufactures~~ intoxicating liquor for the purposes of sale ~~shall be~~ ~~is~~ guilty of a ~~gross~~ ~~misdemeanor~~ ~~felony~~.

(4) (d) Whoever, in violation of ~~the~~ ~~provisions~~ of the intoxicating liquor act, ~~shall~~ ~~transport~~ ~~transports~~ or ~~import~~ ~~imports~~ into the state liquor for the purposes of sale ~~shall be~~ ~~is~~ guilty of a ~~gross~~ ~~misdemeanor~~ ~~felony~~.

(5) (e) Whoever ~~shall~~ ~~sell~~, in violation of the provisions of the intoxicating liquor act, ~~sells~~ directly or indirectly ~~any~~ intoxicating liquor without having a license for ~~such~~ ~~the~~ sale ~~shall be~~ ~~is~~ guilty of a gross misdemeanor.

(6) (f) ~~Except as provided in paragraphs (c), (d), and (e),~~ whoever ~~shall~~ ~~violate~~ ~~any~~ ~~of~~ ~~the~~ ~~provisions~~ ~~violates~~ a provision of the intoxicating liquor act as to sale, licensing, or any of the regulatory provisions ~~pertaining thereto,~~ as herein provided; ~~shall be~~ ~~is~~ guilty of a misdemeanor.

(7) (g) Whoever refuses or neglects to obey ~~any~~ a lawful direction of the commissioner of public safety; or his deputy or any of his assistants; withholds any information, book, record, paper, or other thing called for by him for the purpose of examination; obstructs or misleads him in the execution of his duties; or swears falsely concerning ~~any~~ a matter stated under oath ~~shall be~~ ~~is~~ guilty of a gross misdemeanor.

(8) The commissioner of public safety shall have the power to institute proceedings to cancel or revoke the licensing of any pharmacist or druggist as such pharmacist or druggist who shall violate the provisions of the intoxicating liquor act.

Sec. 14. Minnesota Statutes 1982, section 340.403, is amended to read:

340.403 [BOND, LICENSE.]

Subdivision 1. [FILING AND APPROVAL OF BOND.] ~~Every~~ ~~An~~ applicant for a license under ~~the~~ ~~provisions~~ of sections 340.401 to 340.407 shall, at the time of filing his application, file with the commissioner a bond running to the state of Minnesota; with corporate surety; ~~to~~. The bond must be approved by the commissioner before ~~granting~~ ~~such~~ ~~he~~ grants the license. The bond of a brewer ~~shall~~ ~~must~~ be in the sum of \$5,000 ~~and~~. The bond of a wholesaler ~~must be~~ in the sum of \$1,000. ~~Any~~ ~~An~~ applicant may, in lieu of ~~such~~ ~~the~~ bond, ~~make~~ a deposit with the commissioner of cash or United States government bonds in the same amount as that ~~hereinbefore~~ required

for bond of ~~such~~ the applicant.

Subd. 2. [CONDITIONS OF BOND.] ~~All~~ Bonds or deposits ~~shall~~ *must* be conditioned *as follows*: (1) that the licensee ~~shall~~ *will* obey the law relating to ~~such~~ the licensed business; (2) that the licensee ~~shall~~ *will* pay to the state, when due, all taxes, license fees, penalties, and other charges payable by him under any law relating to the manufacture, distribution, or sale of intoxicating or non-intoxicating malt liquor; (3) that, ~~in the event of any violation of the provisions if he violates a provision~~ of any law of this state relating to the manufacture, distribution, or sale of intoxicating or non-intoxicating malt liquor, ~~such~~ the bond ~~shall~~ *will* be forfeited to the state of Minnesota.

Subd. 3. [LICENSE GRANTED.] Upon the filing of an application, the approval of the bond, and the payment of the license fee, the commissioner shall grant the license unless it ~~shall appear~~ *appears* that the applicant: (1) is not a citizen of the United States; ~~or~~ (2) is not *at least* 19 years of age ~~or over old~~; ~~or~~ (3) has been convicted of a felony under the laws of this state; ~~or~~ (4) has had his license revoked within a ~~period of~~ one year prior to the filing of his application; ~~or~~ (5) has not been a resident of Minnesota or has not been qualified as a corporation to do business in Minnesota for more than 90 days prior to application. ~~In the event~~ *If* the applicant is a corporation, its managing officers must possess the qualifications ~~herein stated prescribed~~ in respect to clauses (1), (2), (3), and (4).

No wholesale malt beverage license ~~shall~~ *may* be granted to ~~any~~ a person unless he ~~shall have~~ *has* within the state of Minnesota warehouse space either owned or leased by him and ~~shall have~~ adequate delivery facilities to perform the function of wholesaling malt beverages. ~~Provided that~~ *However*, the requirements of this subdivision as to residence and warehouse space ~~shall~~ do not apply to ~~any~~ a wholesaler ~~in~~ of an adjoining state which permits Minnesota resident licensees to deliver malt beverages to retailers without warehousing in that state or to ~~any~~ a wholesaler ~~in~~ of an adjoining state delivering malt beverages manufactured in Minnesota.

Subd. 4. [PERIOD OF LICENSE.] ~~All~~ Licenses ~~shall~~ *must* be issued for a ~~period of~~ one year. ~~No person now holding a license for the manufacture or sale at wholesale of intoxicating malt liquor shall be required to obtain a license under the provisions of sections 340.401 to 340.407 until the expiration of the period for which such existing license was issued but such licensee shall be subject to all other provisions thereof.~~

Subd. 5. [CERTAIN SALES PROHIBITED.] *A brewer, wholesaler, or importer may sell intoxicating malt liquor only to a municipal liquor store, government instrumentality, a holder of a license issued under the intoxicating liquor act, or a person described in section 340.11, subdivision 15. A sale to any other person by a brewer, wholesaler, or importer is a gross misdemeanor.*

Sec. 15. Minnesota Statutes 1982, section 340.74, is amended to read:

340.74 [FRAUDULENT SHIPMENTS.]

Every person who knowingly delivers or causes to be delivered to ~~any~~ a common carrier for shipment any liquor under a false or misleading title, name, or mark, and every common carrier, or agent of ~~such~~ a carrier, who knowingly receives the ~~same~~ *it* for shipment, and every person knowingly shipping or receiving liquor so marked, is guilty of a misdemeanor; ~~and~~ . Any liquor so shipped with the knowledge of the owner, and the casks or packages containing the same, shall be forfeited to the ~~school fund~~ of the

~~county~~ state. The books and waybills of ~~any~~ a common carrier handling ~~such~~ these liquors may be examined by any police officer for the purpose of tracing ~~such~~ the liquors to the shipper or receiver.

Sec. 16. [REPEALER.]

Minnesota Statutes 1982, sections 340.13, subdivision 11; 340.73, subdivision 2; 340.76; 340.77; 340.78; 340.81; 340.83; 340.88; 340.89; 340.90; 340.91; 340.92; and 340.93 are repealed."

Amend the title as follows:

Page 1, line 6, delete "prohibiting clubs from"

Page 1, delete lines 7 and 8

Page 1, line 9, delete "defining ownership"

Page 1, delete line 10

Page 1, line 11, delete "prohibiting licenses for certain felons;"

Page 1, line 12, delete "prohibiting licensees from"

Page 1, delete lines 13 and 14

Page 1, line 21, delete "subdivisions 11, 13, and" and insert "subdivision"

Page 1, line 23, after "340.403;" insert "and 340.74;"

Page 1, line 25, after "340.73" insert ", subdivision 2"

Page 1, line 25, delete "340.74;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 275: A bill for an act relating to public utilities; specifying the regulatory treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, subdivisions 8 and 9, and by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete sections 1 to 4

Page 3, line 22, delete "shall" and insert "may"

Page 3, line 27, after the period, insert "*The commission may promulgate temporary and permanent rules under the provisions of chapter 14, the Administrative Procedure Act, to establish standards and criteria for this subdivision.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "subdivisions" and insert "by adding a subdivision."

Page 1, delete line 5

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 926: A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "*those*" and after "*investments*" insert "*of the type*"

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. 685: A bill for an act relating to workers' compensation; providing an application fee for self-insurers; amending Minnesota Statutes 1982, section 176.181, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "*Every*" insert "*initial*"

Page 1, line 11, delete "*I*" and insert "*2*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 705: A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating facility.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 210: A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 3, delete "tax" and insert "expenditure"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 865: A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, strike everything after "schools"

Page 1, strike lines 24 and 25

Page 2, strike line 1

Page 2, line 2, strike everything before the period

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 Local and Urban Government, to which was referred

S.F. No. 825: A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 15, after "income" insert "or \$400,000 annually, whichever is less,"

Page 2, line 20, after "participants" insert ", and provided the corporation or entity shall report in writing each month to the commissioners of the port authority all investment action and other actions taken by it since the last report. All funds contributed to the corporation or entity shall be invested pro-rata with each contributor of capital taking proportional risks on each investment"

Page 3, line 4, after "3" insert ", and shall expire June 30, 1987"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 695: A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on licensure or certification of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivision

6; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [144A.071] [MORATORIUM ON CERTIFICATION OF NURSING HOME BEDS.]

Subdivision 1. [MORATORIUM.] Notwithstanding the provisions of the Certificate of Need Act, sections 145.832 to 145.845, or any other law to the contrary, the commissioner of health, in coordination with the commissioner of public welfare, shall deny each request by a nursing home or boarding care home, except an intermediate care facility for the mentally retarded, for addition of new certified beds or for a change or changes in the certification status of existing beds except as provided in subdivision 2. The total number of certified beds in the state in the skilled level and in the intermediate levels of care shall remain at or decrease from the number of beds certified at each level of care on the effective date of this section, except as allowed under subdivision 2. “Certified bed” means a nursing home bed or a boarding care bed certified by the commissioner of health for the purposes of the medicare or medical assistance program, under United States Code, title 42, sections 1395 et seq. and 1396 et seq.

The commissioner of public welfare, in coordination with the commissioner of health, shall deny any request to issue a license under sections 245.781 to 245.812 and 252.28 to a nursing home or boarding care home, if that license would result in an increase in the reimbursement amount.

Subd. 2. [EXCEPTIONS.] The commissioner of health, in coordination with the commissioner of welfare, may approve the addition of a new certified bed or change in the certification status of an existing bed under the following conditions:

(a) To replace a bed decertified after the effective date of this section or to address an extreme hardship situation, in a particular county that has fewer nursing home beds than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. In allowing replacement of a decertified bed, the commissioners shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives; or

(b) To certify a new bed in a facility that commenced construction before the effective date of this section. For the purposes of this section, “commenced construction” means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; all zoning and building permits were secured; and significant alteration of the site was made and continues

in accordance with the construction schedule. The commissioner of public welfare shall consult with the commissioner of health and others knowledgeable in the area to determine the average amount of expenses incurred in preparing for commencing construction after obtaining a certificate of need, and shall reimburse a nursing home that obtained a certificate of need but did not commence construction before the effective date of this section for its actual expenses, incurred during that period in preparing for commencing construction, except any tax-deductible amounts, up to the mean amount;

(c) To completely replace a currently operating facility of fewer than 80 beds, that has obtained a certificate of need but has not commenced construction before the effective date of this section, if the replacement will not result in more total certified beds or more certified beds in any level of care than if the original facility had continued to operate; or

(d) When the change in certification status results in a decrease in the reimbursement amount.

Subd. 3. [MONITORING.] The commissioner of health, in coordination with the commissioner of public welfare, shall implement mechanisms to monitor and analyze the effect of the moratorium in the different geographic areas of the state. The commissioner of health shall submit to the legislature, no later than January 15, 1984 and annually thereafter, an assessment of the impact of the moratorium by geographic area, with particular attention to service deficits or problems and a corrective action plan.

Sec. 2. Minnesota Statutes 1982, section 144A.10, subdivision 6, is amended to read:

Subd. 6. [FINES.] A nursing home which is issued a notice of noncompliance with a correction order shall be assessed a civil fine in accordance with a schedule of fines *to be promulgated by rule of the commissioner of health before September 1, 1983.* The fine shall be assessed for each day the facility remains in noncompliance and until a notice of correction is received by the commissioner of health in accordance with subdivision 7. No fine for a specific violation may exceed ~~\$250~~ \$1,000 per day of noncompliance.

Sec. 3. [144A.31] [INTERAGENCY BOARD FOR QUALITY ASSURANCE.]

Subdivision 1. [INTERAGENCY BOARD.] The commissioners of health and public welfare shall establish, by October 1, 1983, an interagency board of representatives of their respective departments who are knowledgeable and employed in the areas of long term care, geriatric care, long term care facility inspection, or quality of care assurance. The number of interagency board members shall not exceed seven; three members each to represent the commissioners of health and public welfare and one member to represent the commissioner of public safety in the enforcement of fire and safety standards in nursing homes. The commissioner of public welfare or a designee shall chair and convene the board. The board may utilize the expertise and time of other individuals employed by either department as needed. The board may recommend that the commissioners contract for services as needed. The board shall meet as often as necessary to accomplish its duties, but at least monthly. The board shall establish procedures, including public hearings,

for allowing regular opportunities for input from residents, nursing homes, and other interested persons.

Subd. 2. [INSPECTIONS.] No later than January 1, 1984, the board shall develop and recommend implementation and enforcement of an effective system to ensure quality of care in each nursing home in the state. Quality of care includes evaluating, using the resident's care plan, whether the resident's ability to function is optimized and should not be measured solely by the number or amount of services provided.

The board shall assist the commissioner of health in ensuring that inspections and reinspections of nursing homes are conducted with a frequency and in a manner calculated to most effectively and appropriately fulfill its quality assurance responsibilities and achieve the greatest benefit to nursing home residents. The commissioner of health shall require a higher frequency and extent of inspections with respect to those nursing homes that present the most serious concerns with respect to resident health, treatment, comfort, safety, and well-being. These concerns include but are not limited to: complaints about care, safety, or rights; situations where previous inspections or reinspections have resulted in correction orders related to care, safety, or rights; instances of frequent change in administration in excess of normal turnover rates; and situations where persons involved in ownership or administration of the nursing home have been indicted for, charged with, or convicted of engaging in criminal activity. A nursing home that presents none of these concerns or any other concern or condition established by the board that poses a risk to resident care, safety, or rights shall be inspected once every two years for compliance with key requirements as determined by the board.

The board shall develop and recommend to the commissioner's mechanisms beyond the inspection process to protect resident care, safety, and rights, including but not limited to coordination with the office of health facility complaints and the nursing home ombudsman program.

Subd. 3. [METHODS FOR DETERMINING RESIDENT CARE NEEDS.] The board shall develop and recommend to the commissioner's definitions for levels of care and methods for determining resident care needs in preparation for eventually developing methods to adjust payments for resident care based on the mix of resident needs in a nursing home. The methods for determining resident care needs shall include assessments of ability to perform activities of daily living and assessments of medical and therapeutic needs.

Subd. 4. [ENFORCEMENT.] The board shall develop and recommend for implementation effective methods of enforcing quality of care standards. When it deems necessary, and when all other methods of enforcement are not appropriate, the board shall recommend to the commissioner of health closure of all or part of a nursing home and revocation of the license. The board shall develop, and the commissioner of public welfare shall implement, a resident relocation plan that instructs the county in which the nursing home is located of procedures to ensure that the needs of residents in nursing homes about to be closed are met. The county shall ensure placement in swing beds in hospitals, placement in unoccupied beds in other nursing homes, utilization of home health care on a temporary basis, foster care placement, or other appropriate alternative care. In preparing for reloca-

tion, the county shall ensure that residents and their families or guardians are involved in planning the relocation.

Subd. 5. [REPORTS.] The commissioners of health and public welfare shall report to the legislature no later than January 15, 1984 on their proposals and progress on implementation of the methods required under subdivisions 2, 3, and 4. The commissioners shall recommend changes in or additions to legislation necessary or desirable to fulfill their responsibilities. The commissioners shall report annually to the legislature, beginning in January, 1985, on the implementation and enforcement of the provisions of this section.

Sec. 4. Minnesota Statutes 1982, section 256B.091, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] It is the purpose of this section to prevent inappropriate nursing home *or boarding care home* placement by establishing a program of preadmission screening teams for all medical assistance recipients and any individual who would become eligible for medical assistance within ~~90~~ 180 days of admission to a licensed nursing home *or boarding care home* participating in the program. Further, it is the purpose of this section and the program to gain further information about how to contain costs associated with inappropriate nursing home *or boarding care home* admissions. The commissioners of public welfare and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available. The commissioner of public welfare shall promulgate temporary rules in order to implement this section by September 1, 1980.

Sec. 5. Minnesota Statutes 1982, section 256B.091, subdivision 2, is amended to read:

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of public welfare to participate in the program shall contract with the local board of health organized under section 145.911 to 145.922 or other public or non-profit agency to establish a screening team to assess, prior to admission to a nursing home *or a boarding care home* licensed under section 144A.02 *or sections 144.50 to 144.56, that is certified for medical assistance as a skilled nursing facility, intermediate care facility level I, or intermediate care facility level II,* the health and social needs of medical assistance recipients and individuals who would become eligible for medical assistance within ~~90~~ 180 days of nursing home *or boarding care home* admission. Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. If the individual is being discharged from an acute care facility, a discharge planner from that facility may be present, at the facility's request, during the screening team's assessment of the individual and may participate in discussions but not in making the screening team's recommendations under subdivision 3, clause (e). If the assessment procedure or screening team recommendation results

in a delay of the individual's discharge from the acute care facility, the facility shall not be denied *medical assistance* reimbursement or incur any other financial or regulatory penalty of the *medical assistance program that would otherwise be* caused by the individual's extended length of stay. Other personnel as deemed appropriate by the county agency may be included on the team. No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or non-institutional referral such that it would not be possible for the member to consider each case objectively.

Sec. 6. Minnesota Statutes 1982, section 256B.091, subdivision 4, is amended to read:

Subd. 4. [SCREENING OF PERSONS.] Prior to nursing home or *boarding care home* admission, screening teams shall assess the needs of all persons receiving medical assistance and of all persons who would be eligible for medical assistance within ~~90~~ 180 days of admission to a nursing home or *boarding care home*, except patients transferred from other nursing homes or patients who, having entered acute care facilities from nursing homes, are returning to nursing home care. Any other interested person may be assessed by a screening team upon payment of a fee based upon a sliding fee scale.

Sec. 7. Minnesota Statutes 1982, section 256B.091, subdivision 8, is amended to read:

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within ~~90~~ 180 days of admission to a nursing home; and (3) who need services that are not available at that time in the county through other public assistance.

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. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e)(2). The plan shall include any services prescribed by the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The commissioner shall establish a sliding fee schedule for requiring pay-

ment for the cost of providing services under this subdivision to persons who are eligible for the services but who are not yet eligible for medical assistance.

The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the non-federal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. ~~The state expenditures for this section shall not exceed \$1,800,000 for the biennium ending June 30, 1983.~~ 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. A county agency shall not use grant money to provide care under this subdivision to an individual if the anticipated cost of providing this care would exceed the average payment, as determined by the commissioner, for the level of nursing home care that the recipient would receive if placed in a nursing home. The non-federal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay 10 percent of the costs.

The commissioner shall promulgate temporary rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 8. Minnesota Statutes 1982, section 256B.41, is amended to read:

256B.41 [INTENT.]

Subdivision 1. [AUTHORITY.] ~~The state agency commissioner shall by rule establish a formula, by rule, procedures for establishing payment determining rates for care of residents of nursing homes which qualify as vendors of medical assistance, and for implementing the provisions of sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14. The procedures shall be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated nursing homes and shall specify the costs that are allowable for establishing payment rates through medical assistance.~~

Subd. 2. [FEDERAL REQUIREMENTS.] ~~It is the intent of the legislature to establish certain limitations on the state agency in setting standards for nursing home rate setting for the care of recipients of medical assistance pursuant to this chapter. It is not the intent of the legislature to repeal or change any existing or future rule promulgated by the state agency relating to the setting of rates for nursing homes unless the rule is clearly in conflict with sections 256B.41 to 256B.48. If any provision of sections 256B.41 to 256B.47, and 256B.48 and sections 9, 10, 13, and 14, is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to federal participation in medical assistance, the federal requirements shall prevail.~~

Sec. 9. [256B.42] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, the following terms and phrases shall have the meaning given to them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of public welfare.

Subd. 3. [FINAL RATE.] "Final rate" means the rate established after any adjustment by the commissioner, including but not limited to adjustments resulting from cost report reviews and field audits.

Subd. 4. [GENERAL AND ADMINISTRATIVE COSTS.] "General and administrative costs" means all allowable costs for administering the facility, including but not limited to: salaries of administrators, assistant administrators, medical directors, accounting personnel, data processing personnel, and all clerical personnel; business office functions and supplies; travel; telephone and telegraph; advertising; licenses and permits; membership dues and subscriptions; postage; insurance, except as included as a fringe benefit under subdivision 13; professional services such as legal, accounting and data processing services; central or home office costs; management fees; management consultants; employee training; and business meetings and seminars. These costs shall be included in general and administrative costs in total, without direct or indirect allocation to other cost categories.

Subd. 5. [HISTORICAL OPERATING COSTS.] "Historical operating costs" means the allowable operating costs incurred by the facility during the reporting year immediately preceding the rate year for which the payment rate becomes effective, after the commissioner has reviewed those costs and determined them to be allowable costs under the medical assistance program, and after the commissioner has applied appropriate limitations such as the ten percent limit on administrative costs.

Subd. 6. [NURSING HOME.] "Nursing home" means a facility licensed under chapter 144A or a boarding care facility licensed under sections 144.50 to 144.56.

Subd. 7. [OPERATING COSTS.] "Operating costs" means the day to day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, dietary, laundry and linen, housekeeping, plant operation and maintenance, other care-related services, general and administration, payroll taxes, real estate taxes and special assessments, and fringe benefits.

Subd. 8. [PAYMENT RATE.] "Payment rate" means the rate determined under section 10.

Subd. 9. [PRIVATE PAYING RESIDENT.] "Private paying resident" means a nursing home resident who is not a medical assistance recipient and whose payment rate is not established by another third party, including the veterans administration or medicare.

Subd. 10. [RATE YEAR.] "Rate year" means the fiscal year for which a payment rate determined under section 10 is effective, from July 1 to the next June 30.

Subd. 11. [REPORTING YEAR.] "Reporting year" means the period from October 1 to September 30, immediately preceding the rate year, for

which the nursing home submits reports required under section 256B.48, subdivision 2.

Subd. 12. [ACTUAL RESIDENT DAY.] "Actual resident day" means a billable, countable day as defined by the commissioner.

Subd. 13. [FRINGE BENEFITS.] "Fringe benefits" means workers' compensation insurance, group health insurance, group life insurance, retirement benefits or plans, and uniform allowances.

Subd. 14. [PAYROLL TAXES.] "Payroll taxes" means the employer's share of FICA (social security withholding) taxes and state and federal unemployment compensation taxes.

Sec. 10. [256B.431] [RATE DETERMINATION.]

Subdivision 1. [IN GENERAL.] The commissioner shall determine prospective payment rates for resident care costs. In determining the rates, the commissioner shall group nursing homes according to different levels of care until July 1, 1985, and after that date, mix of resident needs, and geographic location, as defined by the commissioner. Until groups are established according to mix of resident needs, the commissioner shall group all convalescent and nursing care units attached to hospitals into one group for purposes of determining reimbursement for operating costs. On or before June 1, 1983, the commissioner shall mail notices to each nursing home of the rates to be effective from July 1 of that year to June 30 of the following year. In subsequent years, the commissioner shall provide notice to each nursing home on or before May 1 of the rates effective for the following rate year. If a statute enacted after May 1 affects the rates, the commissioner shall provide a revised notice to each nursing home as soon as possible.

Subd. 2. [OPERATING COSTS.] (a) The commissioner shall establish, by rule, procedures for determining per diem reimbursement for operating costs based on actual resident days. The commissioner shall disallow any portion of the general and administrative cost category, exclusive of fringe benefits and payroll taxes, which exceeds ten percent, for nursing homes with more than 40 certified beds in total and fifteen percent for nursing homes with 40 or fewer certified beds in total, of the expenditures in all other operating cost categories except fringe benefits and payroll taxes.

(b) For the rate year beginning July 1, 1983 and ending June 30, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on the most recently audited and available cost reports of allowed operating costs received by December 31, 1982. To determine the allowed historical operating cost, the commissioner shall update the historical per diem shown in those cost reports to June 30, 1983, using a ten percent annual rate of increase after applying the general and administrative cost limitation described in paragraph (a). The commissioner shall calculate the 60th percentile of payment rates for operating costs for each group of nursing homes established under subdivision 1.

(1) Within each group, each nursing home whose allowed historical operating cost as determined under this paragraph (b) is at or above the 60th percentile shall receive the 60th percentile increased by six percent plus 80 percent of the difference between its allowed operating cost and the 60th percentile.

(2) Within each group, each nursing home whose allowed historical operating cost is below the 60th percentile shall receive that allowed historical operating cost increased by six percent.

For the rate year beginning July 1, 1984, and ending June 30, 1985, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on allowed historical operating costs incurred during the reporting year preceding the rate year. The commissioner shall provide for the analysis and evaluation of each nursing home's report of allowed operating costs incurred by the nursing home during the reporting year immediately preceding the rate year. The allowed historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the number of actual resident days to compute the allowed historical operating cost. The commissioner shall calculate the 60th percentile of allowed historical operating costs for each group of nursing homes established under subdivision 1.

(3) Within each group, each nursing home whose allowed historical operating cost is at or above the 60th percentile of payment rates shall receive the 60th percentile increased by six percent plus 70 percent of the difference between its allowed historical operating cost payment rate and the 60th percentile.

(4) Within each group, each nursing home whose allowed historical operating cost is below the 60th percentile shall receive that allowed historical operating cost increased by six percent.

(c) For subsequent years, the commissioner shall:

(1) Contract with an econometric firm with recognized expertise in and access to national economic change indices which can be applied to the appropriate cost categories when determining the operating cost payment rate;

(2) Establish the 60th percentile of allowed historical operating costs for each group of nursing homes established under subdivision 1 based on cost reports of allowed operating costs in the previous reporting year. The commissioner shall provide for the analysis and evaluation of each nursing home's report of allowed operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective. The allowed historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the actual number of resident days in order to compute the allowed historical operating cost;

(3) Establish a composite index for each group by determining the weighted average of all economic change indicators applied to the operating cost categories in that group.

(4) Within each group, each nursing home with an allowed historical operating cost in the previous reporting year at or above the 60th percentile calculated in paragraph (c)(2) shall receive the 60th percentile increased by the composite index calculated in paragraph (c)(3). Each nursing home with an allowed historical operating cost in the previous reporting year below the 60th percentile calculated in paragraph (c)(2) shall receive that allowed historical operating cost increased by the percentage change resulting from

the application of the composite index to its allowed historical operating cost per diem.

The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability and actual special assessments paid for each nursing home (i) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, but (ii) shall not be used to compute the 60th percentile.

(d) The commissioner shall allow the nursing home to keep, as an efficiency incentive, the difference between the nursing home's operating cost payment rate established for that rate year and the actual historical operating costs incurred for that rate year, if the latter amount is smaller. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. If an annual cost report or field audit indicates that the expenditures for direct resident care have been reduced in amounts large enough to indicate a possible detrimental effect on the quality of care, the commissioner shall notify the commissioner of health and the interagency board for quality assurance.

(e) The commissioner may negotiate, with a nursing home that is eligible to receive medical assistance payments, a payment rate of up to 125 percent of the allowed payment rate to be paid for a period of up to three months for individuals who have been hospitalized for more than 100 days, who have extensive care needs based on nursing hours actually provided or mental or physical disability, or need for respite care for a specified and limited time period, and based on an assessment of the nursing home's resident mix as determined by the commissioner of health.

Subd. 3. [PROPERTY-RELATED COSTS.] Property-related costs shall be reimbursed to each nursing home at the level recognized in the final rate effective March 1, 1983. Property-related costs include: depreciation, interest, earnings or investment allowance, lease, or rental payments. No adjustments shall be made as a result of sales or reorganizations of provider entities. Adjustment shall be made for asset additions, improvements, replacements, disposals, or retirements from service as shown in depreciation schedules submitted to and approved by the commissioner. Annual per diem shall be computed by dividing total property-related costs by 96 percent of the nursing home's certified capacity days.

Subd. 4. [SPECIAL RATES.] A newly-constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive the 60th percentile established for the appropriate group under subdivision 2, paragraph (b) or (c) increased by six percent as its operating cost payment rate, to be effective from the first day a medical assistance recipient resides in the home or for the added beds. The commissioner shall establish by rule procedures for determining the allowable level of property-related costs for newly-constructed beds. The commissioner shall establish by rule procedures for determining payment rates for nursing homes which provide care under a lesser care level than the level

for which the nursing home is certified.

Subd. 5. [FIELD AUDIT ADJUSTMENTS.] When on-site field audits of the records of all nursing homes within a group result in adjustments exceeding one cent per resident per day in any reporting year, the payment rate for each nursing home in the following rate year in that group shall be increased or decreased by the adjustment amount.

Sec. 11. Minnesota Statutes 1982, section 256B.47, is amended to read:

256B.47 [RATE LIMITS NONALLOWABLE COSTS; NOTICE OF INCREASES TO PRIVATE PAYING RESIDENTS.]

Subdivision 1. [NONALLOWABLE COSTS.] The state agency shall by rule establish separate overall limitations on the costs for items which directly relate to the provision of patient care to residents of nursing homes and those which do not directly relate to the provision of care. The state agency may also by rule, establish limitations for specific cost categories which do not directly relate to the provision of patient care. The state agency shall reimburse nursing homes for the costs of nursing care in excess of any state agency limits on hours of nursing care if the commissioner of health issues a correction order pursuant to section 144A.10, subdivision 4, directing the nursing home to provide the additional nursing care. All costs determined otherwise allowable shall be subject to these limitations.

~~Subd. 2. The following costs shall not be recognized as allowable to the extent that these costs cannot be demonstrated by the nursing home to the state agency to be directly related to the provision of patient care: (1) political contributions; (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) advertising designed to encourage potential residents to select a particular nursing home; (4) assessments levied by the health department commissioner of health for uncorrected violations; and (5) legal and related fees for unsuccessful challenges to decisions by state agencies; and (6) dues paid to a nursing home or hospital association. The state agency shall promulgate rules establishing standards which shall distinguish between any patient care related components and non-patient care related components of these costs, where applicable. For purposes of these rules, the state agency shall exercise emergency powers and establish emergency rules pursuant to section 15.0412, subdivision 5, before September 1, 1977. The state agency commissioner shall by rule exclude the costs of any other items which it determines are not directly related to the provision of patient resident care.~~

~~Subd. 3. On or before January 1, 1977 the state agency shall by rule establish a procedure affording notice of the approved rate for medical assistance recipients to nursing homes within 120 days after the close of the fiscal year of the nursing home.~~

Subd. 4. 2. [NOTICE TO RESIDENTS.] No increase in nursing home rates for private paying residents shall be effective unless the nursing home notifies the resident or person responsible for payment of the increase in writing 30 days before the increase takes effect.

A nursing home may adjust its rates without giving the notice required by this subdivision when the purpose of the rate adjustment is to: ~~(a) reflect a necessary change in the level of care provided to a resident; or (b) retroac-~~

tively or prospectively equalize private pay rates with rates charged to medical assistance recipients as required by section 256B.48, subdivision 1, clause (a) and applicable federal law.

Subd. 5. The commissioner shall promulgate rules no later than August 1, 1980, to amend the current rules governing nursing home reimbursement, in accordance with sections 14.01 to 14.70, to allow providers to allocate their resources in order to provide as many nursing hours as necessary within the total cost limitations of the per diem already granted. If the state fails to set rates as required by section 10, the time required for giving notice is decreased by the number of days by which the state was late in setting the rates.

Sec. 12. Minnesota Statutes 1982, section 256B.48, is amended to read:

256B.48 [CONDITIONS FOR PARTICIPATION.]

Subdivision 1. [PROHIBITED PRACTICES.] No A nursing home shall be is not eligible to receive medical assistance payments unless it agrees in writing that it will refrain refrains from:

(a) Charging nonmedical assistance residents rates for similar services which exceed by more than ten percent those rates which are approved by the state agency for medical assistance recipients. For nursing homes charging non-medical assistance residents rates less than ten percent more than those rates which are approved by the state agency for medical assistance recipients, the maximum differential in rates between nonmedical assistance residents and medical assistance recipients shall not exceed that differential which was in effect on April 13, 1976. If a nursing home has exceeded this differential since April 13, 1976, it shall return the amount collected in excess of the allowable differential stated by this subdivision to the nonmedical assistance resident, or that person's representative, by July 1, 1977. Effective July 1, 1978, no nursing home shall be eligible for medical assistance if it charges nonmedical assistance recipients Charging private paying residents rates for similar services which exceed those which are approved by the state agency for medical assistance recipients; provided, however, that except under the following circumstances: the nursing home may (1) charge nonmedical assistance private paying residents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance patients residents are charged separately at the same rate for the same services in addition to the daily rate paid by the state agency commissioner. A nursing home that charges a private paying resident a rate in violation of this clause is subject to an action by the state of Minnesota or any of its subdivisions or agencies for civil damages. A private paying resident or the resident's legal representative has a cause of action for civil damages against a nursing home that charges the resident rates in violation of this clause. The damages awarded shall include three times the payments that result from the violation, together with costs and disbursements, including reasonable attorneys' fees or their equivalent. A private paying resident or the resident's legal representative, the state, subdivision or agency, or a nursing home may request a hearing to determine the allowed rate or rates at issue in the cause of action. Within 15 calendar days after receiving a request for such a hearing, the commissioner shall request assignment of a hearing examiner under sections 14.48 to 14.56 to conduct the hearing as soon as possible or according to agreement by the parties. The hearing examiner shall issue a report within 15 calendar days following the close of the hearing. The prohibition set forth in this clause shall not apply to facilities licensed as boarding care facilities which are not certified as nursing homes for reimburse-

ment through medical assistance;

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay ~~an admission fee~~ *any fee or deposit* in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home; ~~and~~

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home;

(d) *Requiring any applicant to the nursing home, or the applicant's guardian or conservator, as a condition of admission, to assure that the applicant is neither eligible for nor will seek public assistance for payment of nursing home care costs;*

(e) *Requiring any vendor of medical care as defined by section 256B.02, subdivision 7, who is reimbursed by medical assistance under a separate fee schedule, to pay any portion of his fee to the nursing home except as payment for renting or leasing space or equipment of the nursing home or purchasing support services, if those agreements are disclosed to the commissioner; and*

(f) *Refusing to accept, for more than 24 hours, a resident returning to his same bed or a bed certified for the same level of care, in accordance with a physician's order authorizing transfer, after receiving inpatient hospital services.*

The prohibitions set forth in clause (b) shall not apply to a retirement home with more than 325 beds including at least 150 licensed nursing home beds and which:

(1) is owned and operated by an organization tax-exempt under section 290.05, subdivision 1, clause (i); and

(2) ~~at the time of admission places~~ *accounts for* all of the applicant's assets which are required to be assigned to the home ~~in a trust account from which~~ *so that* only expenses for the cost of care of the applicant may be ~~deducted~~ *charged against the account;* and

(3) agrees in writing at the time of admission to the home to permit the applicant, or his guardian, or conservator, to examine the records relating to the ~~individual's trust~~ *applicant's* account upon request, and to receive an audited statement of the expenditures ~~from charged against~~ his individual account upon request; and

(4) agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, all of the unexpended funds ~~remaining~~ in his individual ~~trust~~ account; ~~and~~

(5) ~~was in compliance with provisions (1) to (4) as of June 30, 1976.~~

Subd. 2. [REPORTING REQUIREMENTS.] ~~Effective July 1, 1976, no A~~ nursing home ~~shall be~~ *is not* eligible to receive medical assistance payments unless it ~~agrees in writing to:~~

(a) ~~Provide~~ *No later than December 31 of each year, it provides the state*

~~agency~~ commissioner with its most recent (1) balance sheet and statement of revenues and expenses, *including a statement of the rate or rates charged to private paying residents*, as audited by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222; (2) statement of ownership for the nursing home; and (3) a separate audited balance sheet and statement of revenues and expenses for each nursing home if more than one nursing home or other business operation is owned by the same owner; a governmentally owned nursing home may comply with the auditing requirements of this clause by submitting an audit report prepared by the state auditor's office. *The commissioner shall audit cost reports as required by section 256B.27, subdivision 2a;*

(b) No later than December 31 of each year, it provides to the commissioner the information and supporting documents that the commissioner requires for determining payment rates. The commissioner shall prescribe, by rule, the information necessary for determining payment rates;

(b) Provide (c) It provides the state agency commissioner with copies of leases, purchase agreements and other related documents related to the lease or purchase of the nursing home; and

(e) Provide to the state agency upon request copies of leases, purchase agreements, or similar documents for to the purchase or acquisition of equipment, goods and services which are claimed as allowable costs.

Subd. 3. [INCOMPLETE OR INACCURATE REPORTS.] The ~~state agency~~ commissioner may reject any annual cost report filed by a nursing home pursuant to this chapter if ~~it~~ the commissioner determines that the report or the information required in subdivision 2, clause (a) has been filed in a form that is incomplete or inaccurate. In the event that a report is rejected pursuant to this subdivision, the ~~state agency may~~ commissioner shall make payments to a nursing home at ~~the its most recently established rate determined for its prior fiscal year, or at an interim rate established by the state agency,~~ until the information is completely and accurately filed.

Subd. 4. [EXTENSIONS; AMENDMENTS.] *The commissioner may grant a 15-day extension of the reporting deadline to a nursing home for good cause. To receive such an extension, a nursing home shall submit a written request by December 1. The commissioner will notify the nursing home of the decision by December 15.*

Subd. 5. [FALSE REPORTS.] *If a nursing home knowingly supplies inaccurate or false information in a required report that results in an overpayment, the commissioner shall: (a) immediately adjust the nursing home's payment rate to recover the entire overpayment within the rate year; or (b) terminate the commissioner's agreement with the nursing home; or (c) prosecute under applicable state or federal law; or (d) use any combination of the foregoing actions.*

Sec. 13. [256B.50] [APPEALS.]

A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14 if the appeal, if successful, would result in a change to the nursing home's payment rate. An appealable decision is an operating cost determination decision. To appeal, the nursing home shall

notify the commissioner of its intent to appeal within 30 days and submit a written appeal request within 60 days of receiving notice of the payment rate determination or decision. The request shall specify each disputed item, the reason for the dispute, an estimate of the dollar amount involved, and other information required by the commissioner. The appeal shall be heard by a hearing examiner according to sections 14.48 to 14.56, or upon agreement by both parties according to a modified appeals procedure established by the commissioner and the hearing examiner. Regardless of any rate appeal, the rate paid shall be the rate established and shall remain in effect until final resolution of the appeal, subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.47, 256B.48, and sections 9, 10, 13, and 14, a nursing home shall comply with section 14.44.

Sec. 14. [256B.502] [TEMPORARY RULES.]

The commissioners of health and public welfare shall promulgate temporary and permanent rules necessary to implement sections 1 to 16, in accordance with sections 14.01 to 14.38. Notwithstanding the provisions of section 14.35, the temporary rule promulgated to implement sections 1 to 15 shall be effective for up to 360 days, and may be continued in effect for two additional period of 180 days each if the commissioner gives notice of continuation of each additional period by publishing notice in the state register and mailing the same notice to all persons registered with the commissioner to receive notice of rulemaking proceedings in connection with sections 1 to 15. The temporary rules promulgated in accordance with this section shall not be effective 720 days after its effective date without following the procedures in sections 14.13 to 14.20. The commissioner shall report to the legislature by January 1, 1985, on likely groups and shall establish groups of nursing homes based on the mix of resident care needs, and on geographic area, by July 1, 1985.

Sec. 15. [LEGISLATIVE STUDY COMMISSION ON LONG TERM HEALTH CARE FUNDING ALTERNATIVES.]

Subdivision 1. A legislative study commission is created to study and report on alternatives to medical assistance funding for providing long term health care services to the citizens of Minnesota. The study commission shall consider use of alternatives such as private insurance, private annuities, health maintenance organizations, preferred provider organizations, medicare, and other alternatives the commission deems worthy of study.

Subd. 2. The commission shall consist of six members of the house of representatives appointed in the usual manner and six members of the senate appointed by the subcommittee on committees.

Subd. 3. The commission shall report its findings and recommendations to the governor and the legislature not later than January 1, 1985.

Subd. 4. The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this section. It shall select a chairperson and other officers from its membership as it deems necessary.

Subd. 5. The commission shall make use of existing legislative facilities

and staff of the house and senate research departments and senate counsel, but it may also request the legislative coordinating commission to supply it with additional necessary staff, office space, and administrative services. All additional personnel shall be hired and supervised by the directors of the house and senate research departments and senate counsel. The commission shall have full authority to contract for expert services and opinions relevant to the purposes of this section.

Sec. 16. [REPEALER.]

Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46 are repealed. 12 MCAR, Section 2.049 is repealed effective July 1, 1983.

Sec. 17. [APPROPRIATION.]

For the biennium ending June 30, 1985, \$..... is appropriated from the general fund to the commissioner of public welfare to jointly establish with the commissioner of health the interagency board for quality assurance in accordance with section 3. The approved complements of the department of health and the department of public welfare are each increased by one-half position to provide one full-time position for the interagency board.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 16 are effective the day following enactment, for establishing procedures for determining payment rates to become effective for the biennium beginning July 1, 1983 and thereafter. The amendments to section 256B.48, subdivision 1, apply to causes of action arising from charges made on or after the effective date of section 12.'

Amend the title as follows:

Page 1, line 10, after "in" insert "Minnesota Statutes 1982,"

Page 1, line 12, before the period, insert "; and 12 MCAR 2.049"

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. 791: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey to private persons, under certain circumstances, road easements across railroad rights-of-way acquired for trail purposes; proposing new law coded in Minnesota Statutes, chapter 84.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "permanent"

Page 1, line 17, delete "all of"

Page 1, line 18, delete "all other lawful"

Page 1, line 20, delete ", including but not limited to" and insert "through"

Page 1, line 21, delete "if that is an alternative"

Page 1, line 22, delete "*under the existing circumstances*"

Page 1, line 24, delete "*short or long term*"

Page 1, line 26, delete "*permanent*"

Page 2, line 2, delete "*an appropriate price, not less than*"

Page 2, line 5, delete "*also*" and "*such*"

Page 2, line 6, after "*conditions*" insert "*of use*"

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. 429: A bill for an act relating to natural resources; extending the existence of the citizen's committee on Voyageurs National Park; authorizing the committee to accept gifts; amending Minnesota Statutes 1982, section 84B.11, subdivision 2; amending Laws 1975, chapter 235, section 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, reinstate the stricken language

Page 2, line 2, reinstate "expire June 30," and before the period, insert "1989"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Moe, D.M. 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. 857: A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, section 500.221, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 22, delete "20" and insert "40"

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. 893: A bill for an act relating to the lower Red River watershed management board; removing ten year limitation for tax levy by watershed districts which are members of board; amending Laws 1976, chapter 162, sections 1, as amended, and 2.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, after line 14, insert:

“Sec. 3. [COORDINATOR POSITION.]

Effective July 1, 1983, the Red River watershed coordinator position (senior hydrologist) in the unclassified service of the state is transferred to the classified civil service in the department of natural resources. The incumbent in this position shall be transferred without competitive examination to probationary status in the classified service in the same classification and at the same pay step as at present. All of the employee's accrued vacation and sick leave shall be transferred to his credit.”

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “transferring a position to the classified service;”

And when so amended the bill do pass. Mr. Johnson, D.J. 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. 972: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis County; appropriating money.

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. 551: A bill for an act relating to waters; imposing a restriction on diversion to destinations outside the state; amending Minnesota Statutes 1982, section 105.38.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 105.405, subdivision 2, is amended to read:

Subd. 2. No permit authorized by sections 105.37 to 105.55 nor any plan for which the commissioner's approval is required or permitted, involving a diversion of any waters of the state, surface or underground, to a place outside of this state shall be granted or approved until after a determination by the commissioner that the water remaining in this state will be adequate to meet the state's water resources needs during the specified life of the diversion project *and after approval by the legislature.”*

Amend the title as follows:

Page 1, line 2, delete "imposing a restriction on"

Page 1, line 3, delete "diversion to destinations" and insert "requiring legislative approval for diversion of water"

Page 1, line 4, delete "105.38" and insert "105.405, subdivision 2"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 84: A bill for an act relating to agriculture; providing that certain agricultural operations are not private or public nuisances; amending Minnesota Statutes 1982, section 561.19, subdivisions 2 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 2 and insert:

"Sec. 2. [REPEALER.]

Minnesota Statutes 1982, section 561.19, subdivision 5, is repealed."

Amend the title as follows:

Page 1, line 5, delete "subdivisions 2 and 5" and insert "subdivision 2; repealing Minnesota Statutes 1982, section 561.19, subdivision 5"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 748: A bill for an act relating to local government; providing for the development of University Avenue in the cities of Minneapolis and St. Paul; creating a commission to develop and implement transit, housing, and economic development projects; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "construct" and insert "consider whether"

Page 1, line 14, delete "rapid"

Page 1, line 19, after the bracket, delete "RAPID" and after the quotation mark, delete "Rapid"

Page 2, line 21, after "business" insert ", labor,"

Page 2, line 23, delete "at the pleasure of" and insert "for an indefinite period until"

Page 2, line 23, before the period, insert "makes new appointments"

Page 3, line 15, after "commission" insert "shall employ an executive

director and'

Page 3, line 16, after "*employ*" insert "*other*"

Page 3, line 22, after the third "*and*" insert "*, with input from ongoing and past studies.*"

Page 3, line 23, delete "*the rapid and*'

Page 3, line 36, delete "*regulate*" and insert "*manage*"

Page 4, line 3, delete everything after "*of*" and insert "*an*"

Page 4, line 4, after "*investment*" insert "*project*"

Page 4, line 5, after the period, insert "*The plan shall evaluate the feasibility of a transit system in coordination with ongoing transit studies.*"

Page 4, line 18, before the comma, insert "*while ensuring that no duplication of effort occurs with those studies*"

Page 5, line 17, delete "\$250,000" and insert "\$125,000"

Amend the title as follows:

Page 1, line 5, delete "transit,"

Page 1, line 6, after "projects" insert "and transit"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 779: A bill for an act relating to education; permitting the continued development and implementation of a low-power television transmission system for certain school districts; 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. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 523: A bill for an act relating to the organization and operation of state government; requiring the preparation of a tax expenditure budget; appropriating money; proposing new law coded in Minnesota Statutes, chapter 270.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, delete "*on or before March 1 of each odd-numbered year*" and insert "*as a supplement to the governor's budget and at the same time as provided for submission of the budget pursuant to section 16A.11, subdivision 1*"

Page 2, after line 20, insert:

"*Subd. 4. [REVENUE ESTIMATES; LEGISLATIVE BILLS.] Upon reasonable notice from the chairman of the house or senate tax committee that a*

bill is scheduled for hearing, the department of revenue shall prepare an estimate of the effect on the state's tax revenues which would result from the passage of a legislative bill establishing, extending, or restricting a tax expenditure. These revenue estimates shall contain the same information as provided in subdivision 3 for expenditure items contained in the tax expenditure budget, as appropriate."

Page 2, line 21, delete "4" and insert "5"

Page 2, line 24, delete "preferential" and insert "gross income definition."

Page 3, line 1, delete everything after the period

Page 3, delete line 2

Page 3, line 6, delete "The department of revenue"

Page 3, delete lines 7 to 9

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 952: A bill for an act relating to occupations and professions; regulating the period of time between professional boxing contests, matches, or exhibitions; amending Minnesota Statutes 1982, section 341.115.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, after "boxer" insert "loses due to a technical knockout or"

Page 1, line 23, reinstate the stricken "The"

Page 2, line 13, reinstate the stricken period and before the reinstated period, insert "affidavit must state that the boxer has regularly trained for at least 30 days under the supervision of a second licensed by the board of wrestling and boxing or a second or trainer licensed in another jurisdiction or the equivalent. The examination must include an electroencephalogram if the boxer has been knocked unconscious in boxing competition"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 649: A bill for an act relating to health; establishing minimum standards for systems of reimbursing providers of pharmaceutical goods and services to certain third-parties; proposing new law coded as Minnesota Statutes, chapter 151A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete sections 1 and 2

Page 1, line 20, delete "151A.03" and insert "151A.01"

Page 1, line 21, delete "*sections 1 to 11*" and insert "*this act*"

Page 1, line 22, after "any" insert "nongovernmental"

Page 2, line 4, delete "151A.04" and insert "151A.02"

Page 2, line 5, delete "*Subdivision 1. [REIMBURSEMENT.]*"

Page 2, delete lines 14 to 19

Page 2, line 20, delete "151A.05" and insert "151A.03"

Page 2, line 28, delete "151A.06" and insert "151A.04"

Page 3, delete section 7

Page 3, line 26, delete "151A.08" and insert "151A.05"

Page 3, line 34, delete "*the goods and*"

Page 3, line 35, delete "*sections 1 to 11*" and insert "*this act*"

Page 3, delete line 36

Page 4, delete line 1 and insert "*each pharmacy's average rate up to the 85th percentile of the range of prevailing rates charged by individual pharmacies to consumers not covered under third party or governmental prescription programs. This determination must be made each year utilizing data from the nearest preceding year for which information is available.*"

Page 4, delete lines 2 to 12

Page 4, line 13, delete "151A.09" and insert "151A.06"

Page 4, lines 15, 19, 20 and 21, delete "*sections 1 to 11*" and insert "*this act*"

Page 4, line 17, delete "151A.10" and insert "151A.07"

Page 4, line 23, delete "151A.11" and insert "151A.08"

Page 4, line 24, delete "*Sections 1 to 11 do*" and insert "*This act does*"

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. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 77: A bill for an act relating to veterans; providing funds for the Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; 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. Lessard from the Committee on Veterans and General Legislation, to

which was referred

S.F. No. 808: A bill for an act relating to the state seal; providing a description of the official state seal; proposing new law coded in Minnesota Statutes, chapter 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete “*great*” and delete “*of the state of Minnesota*”

Page 1, line 14, delete “*great*” and delete the second “*of the*”

Page 1, line 15, delete “*state of Minnesota*”

Page 2, line 24, after “*spear*” insert “*in his left hand*”

Page 2, line 27, delete “*the likeness of*” and insert “*three*” and delete “*forms*” and insert “*form*”

Page 2, line 33, after “*with*” insert “*an ax embedded in the stump and*”

Page 2, line 36, delete “*fully-clothed standing*” and delete “*man*” and insert “*barefoot male pioneer*”

Page 3, line 1, after “*wearing*” insert “*clothing and*” and after “*hat*” insert “*of that period*”

Page 3, line 6, delete “*The lettering and the*”

Page 3, delete line 7

Page 3, line 8, delete “*printed.*” and delete “*produce and*”

Page 3, line 14, after “*the*” insert “*enlargement,*”

Page 3, line 15, after “*reduction*” insert “*, and embossment*”

Page 3, line 18, delete “*great*” and delete “*of the state of Minnesota*”

Page 3, after line 19, insert:

“*Subd. 5. [STATE’S DUTIES.] The state shall make every effort to bring any seal currently fixed to a permanent object into accordance with this section. Expendable material to which the seal is currently affixed may be used until the supply is exhausted. All dies and engravings of the current seal that cannot be brought into substantial conformance with this section shall be given to the Minnesota historical society, along with all information available about the seal.*”

Sec. 2. Minnesota Statutes 1982, section 1.143, is amended to read:

1.143 [STATE TREE, DESIGNATION.]

Subdivision 1. The Red pine (*Pinus resinosa*), more commonly known as Norway pine, is hereby designated as the official state tree of the State of Minnesota.

Subd. 2. A photograph of the Red pine, to be obtained and approved by the commissioner of natural resources, shall be certified and preserved in the office of the secretary of state.

Sec. 3. [REPEALER.]

Minnesota Statutes 1982, sections 1.144 and 358.02 are repealed."

Amend the title as follows:

Page 1, line 3, after "seal;" insert "amending Minnesota Statutes 1982, section 1.143;"

Page 1, line 4, before the period, insert "; repealing Minnesota Statutes 1982, sections 1.144 and 358.02"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1010: A resolution memorializing the President and Congress of the United States to provide service-connected disability compensation for former members of the military forces who were exposed in Vietnam to toxic herbicides, chemicals, medications, and other environmental hazards and conditions.

Reports the same back with the recommendation that the resolution be amended as follows:

Page 1, line 10, after "States" insert ", of which over 55,000 reside in the state of Minnesota,"

Page 1, line 17, after "a" insert "presumptive service"

Page 1, line 21, delete "Veteran Administrative" and insert "Veterans' Administration"

Page 2, line 5, delete "exposed" and insert "and their children from exposure"

Page 2, line 13, delete "Congess" and insert "Congress"

Page 2, line 14, after the comma, insert "the commissioner of veterans' affairs of the state of Minnesota to be transmitted to the county veteran service offices,"

Page 2, line 14, delete "Administator" and insert "Administrator"

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1015: A bill for an act relating to cemeteries; increasing the penalty for illegal molestation of human remains; requiring the state or political subdivision to obtain archaeologist services and to pay for removal of Indian burial grounds under certain circumstances; amending Minnesota Statutes 1982, section 307.08, subdivisions 2, 4, 8, and 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, delete “gross”

Page 2, line 14, strike everything after “8.”

Page 2, strike line 15

Page 2, line 16, strike “burial ground.”

Amend the title as follows:

Page 1, line 2, delete “increasing the penalty for”

Page 1, line 3, delete “illegal molestation of human remains;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 210: A bill for an act relating to liquor; authorizing off-sale price advertising in bordering state publications; amending Minnesota Statutes 1982, section 340.15, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 340.15, is amended by adding a subdivision to read:

Subd. 3. This section does not apply to advertising of liquor prices by an off-sale licensee in a newspaper of general circulation published in a bordering state if the newspaper is the primary newspaper of general circulation in the area in which the off-sale licensee is located.”

Amend the title as follows:

Page 1, line 3, after “in” insert “certain”

Page 1, line 3, delete “publications” and insert “newspapers”

Page 1, line 4, delete “subdivision 1” and insert “by adding a subdivision”

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. 1011: A bill for an act relating to unemployment compensation; providing for conformity with federal law; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; amending Minnesota Statutes 1982, sections 268.04, subdivisions 12, 17, 25, 26, 29,

and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivision 2; 268.071, subdivision 3; 268.08, subdivision 3, and by adding a subdivision; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 268.06, subdivision 32.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 20, insert:

“Section 1. Minnesota Statutes 1982, 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 for more than seven weeks within the base period, ~~as heretofore defined, his or if a claimant, whose own serious illness caused a loss of credit weeks within the base period, received compensation due to the illness from some other source or under a law of this state other than chapter 176 or under a similar law of the United States for more than seven weeks within the base period, the claimant’s base period shall be lengthened by the same number of such weeks, but not to exceed 52 weeks, for which he the claimant received such the 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 5, line 6, strike “exclusively” and insert “primarily”

Page 15, line 7, strike “subsequent”

Page 17, line 23, delete “or back pay” and strike “have been” and insert “or back pay.”

Page 17, line 25, after “payment” insert a comma

Page 25, line 22, strike “made in the same manner”

Page 25, line 23, before “section” insert “provided by”

Page 28, after line 35, insert:

“Sec. 16. [268.061] [SURCHARGE; EMERGENCY INTEREST REPAYMENT FUND.]

Subdivision 1. [AMOUNT.] Each employer, except those making payments in lieu of contributions pursuant to section 268.06, subdivisions 25, 26, 27 and 28, shall pay an annual surcharge of 10 percent of contributions paid or due and payable for the calendar year of 1982 and for each calendar year thereafter. The commissioner shall notify employers of the contributions upon which the surcharge is based and the amount of surcharge payable no later than August 1, 1983, and August 1 for each taxable year thereafter. The surcharge for taxable year 1982 shall be paid no later than August 31, 1983, and by the 31st day of August each taxable year thereafter. Pay-

ments due under this subdivision are subject to the collection provisions of sections 268.16 and 268.161. The surcharges paid under this subdivision are not contributions for the purposes of section 268.06, subdivision 6. The commissioner may temporarily reduce the amount of surcharge imposed by this section when there are sufficient funds raised by the surcharge to make the interest payment required on federal funds advanced to the state under section 1202 of the Social Security Act.

Subd. 2. [EMERGENCY INTEREST REPAYMENT FUND, CREATION.] A special fund to be known as the emergency interest repayment fund is created in the state treasury. The special fund is separate and distinct from any fund or account created for any other purposes of sections 268.03 to 268.24. All collections from the surcharge shall be deposited in the special fund. The special fund shall be used only to pay interest accruing on funds advanced from the federal government pursuant to section 1202 of the Social Security Act. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for the other special funds in the state treasury, except that all interest resulting from the investment or deposit of these funds shall accrue to the emergency fund for the purposes of the fund.

Subd. 3. [REPORT TO LEGISLATURE.] On January 1, 1984, and on each January 1 thereafter the commissioner shall report to the legislature on the status of the outstanding funds advanced pursuant to section 1202 of the Social Security Act, including the interest charged on those funds. When all advanced funds and the interest charged on those funds have been repaid to the federal government, the commissioner shall recommend appropriate action by the legislature relating to the termination of the emergency interest repayment fund and the disposition of any money still in the fund."

Page 30, line 12, after "\$25" insert "or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid"

Page 30, after line 17, insert:

"Sec. 18. Minnesota Statutes 1982, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) No individual may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which ~~he received~~ benefits were received, ~~he the individual~~ performed service in insured work as defined in section 268.04, subdivision 17, and earned remuneration for ~~such~~ the service in an amount equal to not less than the minimum wage credits required to qualify for benefits.

(2) No employer who provided 90 percent or more of the wage credits in a claimant's base period shall be charged for benefits based upon earnings of ~~such~~ the claimant during a subsequent base period unless ~~he the employer~~ has employed ~~such~~ the claimant in any part of ~~such~~ the subsequent base period.

(3) Wages paid by an employing unit may not be used for benefit purposes by any individual who (a) individually or jointly with a spouse, parent or child owns or controls directly or indirectly 25 percent or more interest in the

employing unit; or (b) is the spouse, parent or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employing unit; and (c) is not permanently separated from employment.

This clause ~~shall be~~ *is* effective when the individual has been paid four times the individual's weekly benefit amount in the current benefit year.

(4) Wages paid by an employing unit may not be used for benefit purposes during a benefit year commencing after October 1, 1982, if the total amount of wage credits in the base period equal or exceed three times the average annual wage, as determined in subdivision 2, in the second year preceding the calendar year in which the individual's valid claim was established.

(5) (4) Wages paid in seasonal employment, as defined in subdivision 2a, are not available for benefit purposes during weeks in which there is no seasonal employment available with the employer."

Page 30, line 32, delete "~~shall~~" and insert "*is*" and delete "~~be~~"

Page 30, line 33, delete "~~he~~" and insert "*the individual*"

Page 30, line 34, delete "~~had earnings of~~" and insert "*earned*" and after "~~his~~" insert "*or her*"

Page 31, after line 3, insert:

"Sec. 20. Minnesota Statutes 1982, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that *the individual*:

(1) ~~He~~ has registered for work at and thereafter has continued to report to an employment office, or agent of ~~such the~~ office, in accordance with ~~such regulations as rules~~ the commissioner may ~~prescribe~~ *adopt*; except that the commissioner may by ~~regulation rule~~ *waive* or alter either or both of the requirements of this clause as to types of cases or situations with respect to which ~~he the commissioner~~ finds that compliance with ~~such the~~ requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) ~~He~~ has made a claim for benefits in accordance with ~~such regulations rules~~ as the commissioner may ~~prescribe~~ *adopt*; and

(3) ~~He~~ was able to work and was available for work, and was actively seeking work; ~~provided that~~. *The individual's weekly benefit amount shall be reduced one-fifth for each day such the individual is unable to work or is unavailable for work ; provided further that*. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual ~~shall be~~ *is* deemed unavailable for work with respect to any week which occurs in a period when ~~he the individual~~ is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in ~~his the~~ base period were for services performed during weeks in which ~~he the student~~ was attending

school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) ~~He~~ *he the individual* has been unemployed for a waiting period of one week during which ~~he~~ *the individual* is otherwise eligible for benefits under sections 268.03 to 268.24, ~~provided~~. However, payment for the waiting week shall be made to ~~such~~ *the individual* after ~~he~~ *the individual* has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of ~~such~~ *the individual's* return to employment. No individual ~~shall be~~ *is* required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which ~~such~~ *the* valid claim was filed.”

Page 32, line 17, delete “so”

Page 32, line 22, after “paid” insert “to”

Page 32, line 28, delete “employers” and insert “employer’s”

Page 32, after line 33, insert:

“Sec. 23. Minnesota Statutes 1982, section 268.08, subdivision 6, is amended to read:

Subd. 6. [SERVICES PERFORMED FOR STATE, MUNICIPALITIES OR CHARITABLE CORPORATION.] ~~Effective January 1, 1978~~ Benefits based on service in employment defined in section 268.04, subdivision 12, clauses (7), (8) and (9), ~~shall be~~ *are* payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that

(a) ~~With respect to weeks of unemployment after December 31, 1977,~~ Benefits based upon service performed in an instructional, research, or principal administrative capacity for an institution of higher education or a public school, or a nonpublic school or the Minnesota school for the deaf or Minnesota braille and sight saving school, or in a public or nonpublic school for an educational cooperative service unit established under section 123.58, or any other educational service agency as defined in section 3304 (a) (6) (A) (IV) of the federal unemployment tax act, shall not be paid for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual’s contract, to any individual if the individual performs the services in the first of the academic years or terms and if there is a contract or a reasonable assurance that the individual will perform services in any such capacity for any institution of higher education, public school, nonpublic school, state deaf and sight saving schools, an educational cooperative service unit, *or* other educational service agency, ~~or developmental achievement center~~ in the second of the academic years or terms, and

(b) With respect to service performed ~~after December 31, 1977~~ in any capacity, other than those capacities described in clause (a) of this subdivision, for *an institution of higher education, or a public school or nonpublic school, or the Minnesota school for the deaf or Minnesota braille and sight*

saving school, or in a public or nonpublic school or for an educational cooperative service unit established under section 123.58, or any other educational service agency as defined in section 3304 (a) (6) (A) (IV) of the federal unemployment tax act, benefits shall not be paid on the basis of these services to any individual for any week which commences during a period between two successive academic years or terms if the individual performs the services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform the services in the second of the academic years or terms. *If benefits are denied to any individual under this clause and the individual was not offered an opportunity to perform the services in the second of the academic years or term, the individual shall be entitled to a retroactive payment of benefits for each week in which the individual filed a timely claim for benefits, but the claim was denied solely because of this clause; and*

(c) With respect to ~~any~~ services described in ~~clause~~ clauses (a) or (b), benefits payable on the basis of the services shall not be paid to any individual for any week which commences during an established and customary vacation period or holiday recess if the individual performs the services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform the services in the period immediately following the vacation period or holiday recess.

Sec. 24. Minnesota Statutes 1982, section 268.08, is amended by adding a subdivision to read:

Subd. 9. [SERVICES FOR CERTAIN CONTRACTORS.] Benefits shall not be paid to an individual based on service for a contractor who contracts with an employer which is excepted from paying benefits under subdivision 6 if that individual would not have been eligible for benefits had he or she worked directly for the excepted employer in a like or similar position and the individual is notified in writing of the provisions of this subdivision during his or her period of employment during 1983 and thereafter prior to or at the time of commencement of the individual's employment."

Page 33, line 2, after "benefits" insert ". For separations under clauses (1) and (2), the disqualification shall continue"

Page 33, line 3, strike "he" and insert "the individual"

Page 33, line 10, after "employment" insert "or based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act in behalf of the individual"

Page 35, line 4, strike "and provided further that" and insert ". For a separation under this clause."

Page 35, line 9, strike "shall be" and insert "is"

Page 35, line 14, after the period, insert "For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected

with his work.”

Page 39, line 36, strike “such” and insert “an”

Page 40, line 2, strike “such” and insert “the”

Page 40, line 18, delete “he” and insert “the referee”

Page 40, line 19, strike “duly”

Page 40, line 20, strike “, together with” and after the stricken “its” insert “and”

Page 40, line 20, strike “therefor,” and insert “for it.”

Page 40, line 21, strike “which shall be” and insert “The referee’s decision is” and after “unless” insert “a”

Page 40, line 35, strike “regulation prescribe the” and insert “rule adopt a”

Page 40, line 36, strike “shall”

Page 41, line 3, strike “he” and insert “that person”

Page 41, line 4, strike “any”

Page 41, line 5, before “referee” insert “a”

Page 41, line 10, strike “his” and insert “an”

Page 41, line 12, strike the comma

Page 41, line 13, strike “such regulations as” and insert “rules”

Page 41, line 19, after “mailing” insert “or personal delivery”

Page 41, line 20, strike “his” and insert “the” and after “address” strike “or” and insert a comma

Page 41, line 21, strike “personal delivery thereof, any such” and insert “a” and after “from” strike “such” and insert “the”

Page 41, line 22, strike “thereof” and insert “of it” and strike “his”

Page 41, line 23, strike “duly” and insert “an” and strike “, and” and insert a period

Page 41, line 24, strike “his” and insert “the commissioner’s” and strike “any”

Page 41, line 25, strike “such” and insert “a” and strike “his duly”

Page 41, line 29, strike the first “such” and insert “the” and strike the second “such” and insert “the”

Page 41, line 31, strike “it” and insert “the referee”

Page 41, line 34, strike “his” and insert “authorized” and after “himself” insert “or herself”

Page 42, line 1, strike “so” and strike “his” and insert “authorized”

Page 42, line 10, strike “shall be” and insert “are” and strike “thereon”

Page 42, line 12, strike “regulations prescribed” and insert “rules

adopted”

Page 42, line 14, strike “such” and insert “the”

Page 42, line 34, strike the second “any” and insert “a” and strike “thereunder by”

Page 42, line 35, before “a” insert “before”

Page 42, line 35, strike “or his” and insert “commissioner’s”

Page 43, line 5, reinstate the stricken “but no” and the stricken “counsel shall either charge or receive for” and after the second stricken “such” insert “the”

Page 43, line 6, reinstate the stricken language

Page 55, line 29, after the first “by” insert “certified or registered”

Page 56, line 7, delete “deposits” and insert “deposit”

Page 58, line 8, strike “Said” and insert “The”

Page 58, line 11, strike “so”

Page 58, line 16, strike “shall appeal” and insert “appeals” and strike “such” and insert “the”

Page 58, line 17, strike “said” and insert “the”

Page 59, line 2, delete “shall” and after “have” insert “the same” and delete “all”

Page 59, line 3, delete “had” and insert “did”

Page 59, delete lines 8 to 13 and insert:

“Section 19 is effective retroactively to July 4, 1982. Section 18 is effective retroactively to October 1, 1982. Any wage credits disallowed for benefit purposes due to the operation of the stricken clause (4) shall be reinstated and eligibility for regular benefits shall be extended from October 1, 1982, until the claimant is reemployed or the final approval of this act whichever is earlier. Section 2 is effective retroactively to January 1, 1983. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 31, 34, 35, 38, 39, 40, 41, 42, 43, and 47 are effective the day following final enactment. Sections 1, 13, 28, 29, 30, 32, 33, 36, 37, 44, 45, and 46 are effective August 1, 1983.”

Renumber the sections in sequence

Correct all internal cross references

Amend the title as follows:

Page 1, line 3, after “law;” insert “imposing an annual surcharge on employers’ calendar year contributions for the purpose of repayment of interest charged on federal loans; creating the emergency interest repayment fund; adding a category to the extension of base period in the definition of base period;”

Page 1, line 9, after “subdivisions” insert “2,”

Page 1, line 12, after “268.07,” delete “subdivision” and insert “sub-

divisions” and after “2” insert “and 3”

Page 1, line 13, before “3” delete “subdivision” and insert “subdivisions 1,” and after “3,” insert “6,” and after “adding” delete “a subdivision” and insert “subdivisions”

Page 1, line 18, after “2;” insert “proposing new law coded in Minnesota Statutes, chapter 268;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

S.F. No. 889: A bill for an act relating to local government; clarifying powers of municipalities and redevelopment agencies with respect to acquisition, construction, leasing, selling, loan of funds, and issuance of revenue bonds for industrial development projects; amending Minnesota Statutes 1982, sections 474.03 and 474.06.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike “shall have”

Page 1, line 16, before “all” insert “has”

Page 2, line 28, strike “shall” and before “not” insert “may”

Page 3, line 10, strike “in such manner” and insert “so”

Page 3, line 11, strike “shall be” and insert “are” and strike the comma

Page 3, line 12, strike “, so as”

Page 3, line 14, strike “, and” and insert a period

Page 3, line 15, strike “shall” and insert “must”

Page 3, line 15, strike “shall be” and insert “is”

Page 3, line 19, strike “the” and insert “its”

Page 3, line 19, strike “thereof”

Page 4, line 5, strike “, provided that” and insert “. However,”

Page 4, line 7, strike “shall” and insert “does”

Page 4, line 19, delete “may” and strike “find” and insert “finds”

Page 5, line 4, strike “such” and strike “as may be”

Page 5, line 6, strike “; provided” and insert “. However”

Page 5, line 7, strike “shall” and insert “may”

Page 5, line 22, strike “such” in both places and insert “the” in both places

Page 5, line 22, strike “as”

Page 5, line 23, strike “may determine,” and insert “determines.”

- Page 5, line 24, strike "provided," and strike "that"
- Page 5, line 25, strike "shall ever" and insert "may"
- Page 5, line 25, strike "such" and insert "a"
- Page 5, line 25, strike "as to impair" and insert "*that impairs*"
- Page 5, line 36, strike "such" and insert "*the*"
- Page 5, line 36, strike "as may be"
- Page 6, line 18, strike "may be" and insert "is"
- Page 7, lines 4 and 10, delete the parenthesis and insert a comma
- Page 7, line 6, delete the parenthesis
- Page 7, line 11, delete the parenthesis and insert a period
- Page 7, line 12, strike "and"
- Page 7, line 12, strike "shall be" and insert "is"
- Page 7, line 12, strike "then"
- Page 7, line 13, strike "shall" and insert "*are*"
- Page 7, line 14, strike "be"
- Page 7, line 14, strike "in" and insert "*with*"
- Page 7, line 14, strike "of any" and insert "*to*"
- Page 7, line 15, strike ", and" and insert a period
- Page 7, line 15, strike "be" and insert "is"
- Page 7, line 15, strike "then" and insert a comma
- Page 7, line 16, strike "shall"
- Page 7, line 16, strike "in" and insert "*with*"
- Page 7, line 16, strike "of" and insert "*to*"
- Page 7, line 19, delete "*When*" and insert "*If*"
- Page 7, line 21, delete "*shall be*" and insert "is"
- Page 7, line 32, strike "shall" and insert "*must*"
- Page 7, line 35, strike "shall" and insert "is" and strike "be"
- Page 7, line 36, strike "any" and insert "*the*"
- Page 8, lines 1 and 3, strike "such" and insert "*the*"
- Page 8, line 3, strike ", as may be"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 722: A bill for an act relating to commerce; securities and real

estate; modifying the definitions of "investment adviser" and "franchise"; clarifying the definition of "trust account"; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; modifying real estate education requirements; providing for the suspension of a broker's or salesperson's license pending a hearing; continuing the existence of the real estate advisory council; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; repealing the corporate takeover act; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, and by adding a subdivision; 80C.01, subdivision 4; 82.17, subdivisions 4 and 6; 82.18; 82.22, subdivisions 6, 8, and 10; 82.27, subdivision 3; 82.30; 82.34, subdivision 7; 309.515, subdivision 1; repealing Minnesota Statutes 1982, sections 80B.01 to 80B.13; and 82.22, subdivisions 7 and 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 1982, section 80A.02, is amended to read:

80A.02 [~~ADVISORY~~ PROHIBITED ACTIVITIES.]

Subdivision 1. [ADVISORY ACTIVITIES.] It is unlawful for any person who receives, *directly or indirectly*, any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, ~~whether through the issuance of analyses or reports or otherwise~~:

(a) to employ any device, scheme, or artifice to defraud the other person; ~~or~~

(b) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person; *or*

(c) *to knowingly sell any security to or purchase any security from a client while acting as principal for his or her own account or knowingly effect any sale or purchase of any security for the account of a client while acting as broker for a person other than the client, unless that person discloses to the client in writing before the execution of the transaction the capacity in which he or she is acting and obtains the consent of the client to the transaction.*

Subd. 1a. [SOLICITATION ACTIVITIES.] In the solicitation of advisory clients, it is unlawful for any person to make any untrue statements of material facts, or, in light of the circumstances under which they are made, to omit to state material facts necessary in order to make the statements made not misleading.

Subd. 2. [CONTRACT ACTIVITIES.] It is unlawful for any investment adviser to enter into, extend, or renew any investment advisory contract the terms of which are in contravention of ~~such rules and regulations~~ as the commissioner ~~may prescribe~~ *prescribes* as necessary or appropriate in the

public interest or for the protection of investors.

Subd. 3. [ACTIVITIES AS CUSTODIAN OF CERTAIN FUNDS.] It is unlawful for any investment adviser to take or have custody of any securities or funds of any client in contravention of ~~such rules and regulations as the commissioner may prescribe~~ *prescribes* as necessary or appropriate in the public interest or for the protection of investors.

Sec. 2. Minnesota Statutes 1982, section 80A.04, subdivision 2, is amended to read:

Subd. 2. It is unlawful for any broker-dealer or issuer to employ an agent to represent him *or her* in this state unless the agent is licensed. The licensing of an agent is not effective during any period when he *or she* is not associated with a specified broker-dealer licensed under this chapter or a specified issuer. No agent shall at any time represent more than one broker-dealer or issuer, except that where broker-dealers affiliated by direct common control are licensed under this chapter, an agent may represent ~~any such~~ *the* broker-dealer. When an agent begins or terminates his *or her* employment with a broker-dealer or issuer, or begins or terminates those activities which make ~~him~~ *that person* an agent, the agent as well as the broker-dealer or issuer shall promptly notify the commissioner *or his or her designated representative*.

Sec. 3. Minnesota Statutes 1982, section 80A.04, subdivision 3, is amended to read:

Subd. 3. It is unlawful for any person to transact business in this state as an investment adviser unless ~~he~~ *that person* is so licensed or licensed as a broker-dealer under this chapter or unless his *or her* only clients in this state are ~~persons to whom sales are exempted under section 80A.15, subdivision 2, clause (g) investment companies as defined in the Investment Company Act of 1940, other investment advisers, broker-dealers, banks, trust companies, savings and loan associations, insurance companies, employee benefit plans, corporations with a class of equity securities registered under section 12(g) of the Securities Exchange Act of 1934, small business investment companies, and government agencies or instrumentalities, whether acting for themselves or as trustees with investment control, or other institutional investors designated by rule or order of the commissioner.~~

Sec. 4. Minnesota Statutes 1982, section 80A.07, subdivision 1, is amended to read:

Subdivision 1. The commissioner may by order deny, suspend, or revoke any license or may censure the licensee, if he *or she* finds (a) that the order is in the public interest and (b) that the applicant or licensee or, in the case of a broker-dealer or investment adviser, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser:

(1) has filed an application for license which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) has willfully violated or failed to comply with any provision of this chapter or a predecessor law or *any provision* of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, *the Commodity Exchange Act*, or any rule under any of these statutes, or any order thereunder of which he *or she* has notice and to which he *or she* is subject;

(3) has been convicted, within the past ten years, of any misdemeanor involving a security or any aspect of the securities business, or any felony;

(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) is the subject of an order of the commissioner denying, suspending, or revoking a license as a broker-dealer, agent or investment adviser;

(6) is the subject of an order entered within the past five years by the securities administrator of any other state or by the securities and exchange commission denying or revoking registration or license as a broker-dealer, agent, or investment adviser, or is the subject of an order of the securities and exchange commission suspending or expelling ~~him~~ *that person* from a national securities exchange or association registered under the Securities Exchange Act of 1934, or is the subject of a United States post office fraud order; ~~but~~. The commissioner may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and may not enter an order under this clause on the basis of an order under another state law unless the order was based on facts which would currently constitute a ground for an order under this section;

(7) has engaged in dishonest or fraudulent practices in the securities business;

(8) has failed to maintain the minimum net capital or to comply with the limitation on aggregate indebtedness which the commissioner by rule prescribes;

(9) is not qualified on the basis of such factors as training, experience, and knowledge of the securities business;

(10) has failed reasonably to supervise ~~his agents if he is a broker-dealer, investment adviser representatives, or his employees if he is an investment adviser~~ *to assure their compliance with this chapter*;

(11) has failed to pay the proper filing fee, but the commissioner shall vacate the order when the deficiency has been corrected;

(12) has offered or sold securities in this state through any unlicensed agent;

(13) has made any material misrepresentation to the commissioner, or upon request reasonably made by the commissioner, has withheld or concealed information from, or refused to furnish information to, the commissioner; or

(14) has failed to reasonably supervise the agents of a ~~broker-dealer, investment adviser representatives, or the employees of an investment adviser~~ if he *or she* has assumed or has been designated to carry out the supervisory

procedures of the broker-dealer or investment adviser.

Sec. 5. Minnesota Statutes 1982, section 80A.07, is amended by adding a subdivision to read:

Subd. 1a. [INVESTMENT ADVISER REPRESENTATIVES.] The commissioner, by order, shall censure or place limitations on the activities of any investment adviser representative or person seeking to become an investment adviser representative, or suspend or bar any person from being an investment adviser representative, if the commissioner finds, after notice and opportunity for hearing, that the censure, placing of limitations, suspension, or bar is in the public interest and that the person has committed or omitted any act or omission enumerated in subdivision 1. It is unlawful for any person as to whom an order suspending or barring him from being an investment adviser representative is in effect willfully to become, or to be, associated with an investment adviser without the consent of the commissioner, and it is unlawful for any investment adviser to permit this person to become, or remain, an investment adviser representative without the consent of the commissioner, if the investment adviser knew, or in the exercise of reasonable care, should have known of the order.

Sec. 6. Minnesota Statutes 1982, section 80A.07, subdivision 3, is amended to read:

Subd. 3. The commissioner may issue an order requiring a licensee or an applicant for a license to show cause why the license should not be revoked or the application denied. The order ~~shall~~ must be calculated to give reasonable notice of the time and place for hearing thereon, and ~~shall~~ must state the reasons for the entry of the order. The commissioner may by order summarily suspend a license, or in the case of an investment adviser representative or person seeking to become an investment adviser representative, summarily suspend or ban that person from acting in that capacity, pending final determination of any order to show cause. If a license is suspended pending final determination of an order to show cause, a hearing on the merits ~~shall~~ must be held within 30 days of the issuance of the order of suspension. All hearings ~~shall~~ must be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order making ~~such~~ a disposition of the matter as the facts require. If the licensee or applicant fails to appear at a hearing of which he or she has been duly notified, ~~such~~ the person shall be deemed in default and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted pursuant to this subdivision.

Sec. 7. Minnesota Statutes 1982, section 80A.09, subdivision 1, is amended to read:

Subdivision 1. The following securities may be registered by notification:

(a) any industrial revenue bond, the interest on which is exempt from tax under ~~section 290.08, subdivision 7~~ chapter 290; and

(b) any securities issued by a person organized exclusively for social, religious, educational, benevolent, fraternal, charitable, reformatory, athletic, chamber of commerce, trade, industrial development, or professional

association purposes and not for pecuniary gain, and no part of the net earnings of which inures to the benefit of any private stockholder or individual; provided that no securities issued by any person offering and furnishing a burial service or funeral benefit, directly or indirectly for financial consideration, may be registered under this section.

Sec. 8. Minnesota Statutes 1982, section 80A.14, subdivision 8, is amended to read:

Subd. 8. [INDUSTRIAL REVENUE BOND.] "Industrial revenue bond" means any obligation issued by a governmental unit (including the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing), other than a general obligation of a governmental unit having power to tax property or of an agency of the state of Minnesota, (1) which is issued as part of an issue, all or a major portion of the proceeds of which are to be used directly or indirectly in any trade or business carried on by any person who is not an exempt person, and (2) the payment of the principal or interest on which (under the terms of ~~such~~ *the* obligation or any underlying arrangement) is, in whole or in major part, (i) secured by any interest in property used or to be used in a trade or business or in payment in respect of ~~such~~ *this* property, or (ii) to be derived from payments in respect of property or borrowed money, used or to be used in a trade or business. For purposes of the preceding sentence, an exempt person is ~~a one of the following governmental unit units or an organization described in Minnesota Statutes 1971, Section 290.05, Subdivision 1, Clauses (h) and (i)~~ *one of the following governmental unit or organization which the commissioner may by rule or order designate:*

(1) corporations operating or conducting public burying grounds, public schoolhouses, public hospitals, academies, colleges, universities, seminaries of learning, churches, houses of worship, and institutions of purely public charity, no part of the net income of which inures to the benefit of any private member, stockholder, or individual; or

(2) any corporation, fund, foundation, trust, or association organized for exclusively scientific, literary, religious, charitable, educational, or artistic purposes, or for the purpose of making contributions to or for the use of the United States of America, the state of Minnesota, or any of its political subdivisions for exclusively public purposes, or for any combination of the above enumerated purposes, if no part of the net income of the corporation, fund, foundation, trust, or association inures to the benefit of any private member, stockholder, or individual.

Sec. 9. Minnesota Statutes 1982, section 80A.14, subdivision 9, is amended to read:

Subd. 9. [INVESTMENT ADVISER.] "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications ~~or~~ *writings or electronic means*, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include:

(1) a bank, savings institution, or trust company;

(2) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession;

(3) a broker-dealer whose performance of these services is solely incidental to the conduct of his *or her* business as a broker-dealer and who receives no special compensation for them;

(4) a publisher of any *bona fide* newspaper, news column, newsletter, news magazine, or business or financial publication of ~~general, regular and paid circulation~~; *or service, whether communicated in hard copy form, or by electronic means, or otherwise, that does not consist of the rendering of advice on the basis of the specific investment situation of each client; or*

(5) a person whose ~~advice, analyses or reports relate only to securities exempted by section 80A.15, subdivision 1, clause (a);~~

(6) a person whose ~~only clients in this state are other investment advisers or persons to whom sales are exempted under section 80A.15, subdivision 2, clause (g); or~~

(7) ~~such~~ other persons not within the intent of this subdivision as the commissioner may by rule or order designate.

Sec. 10. Minnesota Statutes 1982, section 80A.14, subdivision 12, is amended to read:

Subd. 12. [INVESTMENT METAL CONTRACT.] "Investment metal contract" or "investment gem contract" means:

(i) a sale of an investment metal or investment gem in which the seller or an affiliate of the seller retains possession of the investment metal or investment gem; or

(ii) a contract of purchase or sale which provides for the future delivery of an investment metal or investment gem, or any option to purchase or option to sell such a contract; or

(iii) a sale of an investment metal or investment gem pursuant to a contract known to the trade as a margin account, margin contract, leverage account, or leverage contract.

"Investment metal contract" or "investment gem contract" ~~shall~~ *does* not include:

(i) the sale of an investment metal or investment gem ~~where~~ *if* the seller has reasonable grounds to believe that the investment metal or investment gem is being acquired for manufacturing, commercial, or industrial purposes; or

(ii) the sale, or contract for the future purchase or sale, of jewelry, art objects or other manufactured or crafted goods other than bullion, or bulk sales of coins; or

(iii) the sale of an investment metal or investment gem ~~where~~ *if* full payment is made to the seller and delivery *of the investment metal or investment gem* is made to the purchaser *or to a bank, savings institution, trust company, broker-dealer, or safe deposit company designated by the purchaser,* within 20 days of the date of purchase ~~provided that a purchaser may designate a~~ *if the bank, savings institution, trust company, or licensed broker-dealer, or safe deposit company is located within this state, to accept delivery*

on his behalf if the bank, savings institution, trust company or licensed broker-dealer maintains the investment metal or investment gem in safe keeping and as the specifically identifiable property of the purchaser and is, if required, licensed under the laws of this state; but a safe deposit company accepting the delivery may not be an affiliate of the seller; or

(iv) any futures contracts traded on a commodities exchange registered under the Federal Commodity Futures Trading Commission Act of 1974.

Sec. 11. Minnesota Statutes 1982, section 80A.14, is amended by adding a subdivision to read:

Subd. 9a. [INVESTMENT ADVISER REPRESENTATIVE.] "Investment adviser representative" means any partner, officer, or director of an investment adviser, or any person performing similar functions, or any person, directly or indirectly, controlling or controlled by an investment adviser, including any employee of an investment adviser who provides investment advice to clients.

Sec. 12. Minnesota Statutes 1982, section 82.17, subdivision 4, is amended to read:

Subd. 4. "Real estate broker" or "broker" means any person who:

(a) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys or rents, manages, or offers or attempts to negotiate a sale, option, exchange, purchase or rental of an interest or estate in real estate, or advertises or holds himself, *herself*, or itself out as engaged in ~~such~~ *these* activities;

(b) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly negotiates or offers or attempts to negotiate a loan, secured or to be secured by a mortgage or other encumbrance on real estate;

(c) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase or rental of any business opportunity or business, or its goodwill, inventory, or fixtures, or any interest therein;

(d) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly offers, sells or attempts to negotiate the sale of property that is subject to the registration requirements of chapter 83, concerning subdivided land;

(e) engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he *or she* undertakes to promote the sale of real estate through its listing in a publication issued primarily for ~~such~~ *this* purpose;

(f) engages wholly or in part in the business of selling real estate to the extent that a pattern of real estate sales is established, whether or not ~~such~~ *the* real estate is owned by ~~such~~ *the* person. A person shall be presumed to be engaged in the business of selling real estate if ~~such~~ *the* person engages as principal in five *or more* transactions during any 12-month period, *unless*

the person is represented by a licensed real estate broker or salesperson.

Sec. 13. Minnesota Statutes 1982, section 82.17, subdivision 6, is amended to read:

Subd. 6. "Trust account" means, *for purposes of this chapter*, a demand deposit or checking account maintained for the purpose of segregating trust funds from other funds. A trust account shall not be an interest bearing account except by agreement of the parties and subject to ~~regulations~~ *rules* of the commissioner, *and shall not allow the financial institution a right of set off against moneys owed it by the licensee.*

Sec. 14. Minnesota Statutes 1982, 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~~ *the* 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~~ *that person* is engaged in the specific performance of his *or her* 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~~ *if* 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~~ *these* 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, pursuant to the continuing care facility disclosure and rehabilitation act (chapter 80D), when acting solely as incident to the contract;

(m) any broker-dealer or agent of a broker-dealer when participating in a transaction in which all or part of a business opportunity or business, including any interest therein, is conveyed or acquired pursuant to an asset purchase, merger, exchange of securities or other business combination, if the agent or broker-dealer is licensed pursuant to chapter 80A.

Sec. 15. Minnesota Statutes 1982, section 82.27, subdivision 3, is amended to read:

Subd. 3. The commissioner shall issue an order requiring a licensee or applicant for a license to show cause why the license should not be revoked or suspended, or the licensee censured, or the application denied. The order ~~shall~~ *must* be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. *The commissioner may by order summarily suspend a license pending final determination of any order to show cause. If a licensee is suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the order of suspension.* All hearings ~~shall~~ *must* be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order ~~making such disposition~~ *disposing* of the matter as the facts require. If the licensee or applicant fails to appear at a hearing of which he has been duly notified, ~~such person~~ *he* shall be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Sec. 16. Minnesota Statutes 1982, 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 327.55, subdivision 1a, and which cause of action occurred on or after July 1, 1973, the aggrieved person may, upon ~~the final 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 the~~ *such* transaction, ~~but~~ *excluding any attorney's fees,* interest on the loss and on any judgment obtained as a result of ~~such the~~ *such* loss, up to the sum of \$20,000 of the amount unpaid upon the judgment, ~~provided that~~ *However,* 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 the~~ *such* transaction. A copy of the verified application ~~shall~~ *must* be served upon the commissioner and upon the judgment debtor, and a certificate or affidavit of ~~such~~ *such* service filed with the court. *For the purpose of this section "aggrieved person" does not*

include a real estate licensee seeking to recover a commission.

Sec. 17. Minnesota Statutes 1982, section 309.515, subdivision 1, is amended to read:

Subdivision 1. Subject to the provisions of subdivisions 2 and 3, sections 309.52 and 309.53 ~~shall do~~ not apply to any of the following:

(a) Charitable organizations:

(1) which did not receive total contributions in excess of \$10,000 from the public within or without this state during the accounting year last ended, and

(2) which do not plan to receive total contributions in excess of such amount from the public within or without this state during any accounting year, and

(3) whose functions and activities, including fund raising, are performed wholly by persons who are unpaid for their services, and

(4) none of whose assets or income inure to the benefit of or are paid to any officer.

For purposes of this chapter, a charitable organization shall be deemed to receive in addition to ~~such~~ contributions as are solicited from the public by it, ~~such the~~ contributions as are solicited from the public by any other person and transferred to it. Any organization constituted for a charitable purpose receiving an allocation from a community chest, united fund or similar organization shall be deemed to have solicited that allocation from the public.

(b) A religious society or organization ~~which received more than half of the contributions it received in the accounting year last ended (1) from persons who are members of the organization; or (2) from a parent organization or affiliated organization; or (3) from a combination of the sources listed in clauses (1) and (2). A religious society or organization which solicits from its religious affiliates who are qualified under this subdivision and who are represented in a body or convention is exempt from the requirements of sections 309.52 and 309.53. The term "member" shall not include those persons who are granted a membership upon making a contribution as a result of a solicitation.~~

(c) Any educational institution ~~which is~~ under the general supervision of the state board of education, the state university board, the state board for community colleges, or the university of Minnesota or any educational institution ~~which is~~ accredited by the university of Minnesota or the North Central association of colleges and secondary schools, or by any other national or regional accrediting association.

(d) A fraternal, patriotic, social, educational, alumni, professional, trade or learned society which limits solicitation of contributions to persons who have a right to vote as a member. The term "member" ~~shall does~~ not include those persons who are granted a membership upon making a contribution as the result of a solicitation.

(e) A charitable organization soliciting contributions for any person specified by name at the time of the solicitation if all of the contributions received are transferred to the person named with no restrictions on his expenditure of it and with no deductions whatsoever.

(f) A private foundation, as defined in section 509(a) of the Internal Revenue Code of 1954, which did not solicit contributions from more than 100 persons during the accounting year last ended.”

Delete the title and insert:

“A bill for an act relating to commerce; securities and real estate; modifying the definition of “investment adviser”; clarifying the definition of “trust account”; modifying the definition of “investment metal contract”; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; providing for the suspension of a broker’s or salesperson’s license pending a hearing; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, 12, and by adding a subdivision; 82.17, subdivisions 4 and 6; 82.18; 82.27, subdivision 3; 82.34, subdivision 7; 309.515, subdivision 1.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 716: A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1982, section 486.06; proposing new law coded in Minnesota Statutes, chapter 486.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, strike “his” and delete “*or her*” and insert “*a*”

Page 1, lines 13 and 14, strike “thereof” and insert “*of it*”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 53: 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 1982, section 609.48, subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 358.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete “*or permitted*”

Page 1, line 23, after the comma, insert “*or to any instrument to be recorded in the office of the county recorder or to be filed in the office of the*”

registrar of titles.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 666: A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, strike “therefor”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 706: A bill for an act relating to retirement; public employees retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, 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, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 597: A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.29.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 277: A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter’s relief association.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 396: A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving

spouses.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 638: A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 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. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 573: A bill for an act relating to retirement; Brooklyn Park volunteer firefighters relief association; repealing Laws 1975, chapter 237, as amended.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 430: A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy firefighters.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 436: A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 833: A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 272: A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "*section 1.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 659: A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after the period, insert "*The amount and manner of payment shall be governed by the provisions of Laws 1982, chapter 578, article II, section 2, subdivisions 1 to 3, as amended.*"

Page 1, line 19, after "*fund*" insert "*as a portion of the employee payment*"

Page 1, line 19, delete everything after the period

Page 1, delete lines 20 to 25

Page 2, delete line 1

Page 2, line 2, delete "*fire fund.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 767: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of joint legislative agencies or commissions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "1." insert "[352D.11]"

Page 1, line 14, after "of" insert "*the senate, the house of representatives, or of*"

Page 1, line 16, after "of" insert "*the senate, the house of representa-*

tives, or of'

Page 2, line 12, after "*established*" insert "*for current or former employees*"

Page 2, line 12, after "*appropriate*" insert "*employer:*

(1) *by the committee on rules and administration of the senate;*

(2) *by the committee on rules and legislative administration of the house of representatives; or*

(3) *by the*"

Page 2, line 24, delete everything after "*the*"

Page 2, line 25, delete "*commission employing*" and insert "*current employer of*"

Page 2, line 26, after "*appropriation*" insert "*made to the respective legislative expense funds or the appropriation*"

Page 2, delete subdivision 5

Amend the title as follows:

Page 1, line 4, after "*of*" insert "*the legislature or*"

Page 1, line 5, after "*commissions*" insert "*; proposing new law coded in Minnesota Statutes, chapter 352D*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 827: A bill for an act relating to retirement; public employees retirement association; optional annuity election for disabled member.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 353.33, subdivision 3a, is amended 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. 2. Minnesota Statutes 1982, section 353.656, subdivision 1a, is amended 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. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment and applies retroactively to May 1, 1981."

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon and insert "removing a waiting period prior to the effect of an optional annuity for disabilitants; amending Minnesota Statutes 1982, sections 353.33, subdivision 3a; and 353.656, subdivision 1a."

Page 1, delete line 4

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 112: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 33, delete "*December 1, 1983, and*"

Page 2, line 34, delete "*adjustments*" and insert "*adjustment*"

Page 3, line 7, after the dollar sign, insert "*10,750,000*"

Page 3, line 12, after "*fund*" insert "*\$1,904,736*" "*\$1,963,075*"

Page 3, line 13, after "*fund*" insert "*\$76,016*" "*\$80,767*"

Page 3, line 14, after "*fund*" insert "*\$1,545,520*" "*\$1,633,904*"

Page 3, line 15, after "*fund*" insert "*\$59,008*" "*\$62,067*"

Page 3, line 16, after "*fund*" insert "*\$1,352,128*" "*\$1,393,541*"

Page 3, line 17, after "*fund*" insert "*\$308,688*" "*\$323,068*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 900: A bill for an act relating to retirement; teachers; definitions, coordination with social security benefits, and various administrative

changes; amending Minnesota Statutes 1982, sections 354.05, subdivisions 2 and 35; 354.44, subdivision 5; 354.52, subdivision 4; and 354.63, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 14, delete the new language and insert “. *Severance payments includes, but is not limited*”

Page 5, line 12, after the period, insert “*This section is applicable for persons who retired effective July 1, 1982 or later.*”

Page 5, after line 17, insert:

“Sec. 6. Laws 1982, Third Special Session chapter 1, article II, section 7, is amended to read:

[356.62] [PAYMENT OF EMPLOYEE CONTRIBUTION.]

For purposes of any public pension plan, as defined in section ~~356.60, subdivision 1, clause (a)~~ 356.61, each employer shall pick up the employee contributions required pursuant to law or the pension plan for all salary payable after December 31, 1982. If the United States Treasury department or a federal court rules that pursuant to section 414(h) of the Internal Revenue Code of 1954, as amended, that these picked up contributions, are not includable in the employee's adjusted gross income until they are distributed or made available, then these picked up contributions shall be treated as employer contributions in determining tax treatment pursuant to the Internal Revenue Code of 1954, as amended, and the employer shall discontinue withholding federal income taxes on the amount of these contributions. The employer shall pay these picked up contributions from the same source of funds as is used to pay the salary of the employee. The employer shall pick up these employee contributions by a reduction in the cash salary of the employee.

Employee contributions that are picked up shall be treated for all purposes of the public pension plan in the same manner and to the same extent as employee contributions that were made prior to the date on which the employee contributions pick up began. *The amount of the employee contributions that are picked up shall be included in the salary upon which retirement coverage is credited and retirement and survivor's benefits are determined.* For purposes of this section, “employee” means any person covered by a public pension plan. For purposes of this section, “employee contributions” include any sums deducted from the employee's salary or wages or otherwise paid in lieu thereof, regardless of whether they are denominated contributions by the public pension plan.

For any calendar year in which withholding has been reduced pursuant to this section, the ~~association or agency administering the plan~~ *employing unit* shall supply each employee and the commissioner of revenue with an information return indicating the amount of the employer's picked-up contributions for the calendar year that were not subject to withholding. This return shall be provided to the employee not later than January 31 of the succeeding calendar year. The commissioner of revenue shall prescribe the form of the return and the provisions of sections 290.41 and 290.42 shall apply to

the extent not inconsistent with the provisions of this section.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after “2” insert “; and Laws 1982, Third Special Session chapter 1, article II, section 7”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 294: A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; amending Minnesota Statutes 1982, section 423A.01, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 16, after the period, insert “*Recipient beneficiaries who are competent to act on their own behalf shall be entitled to select the prescribed number of trustees of the trust fund as provided in this clause, subject to the approval of the governing body of the municipality.*”

Page 4, after line 16, insert:

“Sec. 2. Minnesota Statutes 1982, section 423A.01, subdivision 4, is amended to read:

Subd. 4. [AUTOMATIC POST RETIREMENT ADJUSTMENTS FOR CERTAIN NEWLY EMPLOYED, ACTIVE AND RETIRED MEMBERS.] (1) Notwithstanding any provision of law, municipal charter, municipal ordinance or resolution, or relief association articles of incorporation or bylaws to the contrary, any person who meets one of the following requirements for entitlement shall be entitled to an annual automatic post retirement adjustment in the amount of the service pension calculated pursuant to clause (2). A person meets the requirements for entitlement if:

(a) the person is a member of a covered local police or salaried firefighters’ relief association enumerated in clause (3) ~~unless the municipality has adopted a municipal resolution retaining the local relief association pursuant to subdivision 4; if applicable,~~ commences receiving a service pension at an age no earlier than attaining the age of 55 years, and has met all applicable requirements for entitlement to a service pension specified in the applicable laws and relief association articles of incorporation or bylaws governing the local relief association;

(b) the person is a retired member of a covered local police or salaried firefighters’ relief association enumerated in clause (3) ~~unless the municipality has adopted a municipal resolution retaining the local relief association pursuant to subdivision 4; if applicable,~~ retired on a service pension after June 15, 1980 and after attaining the age of at least 50 years but prior to attaining the age of 55 years, and attains the age of 55 years subsequent to

retirement; or

(c) the person was a retired member on June 15, 1980 of a covered local police or salaried firefighters' relief association or retirement trust fund enumerated in clause (3), ~~unless the municipality has adopted a municipal resolution retaining the local relief association pursuant to subdivision 1, if applicable, on June 15, 1980;~~ is receiving a service pension, and has attained the age of at least 55 years.

(2) Any person who meets the requirements specified in clause (1)(a) or (1)(b) shall be entitled to receive the annual automatic post retirement adjustment on the January 1 next following the date upon which the requirements for entitlement are met but in no event prior to the date upon which the person attains the age of 55 years. Any person who meets the requirements specified in clause (1)(c) shall be entitled to receive the ~~annual automatic post retirement~~ adjustment on the January 1 next following ~~the effective date of the approval of the benefit modification by the municipality as provided for in clause (3) or~~ the date upon which the person attains the age of 55 years; ~~whichever occurs later.~~ The amount of the ~~annual automatic post retirement~~ adjustment shall be determined by the board of trustees of the local relief association on or before December 1 annually and the ~~annual automatic post retirement~~ adjustment shall accrue each year as of January 1 next following the determination date. The ~~annual automatic post retirement~~ adjustment shall be first payable with the service pension payment made for January. Each ~~annual automatic post retirement~~ adjustment in the amount of the service pension shall be ~~equal to the dollar amount determined by applying based on the percentage by which the salary payable by the municipality to a top grade patrol officer or a top grade firefighter, whichever is applicable, has increased~~ *increase in the salary upon which retirement coverage is credited during the prior year* subject to the limitation provided for in this clause.

The percentage increase in the salary shall be applied to the amount of service pension payable to the person for the month immediately prior to the month in which the determination is made. The maximum percentage increase shall not exceed 3-1/2 percent in any year and any increase in the salary level of the applicable position used to govern the determination of ~~annual automatic post retirement~~ adjustments in excess of 3-1/2 percent in any year shall not carry over to or be used to calculate the rate of salary increase for any succeeding year in which the increase in the salary of the applicable position does not exceed 3-1/2 percent.

(3) The provisions of this subdivision shall apply to the active members and retired members of a local police or salaried firefighters' relief association or to the retired members of a retirement trust fund contained in the following enumeration of covered relief associations if the governing body of the applicable municipality approves the modification in the benefit plan of the relief association specified in this subdivision following consideration of an actuarial valuation which is, or actuarial estimate based on the most recent actuarial valuation which was, prepared in accordance with sections 356.215 and 356.216, based on the benefit plan of the applicable local relief association or retirement trust fund including the modification provided for in this subdivision; does not adopt a municipal resolution retaining the local relief association pursuant to subdivision 1, and files a resolution indicating approval of the modification in the benefit plan with the secretary of state, the commissioner of insurance and the executive secretary of the legislative commission on pensions and retirement on or before the first day of the tenth month following June 15, 1980:

- (a) Buhl police relief association;
- ~~(b) Crookston firefighters relief association;~~
- ~~(c) Crookston police relief association;~~
- ~~(d)~~ (b) Eveleth joint retired police and firefighters retirement trust fund;
- ~~(e)~~ (c) Moorhead firefighters relief association;
- ~~(f)~~ (d) Moorhead police relief association;
- ~~(g)~~ (e) Thief River Falls police retirement trust fund;
- ~~(h)~~ (f) Virginia firefighters relief association;
- ~~(i)~~ (g) West St. Paul police relief association.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "updating obsolete language; clarifying ambiguous language;"

Page 1, line 6, delete "subdivision 2" and insert "subdivisions 2 and 4"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 437: A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 7, after "~~reached~~" reinstate the stricken language

Page 2, reinstate line 8

Page 2, line 9, reinstate the stricken "firefighters"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 660: A bill for an act relating to retirement; public plans generally; providing that moneys of public pension plans are for the exclusive benefit of eligible employees and their beneficiaries; proposing new law coded in Minnesota Statutes, chapter 356.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, before line 9, insert:

“Section 1. Minnesota Statutes 1982, section 354A.021, is amended by adding a subdivision to read:

Subd. 6. [TRUSTEES’ FIDUCIARY OBLIGATION.] It is the duty of the trustees or directors of each teachers’ retirement fund association to administer each fund in accordance with the applicable portions of this chapter, of the articles of incorporation, and of the bylaws. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it, and the teachers who are its beneficiaries. The purpose of this subdivision is to establish each teachers’ retirement fund association as a trust under the laws of the state of Minnesota for all purposes related to section 401(a) of the Internal Revenue Code of the United States, including all amendments thereof and all substitutes therefor.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert “providing for the fiduciary obligation of trustees;”

Page 1, line 5, after the semicolon, insert “amending Minnesota Statutes 1982, section 354A.021, by adding a subdivision;”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 147: A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, sections 352.04, subdivisions 2 and 3; and 352.92, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete sections 1 and 2

Page 2, lines 7 and 18, delete “January 18, 1983” and insert “the day following final enactment”

Page 2, line 10, delete “4.28” and insert “4.4”

Page 2, line 24, delete “1.34” and insert “1.3”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete “sections” and insert “section”

Page 1, line 5, delete everything before “352.92”

And when so amended the bill do pass and be placed on the Consent

Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 936: A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 5; and Minnesota Statutes 1982, section 423A.01, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, delete *“have retired or who will”*

Pages 7 to 10, delete section 12

Renumber the remaining section

Amend the title as follows:

Page 1, line 11, delete everything after “5” and insert a period

Page 1, delete line 12

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 310: A bill for an act relating to retirement; establishing a uniform defined contribution public employee retirement plan; proposing new law coded as Minnesota Statutes, chapter 356A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 11, after *“chapter 353”* insert *“, excluding the public employees police and fire fund established and governed by sections 353.63 to 353.68”*

Page 3, line 30, after the period, insert *“In addition, any person so employed on or prior to the effective date of this act may elect to become a member of the plan by filing with the chief administrative officer of the appropriate plan or fund after January 1, 1984, but prior to July 1, 1984, a notice of intent to do so. Upon filing of a notice, the chief administrative officer shall establish an individual account for the employee and shall credit to the account all employee and employer contributions previously credited to the employee, excluding additional employer contributions. Any person who becomes employed after the effective date of this act who by virtue of that employment becomes a member of one of the retirement funds listed in section 4 and would otherwise be covered by the plan, may elect not to be covered by filing a notice with the chief administrative officer of the appro-*

priate plan or fund. Upon filing the notice, the employee shall remain a member of the retirement fund and not covered by the plan."

Page 6, line 34, delete "6" and insert "7"

Page 7, line 1, delete "9" and insert "10"

Page 7, line 11, after "service" insert "with 18 months or more of service credit,"

Page 7, line 14, after the period, insert "A member terminating active service with less than 24 months of service shall be entitled only to that portion of the individual member's account representing picked-up employee contributions. The balance of the individual member's account shall be paid into the general fund."

Page 7, line 21, delete "6" and insert "7"

Page 8, line 7, delete "9" and insert "10"

Page 8, line 12, delete everything after "law"

Page 8, line 13, delete everything before the comma

Page 8, delete lines 18 to 35

Page 8, line 36, delete "3" and insert "2"

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. 786: A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Statutes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, subdivision 1.

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

S.F. No. 948: A bill for an act relating to metropolitan government; providing for the term of the chairman of the metropolitan airports commission; amending Minnesota Statutes 1982, section 473.604, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 8, delete ". The chairman may be"

Page 3, line 9, delete "removed at the pleasure of the governor"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-

ferred

S.F. No. 855: A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 168.012, subdivision 1.

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

S.F. No. 1083: A bill for an act relating to transportation; authorizing placement of vending machines in highway rest areas, tourist information centers, and weigh stations; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; and 160.28.

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. 1104: A bill for an act relating to motor vehicles; clarifying requirements for issuance of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 21: A bill for an act relating to health; allowing any interested person to seek enforcement of certain patient rights; amending Minnesota Statutes 1982, section 144.651.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after the period, insert "*Every patient or resident may seek enforcement of these rights.*" and after "Any" insert "*family member,*" and reinstate the stricken language

Page 1, line 16, reinstate everything before the second stricken "or" and reinstate the comma

Page 1, line 17, before "interested" insert "*nursing home ombudsman, health facility staff person, or*" and after "may" insert "*also*"

Page 1, line 18, after the period, insert "*An interested person is someone who demonstrates a sincere and ongoing interest in the welfare of the individual patient or resident. Nothing in this paragraph shall be construed to diminish the rights of individual patients and residents to self-determination.*"

And when so amended the bill do pass and be re-referred to the Committee

on Judiciary. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 784: A bill for an act relating to public welfare; setting eligibility criteria for community social services; requiring information from users to be included in the planning process; prescribing duties of the commissioner; amending Minnesota Statutes 1982, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, delete "*the 60th percentile*" and insert "*60 percent*"

Page 3, line 36, before "*Develop*" insert "*In cooperation with the counties,*"

Page 4, line 5, before the semicolon, insert "*and report these annually to the legislature*"

Page 4, line 15, delete "*setting a maximum on those expenses*" and insert "*report these expenses to the legislature*"

Page 4, line 29, delete everything after the period

Page 4, delete lines 30 and 31

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 955: A bill for an act relating to public welfare; providing for relative resource contribution for medical assistance; amending Minnesota Statutes 1982, section 256B.14, subdivision 2.

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 "*In determining the resource contribution of a spouse at the time of the first medical assistance application, all medical assistance exclusions shall be allowed, and a resource limit of \$10,000 for nonexcluded resources shall be implemented. Above these limits, a contribution of one-third of the excess resources shall be required. This section shall be effective for new applications for medical assistance taken on or after July 1, 1983.*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 734: A bill for an act relating to public welfare; modifying the procedure by which a vendor of care in the medical assistance program may

seek review of proposed action on the part of the commissioner to make monetary recoveries or impose sanctions; providing for the establishment of a rate schedule for inpatient and outpatient hospital services reimbursement under the medical assistance program; permitting the commissioner to limit or suspend the eligibility of persons for medical assistance upon conviction of a criminal offense; allowing the commissioner access to medical records of medical assistance recipients without written authorization; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; and 256B.27, subdivisions 3 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 2

Page 3, line 4, delete "*receiving*" and insert "*or receipt of*"

Page 3, delete section 4

Page 3, line 22, reinstate the stricken language

Page 3, line 23, reinstate the stricken language, and before the reinstated comma, insert "*which the local welfare agency shall keep on file*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 15 and 16, delete "256B.04, by adding a subdivision;"

Page 1, line 16, delete "256B.064, subdivision 2;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 86: A bill for an act relating to education; modifying the state aid and levy provisions governing community education; amending Minnesota Statutes 1982, sections 124.271, subdivision 2a; and 275.125, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

FOUNDATION AID

Section 1. Minnesota Statutes 1982, section 124.2122, subdivision 1, is amended to read:

Subdivision 1. [FORMULA ALLOWANCE.] “Foundation aid formula allowance” or “formula allowance” means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. ~~The formula allowance shall be \$1,333 for foundation aid for the 1981-1982 school~~

~~year. The formula allowance shall be \$1,346 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. The formula allowance shall be \$1,475 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year. The formula allowance shall be \$1,475 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year.~~

Sec. 2. Minnesota Statutes 1982, section 124.2122, subdivision 2, is amended to read:

Subd. 2. [BASIC MAINTENANCE MILL RATE.] "Basic maintenance mill rate" means the mill rate applicable to the adjusted assessed valuation of a district, used in the computation of basic foundation aid for a particular school year and of the basic maintenance levy for use in that school year. ~~The basic maintenance mill rate shall be .021 for the 1980 payable 1981 levy and for foundation aid for the 1981-1982 school year. The basic maintenance mill rate shall be .024 for 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year. The basic maintenance mill rate shall be .024 for the 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year. A district may levy less than 24 mills. If a district levies at least 95 percent of an amount equal to 23 mills times the adjusted assessed valuation of the district, basic foundation aid shall be computed as though the district had levied 24 mills times the adjusted assessed valuation of the district. The basic maintenance mill rate shall be .024 for 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year. The basic maintenance mill rate shall be for the 1984 payable 1985 levies and for foundation aid for the 1985-1986 school year.~~

Sec. 3. Minnesota Statutes 1982, section 124.2124, subdivision 1, is amended to read:

Subdivision 1. [REPLACEMENT COMPONENTS.] (a) A district's "fluctuating enrollment replacement component" shall equal the amount of additional foundation aid or basic maintenance levy revenue the district would have received for the 1980-1981 school year if declining or growing enrollment pupil units had been used in the computation of basic foundation aid for 1980-1981 pursuant to Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (1) or of the 1979 basic maintenance levy limitation pursuant to Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 2b or 2c.

(b) Beginning with the aid and levy revenue for the 1983-1984 school year, in any district where the actual number of pupil units increased from the 1979-1980 school year to the 1980-1981 school year, the district's "recomputed fluctuating enrollment replacement component" shall equal the amount of additional foundation aid or basic maintenance levy revenue the district would have received for the 1980-1981 school year if the district had qualified for the greater of either the 1980-1981 declining enrollment pupil units or the 1980-1981 growing enrollment pupil units to be used in the computation of basic foundation aid for 1980-1981 pursuant to Minnesota Statutes 1980, Section 124.212, Subdivision 7c, Clause (1) or of the 1979 basic maintenance levy limitation pursuant to Minnesota Statutes 1979 Supplement, Section 275.125, Subdivision 2b or 2c.

(c) A district's "sparsity replacement component" shall equal the amount

of additional aid the district would have received for the 1980-1981 school year if Minnesota Statutes, 1979 Supplement, Section 124.224 had been effective for 1980-1981. *Beginning with the 1983-1984 school year, for elementary districts, the component shall equal the amount of additional aid the district would have received for the 1980-1981 school year if pupils attending secondary school in another district had attended a secondary school in the district in which they reside.*

(d) A district's "basic replacement entitlement" shall equal the sum of (1) the greater of (i) its fluctuating enrollment replacement component, or (ii) its recomputed fluctuating enrollment replacement component, and (2) its sparsity replacement component; divided by its total pupil units in 1980-1981.

(e) "Replacement inflator" for any school year means the ratio of the foundation aid formula allowance for that school year to \$1,265. However, for the 1981-1982 school year the replacement inflator shall equal 107 percent, and for the 1982-1983 school year the replacement inflator shall equal 112 percent.

(f) A district's "replacement allowance" for each school year shall equal its basic replacement entitlement times the replacement inflator for that school year.

(g) A district's "replacement levy limitation" means its levy limitation computed pursuant to section 275.125, subdivision 6c.

Sec. 4. Minnesota Statutes 1982, section 124.2126, subdivision 3, is amended to read:

Subd. 3. [MINIMUM AID.] A qualifying district's minimum aid for each school year shall equal its minimum guarantee for that school year, minus the sum of:

- (1) The amount of the district's state school agricultural tax credit aid for that school year;
- (2) The amount by which property taxes of the district for use in that school year are reduced by the homestead credit provisions in section 273.13, subdivisions 6, 7, and 14a;
- (3) The amount by which property taxes of the district for use in that school year are reduced by the taconite homestead credit provisions in section 273.135;
- (4) The amount by which property taxes of the district for use in that school year are reduced by the attached machinery provisions in section 273.138, subdivision 6;
- (5) The amount by which property taxes of the district for use in that school year are reduced by the state paid wetlands credit provisions in section 273.115;
- (6) The amount by which property taxes of the district for use in that school year are reduced by the state paid native prairie credit provisions in section 273.116; and
- (7) The amount by which property taxes of the district for use in that

school year are reduced by the credit for reduced assessment provisions in section 273.139;

(8) The amount by which property taxes of the district for use in that school year are reduced by the state reimbursed disaster or emergency reassessment provisions in section 273.123; and

(9) The amount by which property taxes of the district for use in that school year are reduced by the metropolitan agricultural preserves provisions in section 473H.10.

Sec. 5. Minnesota Statutes 1982, section 124.2127, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION; FOUNDATION AID.] Shared time pupils are defined as those pupils who attend public school programs for part of the regular school day and who otherwise fulfill the requirements of section 120.10 by attendance at a nonpublic school.

(a) The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which the pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil.

(b) Foundation aid for shared time pupils shall equal the amount which ~~would accrue if shared time pupil units, counted pursuant to section 124.17, subdivision 1, clauses (1) and (2), were added to the district's total pupil units used in determining its foundation aid formula~~ *allowance times the full-time equivalent actual pupil units for shared time pupils*. Foundation aid for shared time pupils shall be in addition to any other aid to which the district is otherwise entitled and shared time average daily membership shall not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of shared time foundation aid pursuant to this subdivision.

(c) Foundation aid for shared time pupils shall be paid to the district of the pupil's residence. If a pupil attends shared time classes in another district, the resident district shall pay to the district of attendance an amount of tuition equal to the ratio in clause (a) times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.

(d) Notwithstanding the provisions of clause (c), the resident district of a shared time pupil attending shared time classes in another district may grant the district of attendance, upon its request, permission to claim the pupil as a resident for state aid purposes. In this case, state aid shall be paid to the district of attendance and, upon agreement, the district of attendance may bill the resident district for any unreimbursed education costs, but not for unreimbursed transportation costs. The agreement may, however, provide for the resident district to pay the cost of any of the particular transportation categories specified in section 124.225, subdivision 1, and in this case, aid for those categories shall be paid to the district of residence rather than to the district of attendance.

(e) Minutes of enrollment in a public school during which a nonpublic

school pupil receives services pursuant to section 123.935 shall not be used in the computation of shared time foundation aid pursuant to this subdivision.

Sec. 6. [124A.01] [FOUNDATION AID COMPONENTS.]

Foundation aid shall equal the sum of the following:

- (a) basic aid;*
- (b) cost differential tier aid;*
- (c) second tier aid;*
- (d) third tier aid;*
- (e) fourth tier aid;*
- (f) fifth tier aid;*
- (g) minimum aid; and*
- (h) shared time pupil aid.*

Sec. 7. [124A.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purpose of this chapter, the following terms have the meaning given them.

Subd. 2. [ACTUAL LEVY.] "Actual levy" means the amount a district reports, according to section 275.125, subdivision 18, to the department of education it has levied for each tier.

Subd. 3. [PERMITTED LEVY.] "Permitted levy" means the amount a district is permitted to levy for each tier, as determined by the department of education according to section 275.125, subdivisions 7d and 7e.

Subd. 4. [TEACHER INDEX.] "Teacher index" means a measure of a district's teacher education and experience relative to the education and experience of teachers in the state. The measure shall be determined according to the method published in the Minnesota Code of Administrative Rules. The published method shall include the data used and a reasonably detailed description of the steps in the method. The method shall not be subject to the provisions of chapter 14.

Sec. 8. [124A.04] [TEACHER INDEX.]

The index shall be constructed in the following manner:

(a) The department shall construct a matrix which classifies teachers by the extent of training received in accredited institutions of higher education, and by the years of experience which the district takes into account in determining each teacher's salary.

(b) For all teachers in the state, the average salary per full-time-equivalent shall be computed for each cell of the matrix.

(c) For each cell of the matrix, the ratio of the average salary in that cell to the average salary in the cell for teachers with no prior years of experience and only a bachelor's degree shall be computed. The department shall use statistical methods to ensure continuously increasing ratios as cells are higher in training or experience.

(d) The index for each district is then equal to the weighted average of the ratios assigned to the full-time-equivalent teachers in each district.

Sec. 9. [124A.06] [COST DIFFERENTIAL TIER AID.]

Subdivision 1. [COST DIFFERENTIAL TIER ALLOWANCE.] "Cost differential tier allowance" means the amount of revenue per actual pupil unit used to compute the cost differential tier aid for a school year and levy for use in the same school year. A district's cost differential tier allowance shall be the result of the following computation:

(a) Divide the amount of aid the district would have received for the 1980-1981 school year if Minnesota Statutes, 1979 Supplement, section 124.224, as amended by section 3 of this article, had been effective for the 1980-1981 school year by the actual pupil units in the district in the 1980-1981 school year.

(b) Divide the formula allowance for the school year by \$1265.

(c) Multiply the result in clause (a) by the result in clause (b).

(d) Subtract one from the teacher index, and multiply by \$150.

(e) Add the results of clauses (c) and (d).

Subd. 2. [COST DIFFERENTIAL TIER REVENUE.] A district's cost differential tier revenue for each school year shall equal the cost differential tier allowance times the actual pupil units for that school year.

Subd. 3. [COST DIFFERENTIAL TIER AID.] A district's cost differential tier aid shall be the result of the following computation:

(1) Subtract the amount of the cost differential tier levy from the amount of the cost differential tier revenue.

(2) Divide the actual cost differential tier levy by the permitted cost differential tier levy.

(3) Multiply the result in clause (1) by the result in clause (2).

Sec. 10. [124A.08] [SECOND TIER AID WITH 100 PERCENT EQUALIZING FACTOR.]

Subdivision 1. [SECOND TIER ALLOWANCE.] "Second tier allowance" means the amount of revenue per actual pupil unit used to compute the second tier aid for a particular school year and the corresponding levy for that school year. The second level allowance is \$150.

Subd. 2. [SECOND TIER REVENUE.] A district's second tier revenue for each school year shall equal the second tier allowance times its actual pupil units for that school year.

Subd. 3. [SECOND TIER AID.] A district's second tier aid shall be the result of the following computation:

(1) Subtract the amount of the second tier levy from the amount of the second tier revenue.

(2) Divide the actual second tier levy by the permitted second tier levy.

(3) Multiply the result in clause (1) by the result in clause (2).

Sec. 11. [124A.10] [THIRD TIER AID WITH 75 PERCENT EQUALIZING FACTOR.]

Subdivision 1. [THIRD TIER ALLOWANCE.] "Third tier allowance" means the amount of revenue per actual pupil unit used to compute the third tier aid for a particular school year and the corresponding levy for that school year. The third tier allowance is \$100.

Subd. 2. [THIRD TIER REVENUE.] A district's third tier revenue for each school year shall equal the third tier allowance times its actual pupil units for that school year.

Subd. 3. [THIRD TIER AID.] A district's third tier aid shall be the result of the following computation:

(1) Subtract the amount of the third tier levy from the amount of the third tier revenue.

(2) Divide the actual third tier levy by the permitted third tier levy.

(3) Multiply the result in clause (1) by the result in clause (2).

Sec. 12. [124A.12] [FOURTH TIER AID WITH 50 PERCENT EQUALIZING FACTOR.]

Subdivision 1. [FOURTH TIER ALLOWANCE.] "Fourth tier allowance" means the amount of revenue per actual pupil unit used to compute the fourth tier aid for a particular school year and the corresponding levy for that school year. The fourth tier allowance is \$100.

Subd. 2. [FOURTH TIER REVENUE.] A district's fourth tier revenue for each school year shall equal the fourth tier allowance times its actual pupil units for that school year.

Subd. 3. [FOURTH TIER AID.] A district's fourth tier aid shall be the result of the following computation:

(1) Subtract the amount of the fourth tier levy from the amount of the fourth tier revenue.

(2) Divide the actual fourth tier levy by the permitted fourth tier levy.

(3) Multiply the result in clause (1) by the result in clause (2).

Sec. 13. [124A.14] [FIFTH TIER AID WITH 50 PERCENT EQUALIZING FACTOR.]

Subdivision 1. [FIFTH TIER ALLOWANCE.] "Fifth tier allowance" means the amount of revenue per actual pupil unit used to compute the fifth tier aid for a particular school year and the corresponding levy for that school year. The fifth tier allowance shall equal the result of the following computation:

(a) Determine the revenue the district would have received for the 1984-1985 school year from grandfather revenue, replacement revenue, minimum aid, and low fund balance revenue, if the provisions of Minnesota Statutes 1982, sections 124.2123, 124.2124, 124.2126, and 124.2128 had been effective for the year.

(b) Determine the discretionary revenue the district would have received

for the 1984-1985 school year if the provisions of Minnesota Statutes 1982, section 124.2125 had been effective for the year. Assume the district had been entitled to and had levied the maximum allowable under section 275.125, subdivisions 7a and 7c.

(c) Determine the amount of revenue equal to \$25 times the total pupil units in the 1984-1985 school year.

(d) Add the results in clauses (a), (b), and (c).

(e) Determine the estimated revenue the district would receive for the 1984-1985 school year from the first to fourth tier revenue for the 1984-1985 school year.

(f) Subtract the result of clause (e) from the result of clause (d).

Subd. 2. [FIFTH TIER REVENUE.] A district's fifth tier revenue for each school year shall equal the fifth tier allowance times its actual pupil units for that school year.

Subd. 3. [FIFTH TIER AID.] A district's fifth tier aid shall be the result of the following computation:

(1) Subtract the amount of the fifth tier levy from the amount of the fifth tier revenue.

(2) Divide the actual fifth tier levy by the permitted fifth tier levy.

(3) Multiply the result in clause (1) by the result in clause (2).

Sec. 14. [124A.16] [COMMENCEMENT OF TIER REVENUE.]

(a) Except as provided in clause (b), the sum of the revenues from the first tier to the fifth tier shall not exceed the total revenue specified in section 9, subdivision 1, clauses (a) and (b) by more than 25 percent for the 1984-1985 school year, 50 percent for the 1985-1986 school year, or 75 percent for the 1986-1987 school year. The revenue permitted by this section shall be applied each year, to the lowest possible tiers.

(b) This section shall not apply to any district in the event the total revenue of the district specified in section 13, subdivision 1, clauses (a) and (b), exceeds the allowance specified in sections 9, 10, 11 and 12.

Sec. 15. Minnesota Statutes 1982, section 124.2132, subdivision 1, is amended to read:

Subdivision 1. [UNDERLEVIES.] A district's basic foundation, ~~grandfather, replacement, discretionary or low fund balance aid, as applicable,~~ for any school year when the actual amount of the corresponding levy for use in that year is less than the permitted amount, shall be reduced by a percentage equal to the difference between the actual amount and the permitted amount, divided by the permitted amount. This provision shall apply to basic foundation aid only for a school year when the actual amount of the basic maintenance levy for use in that year is less than 95 percent of the permitted amount.

Sec. 16. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 7d. [TIER LEVIES.] (1) [COST DIFFERENTIAL TIER LEVY.] In

1983 and each year thereafter, a district may levy for its cost differential tier revenue an amount not to exceed the lesser of its cost differential tier revenue or the result of the following computation:

(i) Divide the adjusted assessed valuation for the year preceding the year the levy is certified, by the total pupil units for the year to which the levy is attributable.

(ii) Divide the result in clause (i) by the equalizing factor for the school year to which the levy is attributable.

(iii) Multiply the result in clause (ii) by the district's cost differential tier revenue for the school year to which the levy is attributable.

(2) [SECOND TIER LEVY.] In 1983 and each year thereafter, a district may levy for its second tier revenue an amount not to exceed the lesser of its second tier revenue or the result of the following computation:

(i) Divide the adjusted assessed valuation for the year preceding the year the levy is certified, by the total pupil units for the year to which the levy is attributable.

(ii) Divide the result in clause (i) by the equalizing factor for the school year to which the levy is attributable.

(iii) Multiply the result in clause (ii) by the district's second tier revenue for the school year to which the levy is attributable.

(3) [THIRD TIER LEVY.] In 1983 and each year thereafter, a district may levy for its third tier revenue an amount not to exceed the lesser of its third tier revenue or the result of the following computation:

(i) Divide the adjusted assessed valuation for the year preceding the year the levy is certified, by the total pupil units for the year to which the levy is attributable.

(ii) Divide the result in clause (i) by 75 percent of the equalizing factor for the school year to which the levy is attributable.

(iii) Multiply the result in clause (ii) by the district's third tier revenue for the school year to which the levy is attributable.

(4) [FOURTH TIER LEVY.] In 1983 and each year thereafter, a district may levy for its fourth tier revenue an amount not to exceed the lesser of its fourth tier revenue or the result of the following computation:

(i) Divide the adjusted assessed valuation for the year preceding the year the levy is certified, by the total pupil units for the year to which the levy is attributable.

(ii) Divide the result in clause (i) by 50 percent of the equalizing factor for the school year to which the levy is attributable.

(iii) Multiply the result in clause (ii) by the fourth tier revenue for the school year to which the levy is attributable.

(5) [FIFTH TIER LEVY.] In 1983 and each year thereafter, a district may levy for its fifth tier revenue an amount not to exceed the lesser of its fifth tier revenue or the result of the following computation:

(i) Divide the adjusted assessed valuation for the year preceding the year

the levy is certified, by the total pupil units for the year to which the levy is attributable.

(ii) Divide the result in clause (i) by 50 percent of the equalizing factor for the school year to which the levy is attributable.

(iii) Multiply the result in clause (ii) by the fifth tier revenue for the school year to which the levy is attributable.

Sec. 17. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 7e. [SECOND TIER LEVY FUND BALANCE.] Beginning with the 1983 payable 1984 levy, for a district where the net unappropriated operating fund balance as of the June 30 before the levy is certified exceeds \$500 per total pupil unit in the year when the levy is certified, the second tier levy shall be reduced by the amount of the excess times the lesser of one or the ratio of the district's EARC valuation for the preceding year per total pupil unit in the school year when the levy is certified, to the equalizing factor. Beginning with the 1984-1985 school year, the second tier aid for the year when that levy is used shall be reduced by any amount of the excess which is not subtracted from the levy.

Sec. 18. Minnesota Statutes 1982, section 275.125, subdivision 9, is amended to read:

Subd. 9. [LEVY REDUCTIONS; TACONITE.] (1) Reductions in levies pursuant to subdivision 10 of this section, and section 273.138, shall be made prior to the reductions in clause (2).

(2) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; 477A.15; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, or recognized revenue pursuant to section 477A.15; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section by the greater of the following:

(a) an amount equal to 50 percent of the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year; or

(b) an amount equal to the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year less the product of the same dollar amount of payments or revenue times the ratio of the maximum levy allowed the district under subdivision 2a, to the total levy allowed the district under this section in the year in which the levy is certified.

(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to subdivision 2a, to an amount less than the amount raised by a levy of ~~ten~~ 12.25 mills times the adjusted assessed valuation of that district for the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to subdivision 2d shall not be reduced pursuant to this sub-

division. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision. ~~The amount of any levy authorized by subdivision 7a shall not be reduced pursuant to this subdivision.~~

(4) Before computing the reduction pursuant to this subdivision of the capital expenditure levy authorized by subdivision 11a, and the community service levy authorized by subdivision 8, the commissioner shall ascertain from each affected school district the amount it proposes to levy for capital expenditures pursuant to subdivision 11a and for community services pursuant to subdivision 8. The reduction of the capital expenditure levy and the community services levy shall be computed on the basis of the amount so ascertained.

(5) Notwithstanding any law to the contrary, any amounts received by districts in any fiscal year pursuant to sections 294.21 to 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; or any law imposing a tax on severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; and not deducted from foundation aid pursuant to section 124.2132, subdivision 5, clause (2), and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the commissioner of finance in the following amount on the designated date: on or before March 15 of each year, 100 percent of the amount required to be subtracted from the previous fiscal year's foundation aid pursuant to section ~~124.2128~~ 124.2132, subdivision 5, which is in excess of the foundation aid earned for that fiscal year. The commissioner of finance shall deposit any amounts received pursuant to this clause in the taconite property tax relief fund in the state treasury, established pursuant to section 16A.70 for purposes of paying the taconite homestead credit as provided in section 273.135.

Sec. 19. [INSTRUCTION TO THE REVISOR.]

In the next method of updating Minnesota Statutes, the revisor of statutes, in consultation with the education staff of house research and senate research and counsel, shall codify the appropriate provisions of this act, appropriate parts of section 275.125, and the sections of chapter 124 relating to foundation aids in a chapter of Minnesota Statutes.

Sec. 20. [REPEALER.]

Subdivision 1. Minnesota Statutes 1982, section 275.125, subdivisions 6b, 6c, 6d, 7a, and 7c are repealed.

Subd. 2. Minnesota Statutes 1982, sections 124.2123; 124.2124; 124.2125; and 124.2128 are repealed.

Subd. 3. [EFFECT.] The repeal of these sections shall not affect the right of a school district to receive nor the obligation of the commissioner of education to pay aids attributable to the 1983-1984 school year and payable in fiscal year 1985 under or by virtue of the sections repealed.

Sec. 21. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

*Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:
\$591,925,000.....1984,
\$598,486,000.....1985.*

The appropriation for 1984 includes \$84,895,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$507,030,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$89,413,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$509,073,000 for aid for fiscal year 1985 payable in fiscal year 1985.

Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.

Sec. 22. [EFFECTIVE DATE.]

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, and 20, subdivision 2, are effective July 1, 1984.

ARTICLE 2

TRANSPORTATION AID

Section 1. Minnesota Statutes 1982, section 123.37, subdivision 1b, is amended to read:

Subd. 1b. [TRANSPORTATION; FUEL.] Notwithstanding the provisions of subdivision 1 or section 471.345, a contract for the transportation of school children, or a contract for the purchase, ~~by June 30, 1983,~~ of petroleum heating fuel or fuel for ~~district owned~~ vehicles may be made by direct negotiation, by obtaining two or more written quotations for the service when possible, or upon sealed bids. At least 30 days before awarding a directly negotiated contract, the school district shall, by published notice, request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. ~~If a contract is made by direct negotiation, negotiations shall be open to the public.~~ If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of subdivision 1 except as otherwise provided in this subdivision.

Notwithstanding the provisions of subdivision 1 or section 574.26, a performance bond shall be required of a contractor on a contract for the transportation of school children only when and in the amount deemed necessary by and at the discretion of the school board.

Sec. 2. Minnesota Statutes 1982, section 124.225, is amended to read:

124.225 [TRANSPORTATION AID ENTITLEMENT.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) "Authorized cost for regular transportation" means the sum of:

(1) all expenditures for transportation in the regular category, as defined in clause (e)(1), for which aid is authorized in section 124.223, plus

(2) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

(3) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning, plus

(4) beginning in fiscal year 1984, an amount equal to one year's depreciation on the district's type three school buses, as defined in section 169.44, subdivision 15, which were purchased after July 1, 1982 for authorized transportation of pupils, with the prior approval of the commissioner, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses.

(c) "Adjusted authorized predicted cost per FTE" means the authorized cost predicted by a multiple regression formula determined by the department of education, and adjusted pursuant to subdivision 7a.

(d) "Aid entitlement per FTE" means the adjusted authorized predicted cost per FTE, inflated pursuant to subdivision 7b.

(e) "Transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:

(1) Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);

(2) During-day transportation is transportation services between schools provided under section 124.223, clause (1), and transportation services provided under section 124.223, clauses (3) and (9), and transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;

(3) Handicapped transportation is transportation services for pupils attending shared time special education classes provided under section 124.223, clause (6), and transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;

(4) Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);

(5) To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);

(6) Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);

(7) *Nonregular transportation is transportation services provided between*

schools under section 124.223, clause (1); and transportation services provided under section 124.223, clauses (3), (4), (5), (6), (7), (9), and (10).

(f) "Pupil weighting factor" means the ratio of the actual district average cost per FTE in a particular transportation category in the base year to the actual district average cost per FTE in the regular transportation category in the base year.

(g) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

(h) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123.932, subdivision 9.

(i) "Percent excess handicapped FTE's transported" means the result of the following computation for the current year:

one, minus the product of

(1) the ratio of the number of FTE pupils transported in the handicapped category in the state to the number of FTE pupils transported in the handicapped category in the district; times

(2) the ratio of the number of FTE pupils transported in the regular category in the district to the number of FTE pupils transported in the regular category in the state.

(j) "Current year" means the school year for which aid will be paid.

(k) "Base year" means the second school year preceding the school year for which aid will be paid.

(l) "Base cost" means the authorized regular transportation cost per FTE in the base year in the regular transportation category, excluding summer school transportation.

(m) "Predicted base cost" means the base cost as predicted by subdivision 3.

Subd. 1a. [WEIGHTING FACTORS.] For each school year, in computing transportation aid, the department of education shall establish as needed the pupil weighting factors for each transportation category for each district using transportation cost data for the second prior school year. The department shall use the statewide pupil weighting factor for any transportation category for which a district had no experience during the second prior school year.

Subd. 3. [FORMULA.] For each school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. The department of education shall conduct multiple regression analysis using the terms specified in subdivision 4a, to predict the base cost for each district. A formula shall be derived based upon the regression analysis, but excluding the factors described in subdivision 4a, clauses ~~(8)~~ (7), ~~(9)~~ (8), and ~~(10)~~ (9), except that in the 1982-1983 school

year, these clauses shall not be excluded. This formula shall be used to determine a predicted base cost for each district. The amount determined for each district shall be adjusted according to the provisions of subdivisions 7a and 7b.

Subd. 4a. [FORMULA TERMS.] To predict the base cost for each district pursuant to subdivision 3, the multiple regression formula shall use the following terms for each district:

- (1) The district's average daily membership;
- (2) The reciprocal of the district's average daily membership;
- (3) The logarithm of the number of authorized FTE's per square mile transported by the district in the regular transportation category;
- ~~(4) The percentage of the district's square mile area which is classified by the commissioner of energy, planning and development as water covered, marshland, or extractive;~~
- ~~(5)~~ (4) The district's administrative overhead for transportation per authorized FTE transported in the regular transportation category;
- ~~(6)~~ (5) The number of schools to which pupils are transported in the regular transportation category, either within or outside the district, divided by the number of authorized FTE's transported in the regular transportation category;
- ~~(7)~~ (6) Whether the district is non-rural, based upon criteria established by the department of education;
- ~~(8)~~ (7) Whether the district contracts for bus service, or transports pupils only on district-owned buses;
- ~~(9)~~ (8) The percentage of all regular transportation category bus routes using buses that are not owned by the district, if that percentage is not 100 percent;
- ~~(10)~~ (9) Whether the district operates a special bus to transport pupils to home from school who are involved in after-school activities.

Subd. 7a. [BASE YEAR SOFTENING FORMULA.] (1) Each district's predicted base cost determined for each school year according to subdivision 3 shall be averaged with the base cost for that district for that year to determine the district's adjusted authorized predicted cost per FTE for that year.

(2) Notwithstanding clause (1), for fiscal year 1983, the predicted base cost shall be adjusted as provided in this clause to determine adjusted authorized predicted cost per FTE for the base school year.

(a) If the predicted base cost exceeds the base cost, the predicted base cost shall be decreased by 50 percent of the first \$40 of difference between the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.

(b) If the predicted base cost is less than the base cost, the predicted base cost shall be increased by 50 percent of the first \$40 of difference between

the base cost and the predicted base cost; 70 percent of the next \$40 of difference; and 90 percent of any difference which exceeds \$80, to determine the adjusted authorized predicted cost per FTE.

Subd. 7b. [INFLATION FACTORS.] The adjusted authorized predicted cost per FTE determined for a district under subdivision 7a for the base year shall be increased by 22 percent to determine the district's aid entitlement per FTE for the 1982-1983 school year, *by 13.1 percent to determine the district's aid entitlement per FTE for the 1983-1984 school year, and by 11.6 percent to determine the district's aid entitlement per FTE for the 1984-1985 school year.*

Subd. 8a. [AID.] *For the 1982-1983 and 1983-1984 school years, a district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its excess handicapped transportation aid pursuant to subdivision 8c, its handicapped board and lodging aid pursuant to subdivision 8d, its to and from board and lodging aid pursuant to subdivision 8e, its nonpublic support services transportation aid pursuant to subdivision 8f, its during-day transportation aid pursuant to subdivision 8g, and its closed-school transportation aid pursuant to subdivision 8h, minus the amount raised by two mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. A district may levy less than the amount raised by two mills. Transportation aid shall be computed as if the district had levied the amount raised by two mills. If the total appropriation for transportation aid in any fiscal year after 1982 is insufficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's aid in proportion to the number of resident pupils in average daily membership in the district to the state total average daily membership, and shall reduce the aid entitlement of off-formula districts in the same proportion.* Aid for the 1982-1983 and 1983-1984 school years shall be reduced by the following amount: the product of

(a) the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times

(c) the district's aid entitlement per FTE determined according to subdivision 7b, times the ratio of average daily membership used in subdivision 8b.

For the 1984-1985 school year and thereafter, a district's transportation aid shall be equal to the sum of its basic transportation aid pursuant to subdivision 8b, its nonregular transportation aid pursuant to subdivision 8i, its nonregular transportation levy equalization aid pursuant to subdivision 8j, and its excess transportation levy equalization aid pursuant to subdivision 8k, minus the amount raised by 1.75 mills times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year. A district may levy less than the amount raised by 1.75 mills. Transportation aid shall be computed as if the district had levied the amount raised by 1.75 mills.

If the total appropriation for transportation aid for any fiscal year is insuf-

efficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's aid in proportion to the number of resident pupils in average daily membership in the district to the state total average daily membership, and shall reduce the aid entitlement of off-formula districts in the same proportion.

Subd. 8b. [BASIC AID COMPUTATION.] For the 1982-1983 and 1983-1984 school years, a district's basic transportation aid pursuant to this section for the school year shall equal the district's aid entitlement per FTE determined according to subdivision 7b times the total number of authorized weighted FTE's transported in the regular and handicapped transportation categories in the district in the base year times the ratio of average daily membership in the district in the current year to the average daily membership in the district in the base year.

For the 1984-1985 school year and thereafter, a district's basic transportation aid pursuant to this section for each school year shall equal the district's aid entitlement per FTE determined according to subdivision 7b times the total number of authorized FTE's transported in the regular ~~and handicapped categories~~ category in the district in the current school year.

Subd. 8c. [EXCESS HANDICAPPED AID.] (a) For ~~each~~ *the 1982-1983 and 1983-1984 school year years*, the state shall pay aid for the excess costs of providing transportation for handicapped students as provided in this subdivision to a district where, in the current school year, the ratio of FTE's transported in the handicapped category to the total number of FTE's transported in the regular transportation category exceeds the same ratio for the state as a whole.

(b) This aid shall equal:

the product of the percent excess handicapped FTE's transported, times the difference between

(1) the district's actual cost for transportation of all pupils in the handicapped category in the current year, and

(2) the product of

(i) the district's aid entitlement per FTE determined according to subdivision 7b, times

(ii) ~~the number of FTE's transported in the handicapped category in the district in the current year.~~

~~Provided that for the 1982-1983 and 1983-1984 school years, the number in (2)(ii) above shall be replaced by the following computation: the product of the number of FTE's transported in the handicapped category in the district in the base year, times its pupil weighting factor for the handicapped category, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year.~~

Excess handicapped transportation aid authorized in this subdivision shall not be paid after the 1983-1984 school year.

Subd. 8d. [HANDICAPPED BOARD AND LODGING AID.] For board and lodging of handicapped pupils, each district shall receive aid equal to

the product of the number of FTE pupils boarded and lodged in the current year in the district in this transportation category, times the average of

(a) the state average board and lodging cost per FTE pupil boarded and lodged in the base year, times the inflation factor for that year prescribed in subdivision 7b; and

(b) the district's actual cost per FTE pupil boarded and lodged in the current year.

Aid for board and lodging of handicapped pupils authorized in this subdivision shall not be paid after the 1983-1984 school year.

Subd. 8e. [TO AND FROM BOARD AND LODGING.] For transportation of handicapped pupils to and from board and lodging facilities, the state shall pay aid to each district for each year equal to the lesser of

(a) the sum of the distance in miles from the home of each pupil transported in this category to the board and lodging facility, times 36, times 24 cents; or

(b) the average of the amount in (a) and the district's actual cost for all transportation in this category in the current year.

Aid for transportation of handicapped pupils to and from board and lodging facilities authorized in this subdivision shall not be paid after the 1983-1984 school year.

Subd. 8f. [NONPUBLIC SUPPORT SERVICES AID.] For the 1982-1983 and 1983-1984 school years, a district's nonpublic support services transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE pupils transported in the nonpublic support services category in the district in the base year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year. ~~For the 1984-1985 school year and thereafter, a district's nonpublic support services transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the nonpublic support services transportation category, times the number of FTE's transported in that category in the current year.~~

Nonpublic support services aid authorized in this subdivision shall not be paid after the 1983-1984 school year.

Subd. 8g. [DURING-DAY TRANSPORTATION AID.] For the 1982-1983 and 1983-1984 school years, a district's during-day transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the base year, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year. ~~For the 1984-1985 school year and thereafter, a district's during-day transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times its pupil weighting factor for the during-day transportation category, times the number of FTE's transported in the during-day transportation category in the current year.~~

During-day transportation aid authorized in this subdivision shall not be paid after the 1983-1984 school year.

Subd. 8h. [CLOSED-SCHOOL TRANSPORTATION AID.] For the 1982-1983 and 1983-1984 school years, a district's closed-school transportation aid shall equal the district's aid entitlement per FTE determined according to subdivision 7b, times the number of authorized FTE's transported in the regular category in the current school year who were not transported in the base year and would not have been transported in the current year but for school closings or altered school attendance boundaries. The total amount of transportation aid computed pursuant to this subdivision in each year shall not exceed \$2,000,000. If this amount is insufficient to pay each qualifying district its full amount of aid pursuant to this subdivision, this amount shall be prorated among all qualifying districts in proportion to each district's number of FTE's for whom aid is claimed under this subdivision.

Closed-school transportation aid authorized in this subdivision shall not be paid after the 1983-1984 school year.

Subd. 8i. [NONREGULAR TRANSPORTATION AID.] For the 1984-1985 school year and thereafter, a district's nonregular transportation aid shall be determined pursuant to this subdivision. Nonregular transportation aid shall equal (a) 20 percent of the first \$10 of actual cost in the current year for nonregular transportation services per total pupil unit, plus 40 percent of the next \$10 of actual cost in the current year for nonregular transportation services per total pupil unit, plus 60 percent of the actual cost in the current year for nonregular transportation services per total pupil unit which exceeds \$20, times (b) the number of total pupil units in the district in the current year.

Subd. 8j. [NONREGULAR TRANSPORTATION LEVY EQUALIZATION AID.] For the 1984-1985 school year and thereafter, a district's nonregular transportation levy equalization aid shall be determined pursuant to this subdivision.

(a) *Unreimbursed nonregular transportation revenue shall equal the actual cost in the current year for nonregular transportation services, minus the district's nonregular transportation aid computed pursuant to subdivision 8i.*

(b) *The nonregular transportation levy is the levy authorized by section 275.125, subdivision 5c.*

(c) *Nonregular transportation levy equalization aid for a district shall equal its unreimbursed nonregular transportation revenue, minus the nonregular transportation levy limitation for that year, times the ratio of the district's actual nonregular transportation levy to its nonregular transportation levy limitation.*

Subd. 8k. [EXCESS TRANSPORTATION LEVY EQUALIZATION AID.] For the 1984-1985 school year and thereafter, excess transportation levy equalization aid shall be paid pursuant to this subdivision.

(a) *The excess transportation levy is the levy authorized by section 275.125, subdivision 5d.*

(b) Excess transportation levy revenue for a district shall equal the sum of:

(i) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation to and from school of secondary pupils who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended, plus

(ii) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation costs or other related services which are necessary because of extraordinary traffic hazards, plus

(iii) an amount equal to \$20 times the number of FTE pupils transported on contracted school buses in the regular transportation category in the school year preceding the year the levy is certified, plus

(iv) the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year beginning in the calendar year following the calendar year the levy is certified.

(c) A district's excess transportation levy equalization aid shall equal its excess transportation levy revenue for that school year, minus the district's excess transportation levy limitation for that year, times the ratio of the district's actual excess transportation levy to its excess transportation levy limitation. If the amount appropriated for excess transportation levy equalization aid is insufficient to pay all districts the full amount of aid earned, the department of education shall reduce each district's excess levy equalization aid in proportion to the amount of the district's excess transportation levy revenue.

Subd. 9. [DISTRICT REPORTS.] Each district shall report data to the department as required by the department to implement the transportation aid formula. If a district's final transportation aid payment is adjusted after the final aid payment has been made to all districts, the adjustment shall be made by increasing or decreasing the district's aid for the next fiscal year.

Subd. 10. [DEPRECIATION.] Any school district which owns school buses or mobile units shall transfer annually from the unappropriated fund balance account in its transportation fund to the appropriated fund balance account for bus purchases in its transportation fund at least an amount equal to 12-1/2 percent of the original cost of each type one or type two bus or mobile unit until the original cost of each type one or type two bus or mobile unit is fully amortized, plus 20 percent of the original cost of each type three bus included in the district's authorized cost under the provisions of subdivision 1, clause (b)(4), until the original cost of each type three bus is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized; provided, if the district's transportation aid is reduced pursuant to subdivision 8a because the appropriation for that year is insufficient, this amount shall be reduced in proportion to the reduction pursuant to subdivision 8a as a percentage of the sum of

(1) the district's total transportation aid without the reduction pursuant to

subdivision 8a, plus

(2) *for fiscal years 1983 and 1984, an amount equal to two mills times the adjusted assessed valuation of the district which is used to compute the levy limitation for the levy attributable to that year, or for fiscal year 1985 and thereafter 1.75 mills times the adjusted assessed valuation of the district for the preceding year.* Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.

~~Subd. 11. [PAYMENT SCHEDULE THROUGH 1982.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, for fiscal years through 1982, the state shall pay to each school district 30 percent of its estimated school transportation aid for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.~~

Subd. 12. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, ~~starting in fiscal year 1983,~~ the state shall pay each school district its estimated school transportation aid for the fiscal year according to the following schedule: 30 percent by August 31; 30 percent by December 31; and 25 percent by March 31. The final aid distribution to each district shall be made by October 31 of the following fiscal year.

Sec. 3. Minnesota Statutes 1982, section 275.125, subdivision 5, is amended to read:

Subd. 5. [BASIC TRANSPORTATION LEVY.] For school transportation services, a school district may levy an amount not to exceed the amount raised by a levy of ~~two~~ 1.75 mills times the adjusted assessed valuation of the taxable property of the district for the preceding year. ~~A district may also levy under this subdivision for the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year when the levy is recognized as revenue. A district which contracts for pupil transportation services may also levy an amount equal to \$18 times the number of FTE pupils transported on contracted school buses in the preceding school year in the regular transportation category, which shall be placed in the transportation fund and used for any lawful purpose. A district may levy an amount equal to the estimated cost, in the school year beginning in the year in which the levy is certified, of transporting secondary pupils to and from school who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended. A district may also levy for transportation costs or other related services which are necessary because of extraordinary traffic hazards for the next school year. Levies authorized by this subdivision shall be computed according to procedures established by the commissioner.~~

Sec. 4. Minnesota Statutes 1982, section 275.125, subdivision 5b, is amended to read:

Subd. 5b. [TRANSPORTATION LEVY OFF-FORMULA ADJUSTMENT.] ~~In any fiscal year in which years 1983 and 1984 if the transportation~~

levy in a district attributable to ~~that~~ each fiscal year of two mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, the district's transportation levy limitation shall be adjusted as provided in this subdivision. In the year following ~~that each of those~~ fiscal year years, the district's transportation levy shall be reduced by an amount equal to the difference between (1) two mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8c, 8d, 8e, 8f, 8g, and 8h, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a.

In fiscal year 1985 and each fiscal year thereafter, if the basic transportation levy in a district attributable to a particular fiscal year of 1.75 mills times the adjusted assessed valuation of the district exceeds the transportation aid computation under section 124.225, subdivisions 8b, 8d, 8e, and 8i, the district's levy limitation shall be adjusted as provided in this subdivision. In the year following each fiscal year, the district's transportation levy shall be reduced by an amount equal to the difference between (1) 1.75 mills times the adjusted assessed valuation of the district, and (2) the sum of the district's transportation aid computation pursuant to section 124.225, subdivisions 8b, 8d, 8e, and 8i, less the amount of any aid reduction due to an insufficient appropriation as provided in section 124.225, subdivision 8a.

For the levies certified in 1983 and 1984, the following additional amount shall be subtracted:

the product of

(a) the number of nonhandicapped secondary pupils transported in the base year who live between one and two miles from the public school which they could attend or the nonpublic school actually attended, times

(b) 1.5, divided by the average distance to school for all FTE's transported in the district in the regular transportation category in the base year, times

(c) the district's aid entitlement per FTE determined according to section 124.225, subdivision 7b, times the ratio of average daily membership in the district in the current year to average daily membership in the district in the base year.

Sec. 5. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 5c. [NONREGULAR TRANSPORTATION LEVY.] A school district may also make a levy for unreimbursed nonregular transportation costs pursuant to this subdivision. The amount of the levy shall not exceed the product of:

(a) the district's unreimbursed nonregular transportation revenue determined pursuant to section 124.225, subdivision 8j, clause (a), times

(b) the lesser of

(i) one, or

(ii) the ratio of the district's adjusted assessed valuation for the preceding year per total pupil unit in the school year to which the levy is attributable, to

the equalizing factor for the school year to which the levy is attributable.

Sec. 6. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 5d. [EXCESS TRANSPORTATION LEVY.] A school district may also make an excess transportation levy pursuant to this clause, which shall not exceed the product of:

(a) the district's excess transportation levy revenue as defined in section 124.225, subdivision 8k, clause (b), times

(b) the lesser of

(i) one, or

(ii) the ratio of the district's adjusted assessed valuation for the preceding year per total pupil unit in the school year beginning in the calendar year next following the calendar year in which the levy is certified, to 75 percent of the equalizing factor for that school year.

Levies authorized by this subdivision shall be computed according to procedures established by the commissioner.

Sec. 7. [ADDITIONAL TRANSPORTATION LEVY, 1983.]

In 1983 only, a district may levy an amount equal to the estimated cost, in the school year beginning in the year in which the levy is certified, of transporting secondary pupils to and from school who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended.

Sec. 8. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [TRANSPORTATION AID.] For transportation aid there is appropriated:

\$85,874,000.....1984,

\$106,381,000.....1985.

(a) The appropriation for 1984 includes \$13,471,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$72,403,000 for fiscal year 1984 payable in fiscal year 1984.

(b) The appropriation for 1985 includes \$12,777,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$93,604,000 for fiscal year 1985 payable in fiscal year 1985.

(c) The appropriation for fiscal year 1985 includes an amount not to exceed \$6,495,000 for transportation excess levy equalization aid for fiscal year 1985 payable in fiscal year 1985, pursuant to Minnesota Statutes, section 124.225, subdivision 8k.

(d) The appropriations are based on 100 percent aid entitlements of \$85,180,000 for fiscal year 1984 and \$98,530,000 for fiscal year 1985.

Subd. 3. [CANCELLATION.] Any unexpended balance remaining from

the appropriation in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for any purposes indicated is insufficient, the aid for that year shall be prorated among all qualifying districts in the manner prescribed in Minnesota Statutes, section 124.225, subdivisions 8a and 8k.

ARTICLE 3

SPECIAL EDUCATION

Section 1. Minnesota Statutes 1982, section 120.17, subdivision 3, is amended to read:

Subd. 3. [RULES OF THE STATE BOARD.] The state board shall promulgate rules relative to qualifications of essential personnel, courses of study or training, methods of instruction and training, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation and any other rules and standards it deems necessary, for instruction of handicapped children. These rules shall provide standards and procedures appropriate for the implementation of and within the limitations of subdivisions 3a and 3b. These rules shall also provide standards for the discipline, control, management and protection of handicapped children. *The state board shall, according to section 14.05, subdivision 4, notify a district applying for a variance from rules within 45 calendar days of receiving the request whether the request for the variance has been granted or denied. If a request is denied, the board shall specify the program standards used to evaluate the request and the reasons the variance was denied.*

Sec. 2. Minnesota Statutes 1982, section 124.17, subdivision 2d, is amended to read:

Subd. 2d. In summer school or inter-session classes of flexible school year programs, membership for pupils shall mean the number of full-time equivalent pupils in the program. This number shall equal the sum for all pupils of the number of classroom hours in the programs for which each pupil is enrolled divided by 1050. *However, the number of hours for an individual pupil may not exceed 120 or average more than six per day.* Membership in summer school or intersession classes of flexible school year programs shall not include a handicapped pupil whose district of residence has been determined by section 120.17, subdivision 8a, and who is temporarily placed in a state institution or a licensed residential facility for care and treatment.

Sec. 3. Minnesota Statutes 1982, section 124.201, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of computing foundation aid for handicapped pupils enrolled in summer school and inter-session classes of flexible school year programs, the following phrases shall have the meanings given them.

(1) "Summer school pupil units" means full-time equivalent pupil units for summer school classes and inter-session classes of flexible school year programs computed under the provisions of section 124.17. Only pupils

who are handicapped and who are appropriately served at levels 4, 5, or 6 of the continuum of placement model described in § MCAR ~~1.0120 B-11-~~ *state board rules* shall be included in the computation of summer school pupil units.

(2) "Summer school revenue allowance" means an amount equal to the product of the number of summer school pupil units in a district, times the foundation aid formula allowance as defined in section 124.2122 for the preceding regular school year.

(3) "Summer school aid" means aid for summer school and inter-session classes of flexible school year programs.

Sec. 4. Minnesota Statutes 1982, section 124.273, subdivision 4, is amended to read:

Subd. 4. [APPLICATION DATES.] (a) ~~A district wishing to receive aid pursuant to this section shall submit an application by October 15, February 15, and June 15 of each year. Aid paid pursuant to this section shall be based on the number of pupils of limited English proficiency enrolled in the district at the time the district submits its first application or the number of additional such pupils enrolled at the time subsequent applications are submitted. A district shall submit an initial application for aid by October 15 or, for pupils enrolled after that date, by the earlier of February 15 or June 15. Amended applications which reflect changes in enrollment shall be submitted by February 15 and June 15, as applicable. A final report with actual salary and enrollment information shall be submitted by August 15 for calculation of the final payment.~~

(b) All applications shall be submitted to the department in the manner prescribed by the commissioner. Each application shall include (1) the number of pupils or additional pupils enrolled who meet the criteria in section 126.262, subdivision 2; (2) the number, dates of hire, full time equivalency, and salaries of essential licensed personnel or additional essential licensed personnel employed in the district's educational program for pupils of limited English proficiency who meet the criteria in section 126.262, subdivision 3; and (3) any other information deemed necessary by the commissioner to implement this section. School districts may submit joint applications for aid pursuant to this section and may share essential instructional personnel employed in educational programs for pupils of limited English proficiency.

Sec. 5. Minnesota Statutes 1982, section 124.32, subdivision 3a, is amended to read:

Subd. 3a. *Unless otherwise specified*, the aids provided for educational programs for handicapped children shall be paid on a current funding basis.

Sec. 6. Minnesota Statutes 1982, section 124.32, subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL AID.] When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay aid to the resident district under the provisions of this subdivision. Except for the ~~1982-1983~~ *aid for*

the 1981-1982 regular school year, the aid shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. Except for 1983 1982 summer school programs, the aid for summer school programs for each handicapped child placed in a residential facility shall be an amount not to exceed 60 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child. Aid for these programs shall be paid on a reimbursement basis by October 31 following completion of the program. No aid shall be paid pursuant to this subdivision for tuition charged a resident district pursuant to section 120.17, subdivision 7a, for a child placed at the Minnesota school for the deaf or the Minnesota braille and sight-saving school.

The following types of facilities may be approved by the commissioner:

(a) a residential facility operated by the state or public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children within the state-;

(b) a private, nonsectarian residential facility designed to provide educational services for handicapped children within the state-; *and*

(c) a state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 7. Minnesota Statutes 1982, section 124.32, subdivision 5a, is amended to read:

Subd. 5a. [~~1982-1983 RESIDENTIAL AID FOR 1981-1982.~~] The aid for the ~~1982-1983 1981-1982~~ school year shall be paid according to subdivision 5, except that for the regular ~~1982-1983 1981-1982~~ school year the aid shall be an amount not to exceed 35.7 percent of the difference between the instructional costs charged to the resident district and the foundation aid formula allowance, for each handicapped child placed in a residential facility. For summer school programs in ~~1983 1982~~, the aid for each handicapped child placed in a residential facility shall be an amount not to exceed 35.7 percent of the difference between the instructional costs charged to the resident district and the summer school revenue allowance in the resident district attributable to that child.

Sec. 8. Minnesota Statutes 1982, section 126.54, subdivision 1, is amended to read:

Subdivision 1. [GRANTS; PROCEDURES.] For fiscal years ~~1982 and 1983, 1984 and 1985~~, the state board of education shall make grants to no fewer than six school year American Indian language and culture education programs. At least three programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sec-

tions 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Sec. 9. [SUPERVISION.]

For the 1983-84 school year, all state board of education rules requiring employment of special education supervisory personnel are suspended.

Sec. 10. [STUDENT TO STAFF RATIOS; 1983-1984 SCHOOL YEAR.]

For the 1983-84 school year, a district may increase the student to staff ratios established pursuant to 5 MCAR 1.0122 C. by an amount not to exceed 20 percent.

Sec. 11. [REPEALER.]

Minnesota Statutes 1982, sections 124.273, subdivisions 1 and 2, and 124.32, subdivision 1 are repealed.

Sec. 12. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [SPECIAL EDUCATION AID.] For special education aid there is appropriated:

\$117,883,000.....1984,

\$138,108,000.....1985.

The appropriation for 1984 includes \$15,148,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$102,735,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$18,130,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$119,978,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$120,865,000 for fiscal year 1984 and \$126,293,000 for fiscal year 1985.

Subd. 3. [SUMMER SCHOOL FOUNDATION AID.] For aid pursuant to section 124.201, subdivision 3, for special education summer school programs there is appropriated:

\$ 621,000.....1984,

\$ 749,000.....1985.

The appropriation for 1984 is for 1983 summer school programs.

The appropriation for 1985 is for 1984 summer school programs.

Subd. 4. [SUMMER SCHOOL SPECIAL EDUCATION AID.] For special education aid for summer school programs there is appropriated:

\$3,325,000.....1984,

\$3,617,000.....1985.

The appropriation for 1984 is for 1983 summer school programs.

The appropriation for 1985 is for 1984 summer school programs.

Subd. 5. [RESIDENTIAL FACILITIES AID.] For aid pursuant to section 124.32, subdivision 5, there is appropriated:

\$1,139,000.....1984,

\$1,238,000.....1985.

Subd. 6. [LIMITED ENGLISH PROFICIENCY PUPILS PROGRAM AID.] For aid to educational programs for pupils of limited English proficiency pursuant to section 124.273 there is appropriated:

\$2,884,000.....1984,

\$3,450,000.....1985.

The appropriation for 1984 includes \$380,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$2,504,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$442,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$3,008,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$2,946,000 for fiscal year 1984 and \$3,166,000 for fiscal year 1985.

Subd. 7. [AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAM AID.] For grants to American Indian language and culture education programs pursuant to section 126.54, subdivision 1, there is appropriated:

\$542,000.....1984,

\$633,000.....1985.

The appropriation for 1984 includes \$73,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$469,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$83,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$550,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$552,000 for fiscal year 1984 and \$579,000 for fiscal year 1985.

Subd. 8. [HEARING IMPAIRED SUPPORT SERVICES AID.] For payment of support services for hearing impaired persons pursuant to section 121.201 there is appropriated:

\$42,000.....1984,

\$43,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$42,000 for fiscal year 1984 and \$45,000 for fiscal year 1985.

Subd. 9. [CANCELLATION.] Any unexpended balances remaining from the appropriations in this section for 1984 shall cancel and shall not be

available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.

Subd. 10. [PRORATION.] If the appropriation amount in subdivisions 2, 3, 4, 5 or 6 of this section attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

Sec. 13. [EFFECTIVE DATE.]

Section 2 of this article is effective the day following final enactment.

ARTICLE 4

COMMUNITY AND ADULT EDUCATION

Section 1. [124.2715] [COMMUNITY EDUCATION AID.]

Subdivision 1. [ELIGIBILITY.] For the fiscal year 1984 and thereafter, the state shall pay aid for community education programs according to the provisions of this section. A district shall establish a community education council according to section 121.88.

Subd. 2. [EQUALIZED REVENUE.] A district's equalized revenue for any fiscal year shall equal \$5 times the population of the district.

Subd. 3. [EQUALIZED AID.] A district's equalized aid for any fiscal year shall equal its equalized revenue for that fiscal year minus its equalized levy for use in that fiscal year, computed according to section 2.

Subd. 4. [ADDITIONAL AID.] If a district's equalized revenue is less than \$7,000, that district shall receive additional aid. The aid shall be the difference between its equalized revenue and \$7,000.

Subd. 5. [AID PENALTY FOR UNDER LEVY.] In any year in which the amount a district levies according to section 2 is less than the permitted amount according to section 2, the sum of the district's equalized and additional aid shall be reduced by a percentage equal to the difference between the actual amount of the levy and the permitted amount of the levy, divided by the permitted amount of the levy. The actual amount of the levy shall not include reductions made according to section 275.125, subdivision 9.

Subd. 6. [POPULATION.] The population of the district, for the purposes of this section and section 2, is the population as certified by the state demographer according to section 275.14.

Subd. 7. [ACCOUNTS AND USE OF FUNDS.] Each district providing community education programs shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of community education funds. All funds received according to this section and sections 2 and 3 shall be used solely for the purposes of community education programs. These funds may be used to reimburse G.E.D. testing centers for each battery of tests or each individual test administered by a center.

Subd. 8. [PAYMENT SCHEDULE.] The state shall pay each school district 85 percent of its aid for community education programs for the current fiscal year by November 1. The final aid distribution shall be made by No-

ember 1 of the following fiscal year.

Sec. 2. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 8a. [EQUALIZED LEVY FOR COMMUNITY EDUCATION.] Each year a district may levy for its community education programs. The amount shall be an amount equal to .75 mill times the adjusted assessed valuation of the district for the preceding year, but not more than \$5 times the population of the district.

Sec. 3. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 8b. [EXCESS LEVY FOR COMMUNITY EDUCATION.] In addition to the levy authorized in section 2, a district may levy an amount equal to (a) for the year in which the levy is certified, the maximum permissible revenue from equalized aid, additional aid, equalized levy, and excess levy, computed according to section 1, subdivisions 3 and 4, and sections 2 and 3, minus (b) for the next fiscal year, the estimated amount of maximum permissible revenue from equalized aid, additional aid, and equalized levy, computed according to section 1, subdivisions 3 and 4, and section 2. For the levy certified in 1983 for the 1984-1985 school year, the amount of the excess levy may be increased by five percent.

Sec. 4. [1984 REVENUE.]

Notwithstanding the provisions of section 3, for fiscal year 1984, the maximum permissible revenue used in the computation in section 3, clause (a), shall equal the district's aid computed according to Minnesota Statutes 1982, section 124.271, for fiscal year 1983, plus the amount of the district's levy limitation for the 1981 payable 1982 levy, according to Minnesota Statutes 1982, section 275.125, subdivision 8. No general reductions applied to community education aid according to Laws 1981 Third Special Session, chapter 2, article II, section 2, clause (mm) and Laws 1982 Third Special Session, article III, section 6, shall be used in determining the aid.

Sec. 5. [LEVY ADJUSTMENT.]

The commissioner of education shall adjust the 1983 payable 1984 community education levy limitations for school districts according to the provisions of this section. The adjustment shall be an amount equal to the positive or negative difference between the amount that was certified according to section 275.125, subdivision 8, and the amount that would have been certified if the provisions of sections 2 and 3 had been effective.

Sec. 6. [REPEALER.]

Minnesota Statutes 1982, sections 124.271 and 275.125, subdivision 8, are repealed. The repeal of section 124.271 shall not affect the right of a school district to receive nor the obligation of the commissioner of education to pay the final aid distribution by November 1 in fiscal year 1984.

Sec. 7. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [ADULT EDUCATION AID.] For adult education aid pursuant to section 124.26 there is appropriated:

\$1,370,000.....1984,

\$1,600,000.....1985.

The amount appropriated for fiscal year 1984 includes \$185,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,185,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The amount appropriated for fiscal year 1985 includes \$209,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,391,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$1,394,000 for fiscal year 1984 and \$1,464,000 for fiscal year 1985.

Subd. 3. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 1 there is appropriated:

\$1,753,000.....1984,

\$1,370,000.....1985.

The amount appropriated for fiscal year 1984 includes \$494,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,259,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The amount appropriated for fiscal year 1984 includes \$222,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,148,000 for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$1,481,000 for fiscal year 1984 and \$1,208,000 for fiscal year 1985.

Subd. 4. [CANCELLATION AND PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

ARTICLE 5

VOCATIONAL EDUCATION

Section 1. [124.5611] [AVTI FUNDING.]

Beginning with aids for the 1983-1984 school year, post-secondary vocational aids for AVTI's shall be paid for the current fiscal year according to sections 1 to 9, and 124.564.

Sec. 2. [124.5612] [AVTI AID DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] Beginning with aids for the 1983-1984 school year, for the purposes of sections 1 to ..., 124.564, and 124.565, the following terms have the meanings given them.

Subd. 2. [ADM.] "ADM" means average daily membership computed according to section 7.

Subd. 3. [AVTI.] "AVTI" means a post-secondary area vocational-technical institute.

Subd. 4. [COMPONENT ACTIVITIES.] "Component activities" means regular instruction, related instruction, special needs instruction, research, instructional administration, media/library, pupil personnel services, health services, director's office, instructional services, fixed costs, work study/financial aid, physical plant, and repair and betterment.

Subd. 5. [INSTRUCTIONAL AID.] "Instructional aid" means state moneys, exclusive of repair and betterment aid and debt service aid, allocated by the state board for vocational education to districts for post-secondary vocational-technical education instructional costs.

Subd. 6. [INSTRUCTIONAL COSTS.] "Instructional costs" means expenditures in the following categories: licensed and nonlicensed staff salaries; licensed and nonlicensed staff fringe benefits, excluding teachers' retirement and teachers' social security; staff travel for instructional, administrative, and professional development purposes; purchased services; other expenditures, detailed according to UFARS; supplies and materials; supplies for resale; rents and leases; acquisition or purchase of equipment and machinery; and betterment of equipment and machinery.

Subd. 7. [PROGRAM.] "Program" means a post-secondary vocational-technical occupational program as classified with a six-digit number by the United States department of education.

Subd. 8. [REPAIR AND BETTERMENT AID.] "Repair and betterment aid" means state moneys, exclusive of instructional aid and debt service aid, allocated by the state board for vocational education to districts. The aid is to reconstruct, improve, remodel, and repair existing AVTI buildings and grounds, as necessary to conduct post-secondary vocational-technical education.

Subd. 9. [UFARS.] "UFARS" means the uniform financial accounting and reporting system.

Sec. 3. [124.5613] [PROCESS FOR AID ALLOCATION.]

Subdivision 1. [BUDGET SUBMISSION.] Before January 1, each AVTI shall submit budgets for the following fiscal year. The instructional aid budget shall detail estimated instructional costs in each expenditure category for each program and component activity of the AVTI's operations. The instructional aid budget shall include estimated revenues from sale of supplies and services, sale of equipment and other capital goods, and other revenues, detailed according to UFARS. The repair and betterment budget shall detail estimated costs for each repair and betterment project proposed by the AVTI. The repair and betterment budget shall not include any expenditures or revenues included in the instructional aid budget.

Subd. 2. [RECOMMENDED ALLOCATIONS.] After reviewing each budget, the department of education shall recommend aid allocations for the following fiscal year.

The recommendations for allocations of instructional aid, to the extent

possible, shall be based on average systemwide ADM to teacher ratios of 12 to 1 for health programs and 17 to 1 for non-health programs. The department shall recommend instructional aid allocations sufficient to maintain or improve special needs instruction. Allocations of instructional aid shall be recommended in each expenditure category for each program and component activity. The unappropriated capital balance of the equipment account in the capital fund, as of June 30 of the fiscal year during which allocations are made, shall be taken into consideration by the department in recommending allocations for the expenditure categories listed in section 4, subdivision 3, clauses (a), (b), (c), and (d). In recommending total allocation of instructional aid for each AVTI, the department shall take into consideration the amount of each AVTI's estimated net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds 15 percent of the AVTI's operating expenditures, as defined by UFARS, for the fiscal year during which allocations are made. The estimated amount of each AVTI's tuition revenues in the fiscal year for which aid is allocated shall be taken into consideration.

Allocations of repair and betterment aid shall be recommended for each project proposed by an AVTI. In recommending a total allocation of repair and betterment aid for each AVTI, the department shall take into consideration the amount of each AVTI's estimated net positive unappropriated capital balance of the repair and betterment account of the capital fund, as of June 30 of the fiscal year during which allocations are made.

Subd. 3. [HEARING.] The aid allocations recommended by the department of education shall be taken to a public hearing held by the state board of vocational education with at least six board members present. The hearing shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. Notice of the hearing shall be given at least 20 days prior to the date set for the hearing. The notice shall be published in the state register and mailed to each district submitting a budget, and other interested persons and organizations who register their names with the commissioner of education for that purpose. The department of education shall make available at least one free copy of the recommended allocations to the education committees of the legislature and to any person requesting it. An audio magnetic recording device shall be used to keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, if the request is in writing and the requester pays the cost of preparing the transcript.

Subd. 4. [HEARING REPORT.] After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the commissioner of education shall proceed as promptly as possible to write a report containing the final proposed allocations of aids. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the final proposed allocations. The report shall be available to all affected districts upon request for at least 15 days before the state board takes final action allocating aids.

Subd. 5. [MODIFICATIONS TO REPORT.] Any district which is adversely affected by the final proposed allocations of aids may demand and shall be given an opportunity to be heard in support of modification of the proposed final allocation of aids at the meeting at which the state board takes

final action allocating aids. The state board may place reasonable restrictions on the length of time allowed for testimony.

Subd. 6. [FINAL ALLOCATION.] By June 1, after hearing modification requests, if any, the state board shall take final action to allocate aids. Allocations of instructional aid shall be detailed in each expenditure category for each program and component activity. The total allocation for each AVTI shall specify the amounts of any fund balances and tuition revenues taken into consideration. Allocations of repair and betterment aid shall be detailed for each project. The total allocation for each AVTI shall specify the amount of any fund balance taken into consideration.

Sec. 4. [124.5614] [USE OF AID.]

Subdivision 1. [EDUCATION ONLY.] All AVTI aids and all tuition authorized by section 124.565 shall be used solely for the purposes of post-secondary vocational-technical education.

Subd. 2. [ACCOUNTING.] Each district providing post-secondary vocational-technical education shall maintain, in accordance with section 121.908, separate revenue, expenditure, asset and liability accounts for post-secondary vocational-technical education within funds separate from all other district funds.

Subd. 3. [INSTRUCTIONAL AID.] Instructional aid allocated for the following purposes shall be placed in the equipment account of the capital fund:

(a) acquisition or purchase of equipment or machinery;

(b) betterment of equipment or machinery;

(c) paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment; and

(d) renting or leasing buildings for school purposes. Aid allocated for these purposes shall be used solely for these purposes. All other instructional aid which is allocated shall be placed in the general fund and shall not be transferred to any other fund. The school board shall authorize and approve actual expenditures of the aid allocated.

Subd. 4. [SPECIAL NEEDS.] Aid allocated for special needs instruction shall be used solely for that purpose.

Subd. 5. [REPAIR AND BETTERMENT AID.] The final allocation of repair and betterment aid by the state board does not constitute approval of a project for the purposes of section 121.21, subdivision 4a. The aid shall be placed in the repair and betterment account of the capital fund and used solely for the purposes enumerated in section 2, subdivision 8. The school board shall authorize and approve actual expenditures of the aid allocated, except that expenditures which exceed \$5,000 shall receive prior approval by the commissioner. The process in section 3 shall not constitute approval for this purpose. Use of the aid shall be governed by the provisions of section 121.21, subdivision 4a.

Sec. 5. [124.5615] [DISTRIBUTION OF MONEY.]

All moneys, whether state, federal, or from other sources, which may be

made available to the department of education for carrying out the purposes of post-secondary vocational-technical education shall be allocated by the state board for vocational education to districts in accordance with law and shall be distributed by the state aids section of the department of education.

Sec. 6. [124.5616] [CERTAIN EQUIPMENT EXPENDITURES.]

Expenditures for the purposes in section 4, subdivision 3, clauses (a), (b), (c), and (d) which exceed \$8,000 shall receive prior approval by the commissioner. The process in section 3 shall not constitute approval for this purpose.

Sec. 7. [124.5617] [AVERAGE DAILY MEMBERSHIP.]

Subdivision 1. [MEMBERSHIP.] Membership for pupils in AVTI's shall mean the number of pupils on the current roll of the school, counted from the date of entry until the date of withdrawal.

Subd. 2. [WITHDRAWAL.] The date of withdrawal shall mean the date a pupil completes the program and permanently leaves the AVTI. A pupil who has been absent for 15 consecutive school days shall be deemed to have permanently left the school. A pupil who permanently leaves the school on or before the fifteenth day of a quarter shall be deemed not to have entered during that quarter. For a pupil who permanently leaves after the fifteenth school day of a quarter without completing the program, the date of withdrawal shall be the earliest of the following:

(a) the date the pupil is scheduled to complete the program;

(b) the date the AVTI fills the vacancy created by leaving; or

(c) the last day of the quarter during which the pupil permanently leaves the AVTI.

Subd. 3. [COMPUTATION.] Average daily membership for pupils enrolled in an AVTI shall equal (a) the sum for all pupils of the number of days of the school year each pupil is enrolled in an AVTI, counted from the date of entry until the date of withdrawal, times the number of hours per day each student is enrolled divided by six (b) divided by 175. The number of hours counted for any pupil in any one program shall not exceed the number of hours approved by the state board for completion of the program. However, the commissioner may grant a district permission to count additional hours for membership, not to exceed ten percent of the approved number of hours for the program, if additional hours are necessary for a pupil who is identified by the district as disadvantaged or handicapped, to complete the program. Adult vocational pupils shall not be counted for the purposes of this section.

Subd. 4. [CHEMICAL ABUSE TREATMENT.] A pupil who is absent from an AVTI to participate in a chemical abuse treatment program and who is on the roll of the AVTI according to the provisions of section 9 may be counted in average daily membership during that time for not more than 30 consecutive school days. If a returning pupil needs additional hours to complete the educational program, the AVTI may count the lesser of the following additional hours for membership:

(a) the number of hours the pupil was counted while participating in the

treatment program; or

(b) 30 times the number of hours per day the pupil is enrolled.

Sec. 8. [124.5618] [LENGTH OF SCHOOL YEAR AND DAY.]

For an AVTI, the normal school year shall be at least the number of session days required by section 124.19, subdivision 1. In all AVTI's, the length of the school day for each pupil, exclusive of the noon intermission, shall be at least six hours. Exceptions may be made by the district for approved AVTI programs provided on a part time or extended day basis to meet the needs of individual students or classes. These exceptions are authorized only for programs originally provided on a full time basis.

Sec. 9. [124.5619] [ABSENCE FOR CHEMICAL ABUSE TREATMENT.]

If a pupil is absent from an AVTI to participate in a chemical abuse treatment program licensed by the state, the pupil may request the AVTI to remain on the roll in the educational program in which the pupil is enrolled. The AVTI shall grant a request it receives from the pupil.

Sec. 10. Minnesota Statutes 1982, section 124.572, subdivision 2, is amended to read:

Subd. 2. [ADULT VOCATIONAL AID.] Except for the 1982-1983 school year, the state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel or personnel exempt from licensure pursuant to section 125.031 in that school year for services rendered in that district's or center's adult vocational education programs. *Notwithstanding any law or any licensure requirements to the contrary, the portion of a community education director's salary attributable to services rendered for the district's or center's adult vocational education program shall qualify for aid according to this subdivision.* In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The commissioner may withhold all or any portion of this aid for an adult vocational education program which receives moneys from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to moneys from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

Sec. 11. [1984 REPORT.]

By October 1, 1984, the commissioner of education shall report a five year projection of the replacement needs of fixed assets property for each of the AVTI's. The report shall be submitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 12. [ADULT VOCATIONAL REPORT.]

By January 1, 1984, the state board shall report to the education committees of the legislature on the feasibility of funding adult vocational education programs with full-time instructors in the same manner as post-secondary vocational education programs.

Sec. 13. [REPEALER.]

Minnesota Statutes 1982, sections 124.561, 124.562, 124.5621, 124.5622, 124.5623, 124.5624, 124.5625, 124.5626, and 124.5627 are repealed. The repeal of these sections shall not affect the right of a school district to receive nor the obligation of the commissioner of education to pay aids attributable to the 1982-1983 school year payable in fiscal year 1984 under or by virtue of the sections repealed.

Sec. 14. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID.] For post-secondary vocational instructional aid there is appropriated:

\$ 89,949,000.....1984,

\$106,160,000.....1985.

The appropriation for 1984 includes \$7,890,000 for aid for fiscal year 1983 payable in fiscal year 1984, pursuant to section 124.5621, and \$82,059,000 for aid for fiscal year 1984 payable in fiscal year 1984, pursuant to section 3.

The appropriation for 1984 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriation for 1985 includes \$14,481,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$91,679,000 for aid for fiscal year 1985 payable in fiscal year 1985, pursuant to section 3.

The appropriation for 1985 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriations are based on 100 percent aid entitlements of \$96,540,000 for fiscal year 1984 and \$96,504,000 for fiscal year 1985.

Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.] For post-secondary vocational supply aid there is appropriated:

\$2,370,000.....1984.

The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.

Subd. 4. [POST-SECONDARY VOCATIONAL SUPPORT SERVICES AID.] (a) For post-secondary vocational support services aid there is appropriated:

\$2,428,000.....1984.

The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.

Subd. 5. [POST-SECONDARY VOCATIONAL EQUIPMENT AID.] For post-secondary vocational equipment aid there is appropriated:

\$1,458,000.....1984.

The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.

Subd. 6. [POST-SECONDARY VOCATIONAL REPAIR AND BETTERMENT AID.] For post-secondary vocational repair and betterment aid there is appropriated:

\$2,183,000.....1984,

\$1,787,000.....1985.

The appropriation for 1984 includes \$191,000 for aid for fiscal year 1983 payable in fiscal year 1984 pursuant to section 124.5627, and \$1,992,000 for aid for fiscal year 1984 payable in fiscal year 1984 pursuant to section 3.

The appropriation for 1985 includes \$352,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,435,000 for aid for fiscal year 1985 payable in fiscal year 1985 pursuant to section 3.

The appropriations are based on 100 percent aid entitlements of \$2,344,000 for fiscal year 1984 and \$1,511,000 for fiscal year 1985.

Subd. 7. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.] For post-secondary vocational debt service aid there is appropriated:

\$6,987,000.....1984,

\$6,715,000.....1985.

Subd. 8. [ADULT VOCATIONAL EDUCATION AID.] For adult vocational education aid there is appropriated:

\$7,796,000.....1984,

\$9,101,000.....1985.

The appropriation for 1984 includes \$1,055,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$6,741,000 for aid for fiscal year 1984.

The appropriation for 1985 includes \$1,190,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$7,911,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$7,931,000 for fiscal year 1984 and \$8,327,000 for fiscal year 1985.

Subd. 9. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.] For veteran farmer cooperative training programs there is appropriated:

\$392,000.....1984,

\$320,000.....1985.

Subd. 10. [SECONDARY VOCATIONAL EDUCATION AID.] For secondary vocational education aid pursuant to section 124.573 there is appro-

priated:

\$20,545,000.....1984,

\$22,441,000.....1985.

The appropriation for 1984 includes \$2,935,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$17,610,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$3,108,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$19,333,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$20,718,000 for fiscal year 1984 and \$20,351,000 for fiscal year 1985.

For the purposes of this subdivision, funds appropriated for secondary vocational education programs may not be expended for the purpose of discontinuing or converting existing senior secondary industrial arts education programs.

Subd. 11. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.] For secondary vocational programs for handicapped children pursuant to section 124.574 there is appropriated:

\$2,585,000.....1984,

\$3,020,000.....1985.

The appropriation for 1984 includes \$348,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$2,237,000 for aid for fiscal year 1984 payable in fiscal year 1984. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriation for 1985 includes \$395,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$2,625,000 for aid for fiscal year 1985 payable in fiscal year 1985. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriations are based on 100 percent aid entitlements of \$2,632,000 for fiscal year 1984 and \$2,763,000 for fiscal year 1985.

Subd. 12. [CANCELLATION; PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amounts attributable to either year for any purpose indicated are insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for

these purposes.

Sec. 15. [EFFECTIVE DATE.]

Sections 1, 2, and 3 are effective the day following final enactment.

ARTICLE 6

OTHER AIDS AND LEVIES

Section 1. [121.199] [GRANTS FOR TEACHER INSTITUTES.]

A grant program is established to provide teacher institutes for professional instruction and education of teachers, according to Minnesota Statutes, section 121.20. A grant is available to public and private post-secondary institutions, other than an area vocational-technical institute. The state board of education shall award the grants to institutions. The state board shall determine the form, contents, and time for applications.

Sec. 2. [121.202] [EDUCATION DISTRICT TASK FORCE.]

An education district task force is established. The task force shall oversee education districts and provide direction for research and development relating to education districts. The task force shall consist of 11 members and shall be appointed by the commissioner of education. One member shall represent each congressional district and three shall represent the state at large. The terms, compensation, and removal of the task force shall be as provided in section 15.059, subdivisions 2, 3, and 4.

Sec. 3. Minnesota Statutes 1982, section 123.36, subdivision 13, is amended to read:

Subd. 13. [USE OF SALE PROCEEDS.] Proceeds of the sale or exchange of school buildings or real property of the school district shall be used as provided in this subdivision.

(1) In districts with outstanding bonds, the proceeds of the sale or exchange shall first be deposited in the debt retirement fund of the district in an amount sufficient to meet when due that percentage of the principal and interest payments for outstanding bonds which is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property which is sold.

(2) After satisfying the requirements of clause (1), a district with outstanding bonds may deposit proceeds of the sale or exchange in its capital expenditure fund if the amount deposited is used for the following:

(a) for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F; ~~or~~

(d) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation;

(e) for expenditures for the cleanup and disposal of polychlorinated biphenyls; or

(f) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a), (b) and (e) to (f) shall be deducted from the levy limitation computed for the levy authorized in section 275.125, subdivision 11b, in the first year after the deposit and from levy limitations computed for this levy in succeeding years until the entire amount is deducted.

(3) In a district with outstanding bonds, the amount of the proceeds of the sale or exchange remaining after the application of clauses (1) and (2), which is sufficient to meet when due that percentage of the principal and interest payments for the district's outstanding bonds which is not governed by clause (1), shall be deposited in the debt retirement fund.

(4) Any proceeds of the sale or exchange remaining in districts with outstanding bonds after the application of clauses (1), (2), and (3), and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.

(5) Notwithstanding clauses (2) and (3), a district with outstanding bonds may deposit in its capital expenditure fund and use for any lawful capital expenditure without the reduction of any levy limitation the same percentage of the proceeds of the sale or exchange of a building or property as the percentage of the initial cost of purchasing or constructing the building or property which was paid using revenue from the capital expenditure fund.

(6) Every district which sells or exchanges a building or property shall report to the commissioner in the form and at the time he prescribes on the disposition of the proceeds of the sale or exchange.

Sec. 4. Minnesota Statutes 1982, section 123.36, is amended by adding a subdivision to read:

Subd. 14. [ASBESTOS REMOVAL AND POLYCHLORINATED BIPHENYLS CLEANUP.] Notwithstanding any law to the contrary, school districts may, without an election, enter into contracts extending beyond the end of the fiscal year to pay the costs of removal or encapsulation of asbestos or cleanup and disposal of polychlorinated biphenyls found in school buildings or on school property.

Sec. 5. Minnesota Statutes 1982, section 123.702, subdivision 1a, is amended to read:

Subd. 1a. [COMPONENTS.] A screening program shall include at least the following components to the extent the school board determines they are financially feasible: developmental assessments, hearing and vision screening, review of health history and immunization status, and assessments of height, and weight and blood pressure. All screening components shall be consistent with the standards of the state commissioner of health for early and periodic screening programs. No child shall be required to submit to any component of this screening program to be eligible for any other

component. No screening program shall provide laboratory tests, a health history or a physical examination to any child who has been provided with those laboratory tests or a health history or physical examination within the previous 12 months. The school district shall request the results of any laboratory test, health history or physical examination within the 12 months preceding a scheduled screening clinic. A school board may offer additional components such as nutritional, physical and dental assessments, *blood pressure*, and laboratory tests. State aid shall not be paid for additional components.

Sec. 6. Minnesota Statutes 1982, section 123.705, is amended to read:

123.705 [~~STATE HEALTH SCREENING AID.~~]

Subdivision 1. [AID AMOUNTS.] The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed ~~\$28 per child screened in fiscal year 1982 and \$15 per child screened in fiscal year 1983, \$15 per child screened in fiscal year 1984, and \$15.75 per child screened in fiscal year 1985. Any district may request and receive an advance payment equal to 50 percent of its estimated payment for screening eligible children.~~

Subd. 2. [PAYMENT SCHEDULE.] Starting in the 1982-1983 school year, 85 percent of a district's health screening aid for each school year shall be distributed prior to November 30 of that school year. The final aid distribution to each district shall be made prior to November 30 of the following school year.

Sec. 7. Minnesota Statutes 1982, section 123.933, subdivision 3, is amended to read:

Subd. 3. [COST OF TEXTBOOKS; LIMITATION.] (a) The cost per pupil of the textbooks, individualized instructional materials and standardized tests provided for in this section for each school year shall not exceed the statewide average expenditure per pupil, adjusted pursuant to clause (b), by the Minnesota public elementary and secondary schools for textbooks, individualized instructional materials and standardized tests as computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data then available.

(b) The cost computed in clause (a) shall be increased by an inflation adjustment equal to the percent of increase in the foundation aid formula allowance, pursuant to section 124.2122, subdivision 1, from the second preceding school year to the current school year.

(c) The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the textbooks, individualized instructional materials and standardized tests for the pupils in each nonpublic school. The allotment shall not exceed the product of the statewide average expenditure per pupil, adjusted pursuant to clause (b), multiplied by the number of nonpublic school pupils who make requests pursuant to this section and who are enrolled as of September 15 of the current school year.

(d) Starting in the 1982-1983 school year, 85 percent of a district's non-public pupil aid shall be distributed prior to December 31 of that school year.

The final aid distribution to each district shall be made prior to December 31 of the following school year.

Sec. 8. Minnesota Statutes 1982, section 124.15, subdivision 5, is amended to read:

Subd. 5. [VIOLATION; AID REDUCTION.] If the violation specified is corrected within the time permitted, or if the commissioner on being notified of the district board's decision to dispute decides ~~such~~ the violation does not exist, or if the state board decides after hearing no violation specified in the commissioner's notice existed at the time ~~thereof~~ of it, or that ~~such~~ as any *which* existed were corrected within the time permitted, there ~~will~~ *shall* be no reduction of special state aids payable to ~~such~~ the school district. Otherwise special state aids payable to the district for the year in which the violation occurred ~~will~~ *shall* be reduced as follows: The total amount of special state aids to which the district may be entitled ~~will~~ *shall* be reduced in the proportion that the period during which a specified violation continued, computed from the last day of the time permitted for correction, bears to the total number of days school is held in the district during the year in which ~~such~~ a violation exists, *multiplied by 60 percent of the product of the foundation aid formula allowance times its pupil units for that year.*

Sec. 9. Minnesota Statutes 1982, section 124.19, subdivision 3, is amended to read:

Subd. 3. [UNCERTIFIED TEACHERS; AID REDUCTION.] When a district employs a ~~teacher~~ *one or more* teachers ~~that~~ *who* do not hold a valid teaching certificate, special state aid shall be withheld in the proportion that the number of such teachers is to the total number of teachers employed by the district, *multiplied by 60 percent of the product of the foundation aid formula allowance times its pupil units for the year in which the employment occurred.*

Sec. 10. Minnesota Statutes 1982, section 124.214, subdivision 2, is amended to read:

Subd. 2. [ABATEMENTS.] Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and ~~whenever~~ the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon ~~such~~ the changed valuations, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. In August of each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. The amount of the abatement adjustment shall be the product of (1) the net revenue loss as certified by the county auditor, times (2) the ratio of the sum of the amounts of the district's levy limitations in the preceding October pursuant to section 275.125, ~~subdivision subdivisions 2a, and subdivisions 2i, 5, 6c, and 7a~~ to the total amount of the district's maximum levy limitation in the preceding October pursuant to section 275.125. *If the district is entitled to aid pursuant to section 124.2123, the levy limitation pursuant to section 275.125, subdivi-*

sion 6b, shall be included in the computation of the ratio. If the district is entitled to aid pursuant to section 124.2128, the levy limitation pursuant to section 275.125, subdivision 6d, shall be included in the computation of the ratio. For purposes of this computation, the district's levy limitation pursuant to section 275.125, subdivision 5, shall not include the amounts authorized to be levied for bus purchases or because of extraordinary traffic hazards. The abatement adjustment shall be recognized as revenue in the fiscal year in which it is received.

Sec. 11. Minnesota Statutes 1982, section 124.245, is amended by adding a subdivision to read:

Subd. 1c. [HAZARDOUS SUBSTANCE COMPUTATION.] For the 1984-1985 school year and each year thereafter, the state shall pay a school district the difference by which an amount equal to the amount by which \$25 per pupil unit exceeds the amount raised by two mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. To qualify for aid pursuant to this subdivision in any school year, a district must levy the maximum permissible amount pursuant to section 275.125, subdivision 11c for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11c may be used.

Sec. 12. Minnesota Statutes 1982, section 124.246, subdivision 2, is amended to read:

Subd. 2. [CHEMICAL USE PROGRAM AID.] Except for the 1982-1983 school year, An eligible district shall receive \$1 \$1.05 for the 1983-1984 school year and \$1.10 for the 1984-1985 school year for each pupil, in average daily membership, enrolled in a public elementary, secondary or area vocational-technical or nonpublic elementary or secondary school. Aid for nonpublic school pupils shall be paid to the district upon request by or on behalf of the pupils. No district shall receive less than \$1,000 \$1,050 for the 1983-1984 school year or less than \$1,100 for the 1984-1985 school year.

Sec. 13. Minnesota Statutes 1982, section 124.247, subdivision 3, is amended to read:

Subd. 3. [GIFTED AND TALENTED PROGRAM AID.] A district which establishes a program for gifted and talented students shall receive for the purpose of this program an amount equal to \$16.25, in the 1981-1982 school year, and \$16.18 in the 1982-1983 school year, \$18.40 in the 1983-1984 school year, and \$19.30 in the 1984-1985 school year, times the number of gifted and talented students in the district. No more than five percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the moneys received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.

Sec. 14. Minnesota Statutes 1982, section 124.247, is amended by adding a subdivision to read:

Subd. 5. [PAYMENT SCHEDULE.] Starting in the 1982-1983 school year, 85 percent of a district's gifted and talented program aid for each school year shall be distributed prior to November 30 of that school year.

The final aid distribution to each district shall be made prior to November 30 of the following school year.

Sec. 15. [124.248] [ESTABLISHMENT OF EDUCATION DISTRICTS.]

Subdivision 1. [DECLARATION OF POLICY.] It is the intent of the legislature to encourage improved efficiency and effectiveness of education in Minnesota and to maximize the use of educational faculty and educational facilities. It is the policy of the legislature to encourage educational institutions, districts, and systems to work together cooperatively.

Subd. 2. [EDUCATION DISTRICT DEFINITION.] For purposes of this section, "education district" means:

(a) fewer than four school districts, if the combined enrollment is at least 10,000 pupils, which have entered into an agreement pursuant to sections 122.541, 122.85, or 471.59; or

(b) four or more school districts which have entered into an agreement pursuant to sections 122.541, 122.85, or 471.59; or

(c) a district or an attendance area within a school district with a total enrollment of more than 10,000 pupils in the attendance area;

(d) one or more districts with 1,000 square miles or more; or

(e) fewer than four school districts with a combined area of 1,000 square miles or more, if approved by the state board of education.

Subd. 3. [POWERS AND DUTIES.] School districts participating in an education district shall work cooperatively to extend, combine, or expand current educational and curriculum opportunities for all students in the education district. Efforts shall be made to improve efficiency and cost effectiveness and maximize the use of administrative and instructional personnel within the education district. This may involve the sharing of personnel as well as facilities. An education district must operate programs pursuant to sections 121.85 to 121.88, 121.501 to 121.507, 124.247, and 129B.06 to 129B.09.

Subd. 4. [EDUCATION DISTRICT BOARD.] An education district board shall coordinate the manner in which the agreement is carried out. The board shall consist of up to two representatives appointed by the full membership of each of the boards of the districts entering into the agreement and at least one representative from each vocational institution located in the education district.

Subd. 5. [ADVISORY COUNCIL.] An advisory council consisting of representatives from the following areas shall be appointed by the education board: improved learning program, early childhood and family education program, gifted and talented program, community education program, curriculum advisory committee, special education, vocational education, parent associations, and public and private post-secondary institutions in the education district area.

Subd. 6. [STATE BOARD.] Prior to the receipt of any funds by an education district, the agreement entered into by participating districts shall be reviewed and approved by the state board of education. The programs approved by the state board of education shall represent a balance between

rural, suburban, and urban school districts.

Subd. 7. [AID.] An eligible education district shall receive for the purpose of this program an amount equal to .015 pupil units times the basic foundation aid allowance for the school year for which the aid is being paid for every child up to five years of age residing in the education district and each pupil in average daily membership enrolled in the public elementary or secondary schools in the education district. Aid shall be paid by June 30 of each fiscal year. Final decisions regarding use of the funds shall remain with the education board organized for each education district.

Subd. 8. [USE OF CAPITAL EXPENDITURE FUNDS.] Notwithstanding the provisions of section 275.125, subdivision 11a, a district receiving aid pursuant to this section may use capital expenditure funds to purchase computer hardware and software for computer assisted learning programs.

Subd. 9. [USE OF TRANSPORTATION AID.] Notwithstanding the provisions of section 124.223, aid received by a district under section 124.225 may be used to transport teachers within an education district.

Sec. 16. [124.272] [INTERDISTRICT COOPERATION AID.]

Subdivision 1. [LIMITATION.] This section does not apply to districts whose boundaries are coterminous with those of cities of the first class or to school districts which are members of intermediate school districts, Nos. 287, 916, and 917. However, this section applies to a district which is a member of an intermediate school district if it has fewer than 2,000 pupil units.

Subd. 2. [ELIGIBLE DISTRICTS.] A district shall be eligible for district cooperation aid if it has entered into a cooperation agreement and if it has a cooperation plan approved by the commissioner of education.

Subd. 3. [COOPERATION PLAN.] To receive aid under this section or to levy under section 275.125, subdivision 8a, a district shall submit to the commissioner of education an application for aid by August 15 each year. The application shall contain the following:

(a) a three-year plan to improve or maintain the district curriculum, which gives priority to offering of any of the following: a three year mathematics sequence in grades 10 through 12, a three year science sequence in grades 10 through 12, a two year foreign language sequence, elementary and secondary courses in computer usage, or other programs recommended by the state board;

(b) an assurance that the proposed curriculum in clause (a) has been developed in conjunction with the planning, evaluation, and reporting process of section 123.741;

(c) a copy of the cooperation agreement;

(d) a description of the proposed cooperative curriculum offerings resulting from the agreement;

(e) the estimated instructional cost of the cooperation plan for the following fiscal year; and

(f) other information required by the commissioner.

Subd. 4. [DEFINITION.] (a) A district's "interdistrict cooperation revenue" equals the lesser of \$50 times the actual pupil units for that school year or the estimated cost of cooperative staffing or course offering to the district for the school year to which the levy is attributable.

(b) A district's "interdistrict cooperation levy limitation" means its levy limitation computed according to section 27.

Subd. 5. [COOPERATION AID.] A district's cooperation aid for any school year shall equal:

(a) the difference between its interdistrict cooperation revenue and its interdistrict cooperation levy limitation for the levy for that school year, multiplied by

(b) the ratio of the amount actually levied to the amount of its interdistrict cooperation levy limitation.

Subd. 6. [APPROVAL WITH APPROPRIATION.] The commissioner shall approve applications for aid within the limitation of the appropriation. Approval shall be based on criteria established by the state board of education.

Subd. 7. [REPORT.] By December 1, 1985, and each year thereafter, the department of education shall report to the education committees of the legislature about the interdistrict cooperation agreements and whether the provisions of this section have increased educational opportunities in those districts.

Sec. 17. Minnesota Statutes 1982, section 124.646, subdivision 1, is amended to read:

Subdivision 1. [*SCHOOL LUNCH AID COMPUTATION.*] (a) For the ~~1981-1982~~ 1983-1984 school year, school districts participating in the national school lunch program shall be paid by the state in the amount of ~~5-5~~ 7.5 cents for each full paid student lunch served to students in the district.

(b) For the ~~1982-1983~~ 1984-1985 school year, school districts participating in the national school lunch program shall be paid by the state in the amount of ~~5-9~~ 7.5 cents for each full paid student lunch served to students in the district.

Sec. 18. [125.70] [MINNESOTA CAMPUS LABORATORY SCHOOL.]

Subdivision 1. [PREAMBLE.] Vital to Minnesota's ability to maintain high quality education is continuing commitment to research and development in methods of instruction, school organization, management, and leadership. A unique facility to advance learning concepts needs to be maintained as a statewide resource to serve all aspects of education. It is important to serve all present teachers and state teacher education programs with new and improved methods of teaching, organizing the school for learning and leadership. Centrally located at St. Cloud, a laboratory school is a needed focus for a statewide network of educational services.

Subd. 2. [LABORATORY SCHOOL GOALS.] The goals of the Minnesota campus laboratory school are all of the following:

(a) serve as a laboratory center for educational research and develop-

mental activities;

(b) maintain a center for educational experimentation which exerts influence upon and involves itself in shaping the future of public education for children;

(c) develop prototypes or models of educational practices, including, but not limited to educational training models which:

(1) promote and evaluate computer literacy, foreign language competency, communications, math and science skills for staff and students;

(2) integrate the use of advanced technology in individualized or personalized methods of instruction, school organization, and school management; and

(3) use advanced technology to provide for cooperative and collaborative utilization of resources between schools within a community, between communities, and for delivery of life-long community-wide learning opportunities;

(d) implement research and development activities designed by university teacher education faculty and laboratory school faculty;

(e) develop, implement, and pilot test evaluation designs, methods, and instruments related to campus laboratory school research and development activities;

(f) serve as a clinical laboratory where teachers have the opportunity to observe and participate with children, teachers, and the learning process;

(g) provide participation experiences with children in subject matter areas and alternative learning environments;

(h) provide opportunities to utilize television for observation purposes and for purposes of teacher education instruction;

(i) provide exemplary practicing educational staff resources to teacher education programs and provide teacher education resources in the training of teachers in the management of technology in teaching;

(j) provide for dissemination of laboratory school programs and practices to the educational consumer;

(k) serve as educational resource consultants, conduct workshops and in-service programs, and develop publications which can be disseminated to the educational consumer; and

(l) provide for visits to the campus laboratory school with opportunities for observation and discussion of innovative practices in education.

Subd. 3. [GOVERNANCE.] The state university at St. Cloud shall administer and supervise the Minnesota campus laboratory school.

Subd. 4. [ADVISORY COMMITTEES.] Two permanent advisory committees shall be established for the Minnesota campus laboratory school.

(a) The clinical laboratory advisory committee shall consist of eight members. The members shall be appointed as follows: one member shall be appointed by the commissioner of education; one member shall be appointed by

the board of teaching; one member shall be appointed by the regents of the University of Minnesota; one member shall be appointed by the state university board; one member shall be appointed by the private college council; and one faculty member shall be appointed from the University of Minnesota, state university system, and the private college system. The duties of the committee include reviewing and advising the director of the laboratory school on the clinical services offered by the school, reviewing the budget of the school, and approving an annual report on clinical services which shall be submitted to the commissioner of education.

A vacancy on the committee shall be filled in the same manner as an original appointment. The representative of the commissioner of education shall serve as chairperson and other officers shall be elected by the committee as it determines advisable. The representative of the commissioner of education and the board of teaching shall also serve on the committee for dissemination/education information.

(b) The education extension information advisory committee for the Minnesota campus laboratory school shall consist of six members. The members shall be appointed as follows: one member shall be appointed by the commissioner of education; one member shall be appointed by the board of teaching; one member shall be appointed by the Minnesota school boards association; one member shall be appointed by the Minnesota education association; one member shall be appointed by the Minnesota federation of teachers; one member shall be a private school teacher appointed by the nonpublic schools. Duties of the committee include reviewing and advising the director of the laboratory school on the dissemination services offered by the school, reviewing the budget of the laboratory school, and approving an annual report on the dissemination of educational information services which shall be submitted to the commissioner of education.

A vacancy on the committee shall be filled in the same manner as an original appointment. The representative of the commissioner of education shall serve as chairperson and other officers shall be elected by the committee as it determines advisable. The representative of the commissioner of education and the board of teaching shall also serve on the committee for the clinical laboratory.

Subd. 5. [COMMITTEE MEETINGS AND COMPENSATION.] The department of education in consultation with the Minnesota campus laboratory school director shall establish meeting dates and times for the two advisory committees. Each committee shall meet a minimum of three times and not more than five times during a biennium. Committee members shall be reimbursed for all expenses actually and necessarily incurred in the performance of their committee duties. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 6. [REGULAR LABORATORY SCHOOL AID.] Consistent with the provisions of section 124.185, all aid provided by law shall be paid to each district of residence as though the pupils enrolled at the laboratory school at St. Cloud were in attendance in the district of residence.

Subd. 7. [SPECIAL LABORATORY SCHOOL AID.] In addition to the aid provided in subdivision 6, the laboratory school located at St. Cloud shall receive the amounts appropriated in this act for the 1983-1984 and

1984-1985 school years. For the 1985-1986 school year, the laboratory school shall receive 90 percent of the amount appropriated for the 1984-1985 school year. For the 1986-1987 school year, the laboratory school shall receive 80 percent of the amount appropriated for the 1984-1985 school year. For the 1987-1988 school year, the laboratory school shall receive 75 percent of the amount appropriated for the 1984-1985 school year.

Sec. 19. [126.025] [CARDIOPULMONARY RESUSCITATION INSTRUCTION.]

Subdivision 1. [AUTHORIZATION.] Pupils attending public senior high schools may receive a course of instruction in the techniques of cardiopulmonary resuscitation, sufficient to enable the pupils to give emergency assistance to victims of cardiac arrest. The instruction may be offered as a separate course or as part of another course. The instruction shall be given by a person certified as a cardiopulmonary resuscitation instructor by either the American Red Cross or the American Heart Association, but that person need not be a licensed teacher. Districts are encouraged to use equipment, teaching materials, and training courses provided by public or private agencies, educational cooperative service units, or organizations such as the American Red Cross, American Heart Association.

Subd. 2. [ASSISTANCE.] The department of education shall provide technical assistance to educational cooperative service units and school districts to implement the provisions of subdivision 1.

Sec. 20. [129B.15] [CITATION.]

Sections 20 to 26 may be cited as the "Minnesota Comprehensive Arts In Education Planning Act".

Sec. 21. [129B.16] [PURPOSE.]

The legislature finds that students should have the opportunity to learn about all arts disciplines under the guidance of a trained teacher in a comprehensive arts education program. In order to encourage comprehensive arts education programs in elementary and secondary schools, it is the purpose of sections 20 to 26 to provide for the establishment of the Comprehensive Arts In Education Planning Act.

Sec. 22. [129B.17] [AUTHORIZATION.]

The department of education shall prescribe the form and manner of application for the grant recipients. The state board of education shall award comprehensive arts in education planning grants in consultation with the Minnesota alliance for arts in education and the Minnesota state arts board.

Sec. 23. [129B.18] [PROGRAM ACCOUNTS.]

A district receiving a comprehensive arts in education planning grant shall establish and maintain a separate account for the receipt and disbursement of all funds relating to the program, and the funds shall be spent only for the purpose of arts education programs.

Sec. 24. [129B.19] [ADDITIONAL FUNDING.]

A district receiving a comprehensive arts in education planning grant may receive funds for the program from private sources and from other govern-

mental agencies, including any state or federal funds available for arts education.

Sec. 25. [129B.20] [CRITERIA FOR GRANT APPROVAL.]

Up to 30 grants of \$1,000 each may be approved under this section for programs which include:

(1) a needs assessment of arts education and planning in the school district;

(2) creation of a community based arts education team of eight individuals from the school district and the community whose function will be to promote comprehensive arts education in the school district;

(3) participation by members of the arts education team in training offered by the department of education; and

(4) establishment of an evaluation component.

Sec. 26. [129B.21] [DEPARTMENT RESPONSIBILITY.]

The department of education shall:

(1) provide training and assistance to the arts education teams in the school districts;

(2) provide consultation and technical assistance to districts which receive arts in education planning grants; and

(3) submit a report to the education committees of the senate and house of representatives by January 1, 1985. The report shall include the status and implementation of Minnesota comprehensive arts in education planning grants and the department's plans to promote arts education in the schools.

Sec. 27. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 8a. [INTERDISTRICT COOPERATION LEVY.] Each year, a district which is eligible for aid according to section 16, subdivision 2, may levy the amount of the estimated instructional costs of the interdistrict cooperation plan for the year to which the levy is attributable, but not more than \$50 times the actual pupil units for that school year. No levy under this subdivision shall exceed one mill times the adjusted assessed valuation of the district for the preceding year. The proceeds of the levy may only be used to pay for instructional costs incurred in providing the cooperative staffing or course offerings.

Sec. 28. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 9b. [OPERATING DEBT LEVY.] (1) In 1983 and each year thereafter, a district may make an additional levy to eliminate a deficit in the net unappropriated operating funds of the district, determined as of June 30, 1983, and certified and adjusted by the commissioner. This levy may in each year be an amount not to exceed the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee. However, the total amount of this levy for all years it is made shall not exceed the lesser of (a)

the amount of the deficit in the net unappropriated operating funds of the district as of June 30, 1983, or (b) the amount of the aids reduced, according to Laws 1981, Third Special Session chapter 2, article 2 and Laws 1982, Third Special Session chapter 1, article 3, sections 6 and 7, to the district in fiscal year 1983. When the cumulative levies made pursuant to this subdivision equal the total amount permitted by this subdivision, the levy shall be discontinued.

(2) The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(3) Any district which levies pursuant to this subdivision shall certify the maximum levy allowable under subdivision 2a or 2e in that same year.

Sec. 29. Minnesota Statutes 1982, section 275.125, subdivision 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) Each year a school district may levy an amount not to exceed the amount equal to \$90 per pupil unit, or \$95 per pupil unit in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year. No levy under this clause shall exceed seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year.

(b) The proceeds of the tax may be used to acquire land, to equip and re-equip buildings and permanent attached fixtures, to rent or lease buildings for school purposes, to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116J.24, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, such as those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures to reduce or eliminate barriers to or increase access to school facilities by handicapped individuals. The proceeds of the tax may also be used to make capital improvements to schoolhouses to be leased pursuant to section 123.36, subdivision 10. The proceeds of the tax may also be used to pay fees for capital outlay expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors.

(c) Subject to the commissioner's approval, the tax proceeds may also be used to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal for the district's long term

needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

(f) Each year, subject to the seven mill limitation of clause (a) of this subdivision, a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to \$5 per pupil unit for capital expenditures for equipment for these programs.

(g) For purposes of computing allowable levies under this subdivision and ~~subdivision~~ *subdivisions 11b and 11c*, pupil units shall include those units identified in section 124.17, subdivision 1, clauses (1) and (2), and 98.5 percent of the units identified in Minnesota Statutes 1980, section 124.17, subdivision 1, clauses (4) and (5) for 1980-1981.

Sec. 30. Minnesota Statutes 1982, section 275.125, subdivision 11b, is amended to read:

Subd. 11b. [SPECIAL PURPOSE CAPITAL EXPENDITURE LEVY.] ~~In 1981 and each year thereafter,~~ In addition to the levy authorized in subdivision 11a, *each year* a school district may levy an amount not to exceed the amount equal to \$25 per pupil unit. No levy under this clause shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for the following:

(a) for energy audits on district owned buildings conducted pursuant to chapter 116H, and for funding those energy conservation and renewable energy measures which the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation measures within a period of ten years or less;

(b) for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped persons;

(c) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted pursuant to chapter 299F;

(d) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation;

(e) for expenditures for the cleanup and disposal of polychlorinated biphenyls.

Sec. 31. Minnesota Statutes 1982, section 275.125, is amended by adding a subdivision to read:

Subd. 11c. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE LEVY.] In 1983 and each year thereafter, in addition to the levy authorized in subdivision 11a and 11b, a school district may levy an amount not to exceed the amount equal to \$25 per pupil unit. No levy under this subdivision

shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for expenditures necessary for the removal or encapsulation of asbestos or the cleanup and disposal of polychlorinated biphenyls found in school buildings or property.

Sec. 32. [STANDARDS FOR ASBESTOS REMOVAL AND POLYCHLORINATED BIPHENYLS CLEANUP.]

Until the pollution control agency promulgates permanent rules establishing standards, school districts may determine standards for removal or encapsulation of asbestos or cleanup or disposal of polychlorinated biphenyls found in school buildings or on school property with the advice of the department of education.

Sec. 33. [CONTRACTS FOR ASBESTOS AND POLYCHLORINATED BIPHENYLS.]

Notwithstanding any law to the contrary, if a district entered into a contract after June 30, 1980 for any of the following purposes, the district may use the proceeds of the levy authorized according to sections 30 or 31, to meet those contractual obligations or to reimburse the fund from which contractual payments were made, as applicable, regardless of when the proceeds of the levies are received by the district: removal of asbestos, asbestos encapsulation, cleanup or disposal of polychlorinated biphenyls.

Sec. 34. [REPORTS TO LEGISLATURE.]

Subdivision 1. [LABORATORY SCHOOL.] The laboratory school at St. Cloud State University shall report to the education committees of the legislature by January 15, 1985 concerning the progress of the school and its programs.

Subd. 2. [EDUCATION DISTRICTS.] The department of education shall submit a report by March 1, 1985 to the legislature evaluating the education districts program.

Sec. 35. [REPEALER.]

Minnesota Statutes 1982, sections 124.24 and 129B.09, subdivision 5, are repealed.

Sec. 36. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [TEACHER INSTITUTES.] The sum of \$100,000 is appropriated from the general fund to the state board of education to provide teacher institutes. The sum is available until June 30, 1985.

Subd. 3. [HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.] For health and developmental screening programs pursuant to sections 123.701 to 123.705 there is appropriated:

\$736,000.....1984,

\$890,000.....1985.

The appropriation for fiscal year 1984 includes \$103,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$633,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$111,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$779,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$744,000 for fiscal year 1984 and \$819,000 for fiscal year 1985.

Subd. 4. [MINI-GRANTS FOR PRE-SCHOOL SCREENING STUDY.] For mini-grants to study screening of children three years of age and younger there is appropriated:

\$32,000.....1984,

\$44,000.....1985.

The appropriation for fiscal year 1984 includes aid for fiscal year 1984 payable in fiscal year 1984. The appropriation for fiscal year 1985 includes \$6,000 for fiscal year 1984 payable in fiscal year 1985 and \$38,000 for fiscal year 1985 payable in fiscal year 1985. The appropriations are based on 100 percent aid entitlements of \$38,000 for fiscal year 1984 and \$40,000 for fiscal year 1985. The appropriation is for the purpose of funding mini-grants approved by the department of education to study the feasibility of screening children three years of age and younger. The department of education shall establish procedures for school districts to apply for these grants and the results shall be reported to the legislature by February 15, 1984. Notwithstanding the provisions of section 123.702, children who participate in these experimental screening services shall remain eligible for subsequent screening services offered by the school district under section 123.702, subdivision 1.

Subd. 5. [ABATEMENT AID.] For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:

\$2,150,000.....1984,

\$2,250,000.....1985.

Subd. 6. [CAPITAL EXPENDITURE EQUALIZATION AID.] For capital expenditure equalization aid pursuant to section 124.245, subdivision 1, there is appropriated:

\$313,000.....1984,

\$245,000.....1985.

The appropriation for fiscal year 1984 includes \$58,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$255,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$45,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$200,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$300,000 for fiscal year 1984 and \$211,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a.

Subd. 7. [SPECIAL PURPOSE CAPITAL EXPENDITURE EQUALIZATION AID.] For special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a, there is appropriated:

\$52,000.....1984,

\$51,000.....1985.

The appropriation for fiscal year 1984 includes \$9,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$43,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$8,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$43,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$51,000 for fiscal year 1984 and \$45,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriation in this subdivision in either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.

Subd. 8. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE EQUALIZATION AID.] For hazardous substance capital expenditure equalization aid pursuant to section 124.245, subdivision 1c, there is appropriated:

\$43,000.....1985.

The appropriation for fiscal year 1985 includes \$43,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$45,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriation in this subdivision in either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.

Subd. 9. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units, there is appropriated:

\$695,000.....1984,

\$660,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$695,000 for fiscal year 1984 and \$695,000 for fiscal year 1985.

Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$63,180 per ECSU for each fiscal year; however, the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall receive \$126,360 for each fiscal year for general operations.

Subd. 10. [SCHOOL LUNCH AND FOOD STORAGE AID.] For school lunch aid pursuant to section 124.646 and for food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:

\$4,625,000.....1984,

\$4,625,000.....1985.

Any unexpended balance remaining from the appropriations in this subdivision shall be prorated among participating schools based on the number of fully paid lunches served during that school year in order to meet the state revenue matching requirement of the U.S.D.A. National School Lunch Program.

If the appropriation amount attributable to either year is insufficient, the rate of payment for each full paid student lunch shall be reduced and the aid for that year shall be prorated among participating schools so as not to exceed the total authorized appropriation for that year.

Subd. 11. [INTERDISTRICT COOPERATION AID.] For aid for inter-district cooperation programs pursuant to section 16 there is appropriated:

\$950,000.....1985.

The appropriation is based on 100 percent aid entitlement of \$1,000,000 for fiscal year 1985.

Subd. 12. [GIFTED AND TALENTED STUDENTS.] For programs for the gifted and talented pursuant to section 124.247 there is appropriated:

\$630,000.....1984,

\$738,000.....1985.

The appropriation for aid for fiscal year 1984 includes \$80,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$550,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$97,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$641,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$647,000 for fiscal year 1984 and \$675,000 for fiscal year 1985.

Subd. 13. [NONPUBLIC AIDS.] For programs for nonpublic educational aid pursuant to sections 123.931 to 123.947 there is appropriated:

\$6,071,000.....1984,

\$7,447,000.....1985.

The appropriation for aid for fiscal year 1984 includes \$629,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$5,442,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$961,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$6,486,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of

\$6,403,000 for fiscal year 1984 and \$6,827,000 for fiscal year 1985.

Subd. 14. [APPROPRIATION; INDIAN EDUCATION.] (a) For certain Indian education programs there is appropriated:

\$158,000.....1984,

\$158,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$158,000 for fiscal year 1984 and \$166,000 for fiscal year 1985.

These appropriations are available for expenditure with the approval of the commissioner of education.

The commissioner shall not approve the payment of any amount to a school district pursuant to this subdivision unless that school district is in compliance with all applicable laws of this state.

Up to the following amounts may be distributed to the following school districts for fiscal year 1984: \$49,600 to Independent School District No. 309-Pine Point School; \$8,750 to Independent School District No. 166; \$13,500 to Independent School District No. 432; \$12,700 to Independent School District No. 435; \$38,100 to Independent School District No. 707; and \$35,350 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

Up to the following amounts may be distributed to the following school districts for fiscal year 1985: \$52,100 to Independent School District No. 309-Pine Point School; \$9,200 to Independent School District No. 166; \$14,200 to Independent School District No. 432; \$13,350 to Independent School District No. 435; \$40,050 to Independent School District No. 707; and \$37,100 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

These appropriations are available only if there will not be available for the districts enumerated in this subdivision for the applicable school year any operation support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, Public Law 73-167 or 25 Code of Federal Regulations 273.31, or equivalent money from the same or another source.

(b) Before a district can receive moneys pursuant to this subdivision, the district must submit to the commissioner of education evidence that it has:

(i) Complied with the Uniform Financial Accounting and Reporting Standards Act, sections 121.90 to 121.917. For each school year, compliance with section 121.908, subdivision 3a, shall require the school district to prepare one budget including the amount available to the district pursuant to this subdivision and one budget which does not include these moneys. The budget of that school district for the 1985-86 school year prepared according to section 121.908, subdivision 3a, shall be submitted to the commissioner of education at the same time as 1984-1985 budgets and shall not include any moneys appropriated in this subdivision;

(ii) Conducted a special education needs assessment and prepared a proposed service delivery plan according to Minnesota Statutes, sections

120.03 and 120.17; Public Law 94-142, an act of the 94th Congress of the United States cited as the "Education for All Handicapped Children Act of 1975"; and applicable state board of education rules; and

(iii) *Compiled accurate daily pupil attendance records.*

(c) *Prior to approving payment of any amount to a school district pursuant to this subdivision, the commissioner shall review and evaluate each affected district's compliance with clause (b) and any other applicable laws, and each affected district's need for the moneys. Each affected district's net unappropriated fund balance in all operating funds as of June 30 of the previous school year shall be taken into consideration.*

Subd. 15. [CHEMICAL USE PROGRAMS.] *For aid for chemical dependency programs authorized pursuant to section 124.246 there is appropriated:*

\$ 973,000.....1984,

\$1,127,000.....1985.

The appropriation for fiscal year 1984 includes \$135,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$838,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$148,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$979,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$986,000 for fiscal year 1984 and \$1,031,000 for fiscal year 1985.

Subd. 16. [EARLY CHILDHOOD AND FAMILY EDUCATION.] *For early childhood and family education programs pursuant to sections 129B.06 to 129B.09 there is appropriated:*

\$1,776,000.....1984,

\$2,137,000.....1985.

The appropriation for fiscal year 1984 includes \$209,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$1,567,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$277,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$1,860,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$1,844,000 for fiscal year 1984 and \$1,958,000 for fiscal year 1985.

Subd. 17. [ARTS PLANNING GRANTS.]

For Minnesota comprehensive arts in education planning grants, there is appropriated from the general fund to the department of education the sums indicated for the fiscal years ending June 30 in the years designated:

\$125,000.....1984,

\$119,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$125,000

for fiscal year 1984 and \$125,000 for fiscal year 1985.

This appropriation includes funds for the employment of one staff by the commissioner to administer the program in section 18.

The department of education's approved complement is increased by 1.0 with this appropriation.

Subd. 18. [CARDIOPULMONARY RESUSCITATION INSTRUCTION.] There is appropriated from the general fund to the department of education the sum of \$35,000 for fiscal year 1984 for educational cooperative service units to purchase equipment needed for instruction in cardiopulmonary resuscitation. The equipment shall be available for use by school districts. Funds from this appropriation shall be transmitted to ECSU boards of directors. The department of education shall issue grants to ECSU's based on the following criteria: the number of school districts in the ECSU, the number of students served by the ECSU, and other resources available to the ECSU. The sums appropriated are available until expended.

Subd. 19. [CAMPUS LABORATORY SCHOOL.] The following sums are appropriated from the general fund to St. Cloud State University for the laboratory school at St. Cloud for the fiscal years ending June 30 in the years indicated:

\$670,600 1984,

\$718,800 1985.

Subd. 20. [EDUCATION DISTRICTS.] There is appropriated from the general fund to the department of education the sum of \$3,000,000 for purposes of the program established under section 13. The state board of education shall approve agreements according to section 15, subdivision 6, within the limits of the appropriation. Approved agreements shall receive full funding. The sum shall be available until June 30, 1985.

Subd. 21. [CANCELLATION AND PRORATION.] Except as provided in subdivisions 5 and 6, any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. Except as provided in subdivisions 5 and 6, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes.

Sec. 37. [EFFECTIVE DATE.]

Sections 8 and 9 of this article are effective the day following final enactment.

ARTICLE 7

MISCELLANEOUS

Section 1. [LEGISLATIVE COMMISSION ON PUBLIC EDUCATION.]

Subdivision 1. [CREATION.] A commission to study and evaluate education planning, policy development, and finance in Minnesota is hereby

created.

Subd. 2. [POWERS.] The name of the commission is the legislative commission on education. The commission shall make a study and evaluate elementary and secondary education in Minnesota. The powers and duties of the commission include, but are not limited to, the following:

(a) the evaluation of education policy development and planning in Minnesota and recommendations for change to make education more effective;

(b) the study of current and alternative financing formulas for education in Minnesota and recommendations for changes in the use of public money to fund education in Minnesota;

(c) the evaluation of current school district organization and administration in Minnesota and recommendations to make more efficient use of available resources;

(d) the evaluation of current technology and alternative education delivery systems for Minnesota;

(e) the study of teacher preparation, certification, salaries, employment policies, and retention; and

(f) to make recommendations to the governor and education, tax and finance committees of the legislature for statutory changes relating to education in Minnesota.

Subd. 3. [MEMBERSHIP.] The commission shall consist of 15 members. Five members shall represent the state senate and shall be appointed by the subcommittee on committees of the committee on rules and administration, and five members shall represent the house of representatives and shall be appointed by the speaker. The remaining five members shall be appointed by the governor. Vacancies on the commission shall be filled in the same manner as regular appointments to the commission.

Subd. 4. [OFFICE, MEETINGS, OFFICERS.] The commission shall maintain an office in space which the commissioner of administration shall provide. The commission shall hold meetings at such times and places as it may designate. It shall select a chairman, a vice chairman, and such other officers from its membership as it may deem necessary.

Subd. 5. [STAFF.] The commission may employ such professional, clerical, and technical assistants as it deems necessary in order to perform the duties herein prescribed. The commission may also utilize legislative staff from senate counsel, senate research, house research, and the legislative reference library.

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 such officer or agency is authorized and directed to promptly furnish any data requested.

Subd. 7. [LEGISLATIVE BILLS FURNISHED.] The secretary of the senate and the chief clerk of the house shall provide the commission with a copy of each bill introduced in the legislature concerning education and education finance.

Subd. 8. [EXPENSES, REIMBURSEMENT.] The members of the com-

mission and its assistants shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties hereunder. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 9. [EXPENSES AND REPORTS.] Expenses of the commission shall be approved by the chairman or such 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.

Subd. 10. [REPORT.] The commission shall prepare and distribute a report to the legislature by January 1, 1985, summarizing the findings of the commission and any recommendations for statutory change. The legislative commission on education shall terminate June 30, 1985.

Sec. 2. Minnesota Statutes 1982, section 6.54, is amended to read:

6.54 [EXAMINATION OF MUNICIPAL RECORDS PURSUANT TO PETITION.]

The registered voters in a home rule charter or statutory city or town may petition the state auditor to examine the books, records, accounts, and affairs of the home rule charter or statutory city, town, or of any organizational unit, activity, project, enterprise, or fund thereof; and the scope of the examination may be limited by the petition, but the examination shall cover, at least, all cash received and disbursed and the transactions relating thereto, provided that the state auditor shall not examine more than the six latest years preceding the circulation of the petition, unless it appears to the state auditor during his examination that the audit period should be extended to permit a full recovery under bonds furnished by public officers or employees, and may if it appears to him in the public interest confine the period or the scope of audit or both period and scope of audit, to less than that requested by the petition. In the case of a home rule charter or statutory city or town, the petition shall be signed by a number of registered voters at least equal to 20 percent of those voting in the last presidential election. The ~~freeholders~~ *eligible voters* of any school district, as defined in section 123.32, subdivision 1a, may petition the state auditor and he shall be subject to the same restrictions regarding the scope and period of audit, provided that the petition shall be signed by at least ten ~~freeholders~~ *eligible voters* for each 50 resident pupils in average daily membership during the preceding school year as shown on the records in the office of the commissioner of education. In no case shall the petition for an examination of a town bear the names of less than 25 registered voters; and provided, that in the case of school districts, the petition shall be signed by at least ten ~~freeholders~~ *eligible voters*. At the time it is circulated, every petition shall contain a statement that the cost of the audit will be borne by the city, town, or school district as provided by law. Thirty days before the petition is delivered to the state auditor it shall be presented to the appropriate city, town or school district clerk and the county auditor. The county auditor shall determine and certify whether the petition is signed by the required number of registered voters or ~~freeholders~~ *eligible voters* as the case may be. The certificate shall be conclusive evidence thereof in any action or proceeding for the recovery

of the costs, charges and expenses of any examination made pursuant to the petition.

Sec. 3. Minnesota Statutes 1982, section 6.62, subdivision 1, is amended to read:

Subdivision 1. [LEVY OF TAX.] Counties, cities and towns are authorized, if necessary, to levy, over and above tax levy limitations for other governmental purposes, an amount sufficient to pay the expense of a post-audit by the state auditor.

A school district is authorized to levy an amount sufficient to pay for the expense of a post-audit by the state auditor if the audit is performed at the discretion of the state auditor pursuant to section 6.51 or if the audit has been requested through a petition by ~~freeholders~~ *eligible voters* pursuant to section 6.54. A school district is not authorized to levy these amounts if the post-audit by the state auditor is requested by the school board pursuant to section 6.55.

Sec. 4. Minnesota Statutes 1982, section 121.15, is amended to read:

121.15 [PLANS AND SPECIFICATIONS FOR SCHOOL BUILDINGS REVIEW AND COMMENT FOR SCHOOL DISTRICT CONSTRUCTION.]

~~The state board shall prescribe rules for school sites and for the mechanical equipment, erection, enlargement, and change of school buildings. All plans and specifications for the erection, enlargement, and change of school buildings shall first be submitted to the state department of education for approval before the contract is let and no new school buildings shall be erected or any building enlarged or changed until the plans and specifications have been submitted to, and approved by, the state department. The state board shall include in such rules those made, from time to time, by the state commissioner of health relative to sanitary standards for toilets, water supply, and disposal of sewage in public school buildings. In all other respects the authority to make rules for public school buildings shall be vested in the state board, which shall have the power to prepare and furnish to local school boards plans and specifications for temporary school buildings, containing two classrooms or less. The state board in approving construction plans may specifically qualify its approval as limited solely to physical plant, plans and specifications and it may specifically reserve its approval as to the advisability of construction from an educational program standpoint. Under such rules and procedure as the state board shall prescribe, the state department may condemn school buildings and sites which are unfit or unsafe for use as such.~~

Subdivision 1. A school district shall consult with the department of education before developing any plans and specifications to construct, remodel, or improve the site of an educational facility. This consultation shall occur before a referendum for bonds, solicitation for bids, or use of capital funds according to section 275.125, subdivision 11b, is initiated.

Subd. 2. The department of education, after the consultation required in subdivision 1, may require a school district engaging in a construction, remodeling, or site improvement project to submit for approval:

(a) two sets of preliminary plans for each new building or addition, and

(b) one set of final plans for each construction, remodeling, or site im-

provement project. The department of education shall approve or disapprove the plans within 60 days after submission. A school district shall not award contracts before the department approves the plans.

Final plans shall meet all applicable state laws, rules, and codes concerning public buildings, including sections 16.83 to 16.87. The department of education's approval shall be limited to compliance with applicable state laws, rules, and codes and shall reasonably conform to the recommended educational standards established by the department of education. The department may furnish to a school district plans and specifications for temporary school buildings containing two classrooms or less.

Subd. 3. If no construction contract has been awarded within one year of approval, the approval shall no longer be valid. After approval, final plans and the approval shall be filed with the department of education. If substantial changes are made to plans after final approval, documents reflecting the changes shall be submitted to the department of education for approval. Upon completing a project, the school board shall certify to the department that the project was completed according to the approved plans.

Subd. 4. The department of education may condemn school buildings and sites which the state board of education determines are unfit or unsafe for that use.

Subd. 5. The state board of education may adopt rules for public school buildings.

Subd. 6. No referendum for bonds or solicitation of bids for new construction, expansion, or remodeling of an educational facility which requires a capital expenditure in excess of \$400,000 per school site shall be initiated prior to review and comment by the commissioner. A school board shall not separate portions of a single project into components to avoid the requirements of this subdivision.

Subd. 7. A school board proposing to construct a facility described in subdivision 6 shall submit to the commissioner a proposal containing information including at least the following:

(a) the geographic area proposed to be served, whether within or outside the boundaries of the school district;

(b) the population proposed to be served, including census findings and projections of the number of preschool and school-aged people in the area;

(c) the reasonably anticipated need for the facility or service to be provided;

(d) a description of the construction in reasonable detail, including: the capital expenditures contemplated; the estimated annual operating cost, including the anticipated salary and number of new staff necessitated by the proposal; and an evaluation of the energy efficiency and effectiveness of the construction, including estimated annual energy costs;

(e) so far as is known, existing facilities within the area to be served that offer the same or similar service; the extent existing facilities or services are used; the extent to which space is available from other sources, including institutions for higher education or other public buildings; and the anti-

pated effect that the proposal will have on existing facilities and services;

(f) the anticipated benefit to the area that will result from the facility;

(g) if known, the relationship of the proposed construction to any priorities which have been established for the area to be served;

(h) the availability and manner of financing the facility and the estimated date to begin and complete the facility; and

(i) desegregation requirements that cannot be met by any other reasonable means.

Subd. 8. In reviewing each proposal, the commissioner shall submit to the school board, within 60 days of receiving the proposal, the review and comment about the educational and economic advisability of the project. The review and comment shall be based on information submitted with the proposal and other information the commissioner determines is necessary.

Subd. 9. At least 20 days but not more than 60 days before a referendum for bonds or solicitation of bids to construct a facility, the school board shall publish the commissioner's review and comment in a legal newspaper of general circulation in the area. Supplementary information shall be available to the public.

Subd. 10. Before January 15 of each year, the commissioner shall report to the legislature about the number and nature of proposals for projects submitted according to this section, the nature of the review and comment on the educational and economic advisability, and any recommendations.

Sec. 5. Minnesota Statutes 1982, section 121.908, is amended to read:

121.908 [REQUIREMENT FOR ACCOUNTING, BUDGETING AND REPORTING.]

Subdivision 1. On or before June 30, 1977, each Minnesota school district shall adopt the uniform financial accounting and reporting standards for Minnesota school districts provided for in section 121.902.

Subd. 2. Each ~~Minnesota school~~ district shall submit to the commissioner by ~~August 15, 1977 and~~ August 15 of each year ~~thereafter~~, an unaudited financial statement for the preceding fiscal year. This statement shall be submitted on forms prescribed by the commissioner after consultation with the advisory council on uniform financial accounting and reporting standards.

Subd. 3. ~~Prior to June 30~~ By *December 31* of the calendar year ~~following~~ of the submission of the unaudited financial statement, the ~~school~~ district shall provide to the commissioner and state auditor an audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited statement.

Subd. 3a. ~~Prior to July 1, 1978 and~~ July 1 of each year ~~thereafter~~, the school board of each district shall approve and adopt its revenue and expenditure budgets for the next school year. The budget document so adopted shall be considered an expenditure-authorizing or appropriations document. No funds shall be expended by any board or district for any purpose in any school year prior to the adoption of the budget document

which authorizes that expenditure, or prior to an amendment to the budget document by the board to authorize the expenditure. Expenditures of funds in violation of this subdivision shall be considered unlawful expenditures.

Subd. 4. Each ~~Minnesota school~~ district shall submit to the department by ~~August 15, 1977, and by August 15 of each year thereafter,~~ on forms prescribed by the commissioner, the revenue and expenditure budgets adopted for that fiscal year.

Subd. 5. All governmental units formed by joint powers agreements entered into by ~~school~~ districts pursuant to sections 120.17, 123.351, 471.59, or any other law and all educational cooperative service units shall be subject to the provisions of this section.

Sec. 6. Minnesota Statutes 1982, section 121.936, is amended by adding a subdivision to read:

Subd. 4a. By July 1, 1984, the department of education shall develop and operate an alternative reporting method for submission of financial data, in summary form to the department of education. This method shall accommodate the use of a microcomputer finance system to be developed and maintained by the department of education. The alternative reporting system must comply with sections 121.90 to 121.917. The provisions of this subdivision shall not be construed to require the department to purchase computer hardware nor to prohibit the department from purchasing services from any regional management information center or the Minnesota educational computing consortium.

Sec. 7. Minnesota Statutes 1982, section 123.32, is amended by adding a subdivision to read:

Subd. 29. [REQUIREMENTS FOR PETITIONS.] Any petition to a school board authorized in this section or section 275.125 or any other law which requires the board to submit an issue to referendum or election shall meet the following requirements to be valid.

(1) Each page of the petition shall contain a heading at its top which specifies the particular action the board is being petitioned to take. The signatures on any page which does not contain such a heading shall all be invalidated. All pages of the petition shall be assembled and filed with the board as a single instrument.

(2) Each page of the petition shall contain an authentication signed by the circulator of the petition specifying as follows:

I personally have circulated this petition, all signatures were made in my presence, each person signed his or her own name, and I believe each person who has signed is eligible to vote in a school district election according to Minnesota Statutes, section 123.32.

Signed: _____
Signature of Petition Circulator

Date: _____

The signatures on any page which does not contain such an authentication shall all be invalidated.

(3) Each signer of the petition shall personally sign his own name in ink or

indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. Except as provided in clause (4) of this subdivision, any signature which does not meet these requirements shall be invalidated.

(4) An individual who is unable to write his name shall be required to make his mark on the petition. The circulator of the petition shall certify the mark by signing the individual's name and address and shall thereafter print the phrase "mark certified by petition circulator".

(5) A petition to be valid must contain the minimum number of valid signatures of eligible voters specified in the law authorizing the petition and election.

Sec. 8. Minnesota Statutes 1982, section 123.33, subdivision 10, is amended to read:

Subd. 10. The school board of any school district of this state by a two-thirds vote may become a member of the Minnesota school boards association or the Minnesota association of public schools, or the metropolitan area school board association, and appoint one or more of its members to attend its annual meeting. The amount of annual membership dues in the association and actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid. ~~The school board of any school district of this state may maintain such membership and pay membership dues only in the event the associations file annual financial statements showing detailed expenditures and receipts with the commissioner of education no later than October 1 of each year. The statements to the commissioner shall be made on forms prescribed by him no later than July 15 of each year.~~

Sec. 9. Minnesota Statutes 1982, section 123.33, subdivision 14, is amended to read:

Subd. 14. The school board of any school district of this state by a two-thirds vote may become a member of an association of vocational schools and may appoint one or more of its members to attend the annual meeting of such association. The amount of annual membership dues in the association and actual and necessary expenses incurred in attending such meeting shall be paid as other expenses of the district are paid. ~~The school board of any school district of this state may maintain such membership and pay membership dues only in the event the association files annual financial statements showing detailed expenditures and receipts with the commissioner of education no later than October 1 of each year. The statements to the commissioner shall be made on forms prescribed by him no later than July 15 of each year.~~

Sec. 10. Minnesota Statutes 1982, section 123.34, subdivision 9, is amended to read:

Subd. 9. [SUPERINTENDENT.] All districts maintaining a classified secondary school shall employ a superintendent who shall be an *ex officio* a *nonvoting* member of the school board ~~but not entitled to vote therein~~. The authority for selection and employment of a superintendent shall be vested in the school board *in all cases*. Notwithstanding the provisions of ~~section sections 122.532, 122.541, 125.12, subdivision 6a or 6b, or any other law to the contrary~~, no individual shall have a right to employment as a superintendent based on seniority or order of employment in ~~the any~~ district. The

superintendent in such districts of a district shall visit the schools of the district, and exercise a general supervision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall make recommendations to the board concerning the employment and dismissal of teachers. He shall superintend the grading of the schools and examinations for promotions and perform such other duties as the board shall prescribe. He shall make directly to the commissioner such reports as shall be required perform the following:

(a) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;

(b) recommend to the board employment and dismissal of teachers;

(c) superintend school grading practices and examinations for promotions;

(d) make reports required by the commissioner of education; and

(e) perform other duties prescribed by the board.

Sec. 11. Minnesota Statutes 1982, section 123.36, subdivision 9, is amended to read:

Subd. 9. The board may contract for the furnishing of heat for its building for such terms as it may deem for the best interest of the district, not exceeding ten years. *However, a district may enter into a contract for a period not to exceed 30 years for a district-wide heating system.* Where it is necessary to lay mains or pipes to connect these buildings with a heating system, the district is authorized to advance all, or any part of the cost thereof upon such terms and conditions as shall be agreed upon.

Sec. 12. Minnesota Statutes 1982, section 124.14, subdivision 1, is amended to read:

Subdivision 1. The state board shall supervise distribution of the school aids and grants in accordance with law. It may make rules and regulations consistent with law for such the distribution which will to enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such the reports and accounts to it as will assure accurate and lawful apportionment of aids. *State and federal aids and discretionary or entitlement grants distributed by the state board shall not be subject to the contract approval procedures of the commissioner of administration or chapter 16. The commissioner of education shall adopt internal procedures for administration and monitoring of aids and grants.*

Sec. 13. Minnesota Statutes 1982, section 124.43, subdivision 1, is amended to read:

Subdivision 1. [REVIEW BY COMMISSIONER.] (a) To the extent moneys are from time to time available hereunder, the commissioner may, after review and a favorable recommendation by the state board of education, ~~make~~ recommend to the legislature capital loans to school districts. Proceeds of 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 the following

June 1.

(b) Any board which intends to submit an application for a capital loan shall submit a proposal to the commissioner for review and comment pursuant to section ~~422.90~~ 121.15, and the commissioner shall prepare a review and comment on the proposed facility, regardless of the amount of the capital expenditure required to construct the facility. The state board shall not make a favorable recommendation on an application for a capital loan for any facility unless:

(1) the facility receives a favorable review and comment pursuant to section ~~422.90~~ 121.15; and

(2) the state board determines that

(A) the facilities are needed to replace facilities dangerous to the health and safety of pupils, or to provide for pupils for whom no adequate facilities exist;

(B) the facilities could not be made available through dissolution and attachment of the district to another district or through pairing, interdistrict cooperation, or consolidation with another district, or through the purchase or lease of facilities from existing institutions within the area. The preference of the school district regarding reorganization shall not be a criterion used by the state board in determining whether the facilities could be made available through reorganization;

(C) the facilities are comparable in size and quality to facilities recently constructed in other districts of similar enrollment; and

(D) the district's need for the facilities is comparable to needs which comparable districts are meeting through local bond issues.

The state board may recommend that the loan be approved in a reduced amount in order to meet the foregoing criteria. If the state board recommends that a loan not be approved, the commissioner shall not ~~approve~~ *recommend approval of* the loan; ~~and~~. If the state board recommends that the loan be approved in a reduced amount, the commissioner shall not ~~approve~~ *recommend approval of* a loan larger than that recommended by the state board.

(c) As part of reviewing an application for a capital loan, the commissioner of education shall prepare estimated yearly repayments by the school district and the estimated amount of principal and interest that may be forgiven after the term of the loan. These estimates shall assume no growth in assessed valuation over the term of the loan, shall assume a 16 mill levy, and shall be prepared using a methodology approved by the commissioner of finance. The commissioner of education shall use a discount factor provided by the commissioner of finance in determining the present value of the estimated amount of interest and principal which may be forgiven after the term of the loan.

~~(e)~~ (d) No loan shall be ~~approved~~ *recommended for approval* 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 24 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 24 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.

Sec. 14. [124.435] [APPROVAL BY LEGISLATURE.]

After review of an application for a capital loan, the commissioner of education shall submit the application to the education committees of the legislature. The legislature may approve, disapprove, or modify the application. After the legislature has approved the application, the commissioner shall grant the loan for the purposes and in the amount specified by the legislature.

Sec. 15. Minnesota Statutes 1982, section 275.125, subdivision 2d, is amended to read:

Subd. 2d. [REFERENDUM LEVY.] (1) The levy authorized by subdivision 2a may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. ~~Such a~~ *The* 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~~ *two elections* may be held to approve a levy increase which will commence in a specific school year. ~~However, more than one referendum may be held to approve a levy increase to commence in the 1983-1984 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 ballot may designate a specific number of years for which the referendum authorization shall apply. The ballot may contain a textual portion with the information required in this subdivision and a question stating substantially the following:*

“Shall the increase in the levy proposed by the board of, School District No. ..., be approved?”

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 or reduced by the voters of the district at a subsequent referendum.

(2) A referendum on the question of revoking or reducing the increased levy amount authorized pursuant to clause (1) of this subdivision 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. A levy approved by the voters of the district pursuant to clause (1) of this subdivision must be made at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one such revocation or reduction election

may be held to revoke or reduce a levy for any specific year and for years thereafter.

(3) A petition authorized by clause (1) 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.

(4) A petition authorized by clause (2) shall be effective if signed by a number of qualified voters in excess of five percent of the residents of the school district as determined by the most recent census. A revocation or reduction referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(5) 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.

(6) 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. 16. Minnesota Statutes 1982, section 475.61, subdivision 3, is amended to read:

Subd. 3. [IRREVOCABILITY.] Tax levies so made and filed shall be irrevocable, except as provided in this subdivision.

In each year when there is on hand any excess amount in the debt service fund of a school district at the time the district makes its property tax levies, the amount of the excess shall be certified by the school board to the county auditor and the auditor shall reduce the tax levy otherwise to be included in the rolls next prepared by the amount certified, unless the school board determines that the excess amount is necessary to ensure the prompt and full payment of the obligations and any call premium on the obligations, or will be used for redemption of the obligations in accordance with their terms. An amount shall be presumed to be excess for a school district in the amount that it, together with the levy required by subdivision 1, will exceed 106 percent ~~in excess~~ of the amount needed to meet when due the principal and interest payments on the obligations due before the second following July 1. This subdivision shall not limit a school board's authority to specify a tax levy in a higher amount if necessary because of anticipated tax delinquency.

If the governing body, including the governing body of a school district, in any year makes an irrevocable appropriation to the debt service fund of moneys actually on hand or if there is on hand any excess amount in the debt service fund, the recording officer may certify to the county auditor the fact and amount thereof and the auditor shall reduce by the amount so certified the amount otherwise to be included in the rolls next thereafter prepared.

Sec. 17. Laws 1967, chapter 822, is amended by adding a section to read:

Sec. 12. [OTHER PROGRAMS AND SERVICES.]

The board may also provide any other educational programs or other services requested by a participating district. However, these programs and

services may not be post-secondary programs or services. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

Sec. 18. Laws 1969, chapter 775, section 3, subdivision 2, as amended by Laws 1971, chapter 267, section 2, is amended to read:

Subd. 2. It shall be the duty and the function of the intermediate district to furnish to every person eligible therefor residing in any part of such district and such other resident of the state as provided by law the following:

(a) Vocational school facilities and instruction in vocational-technical education;

(b) Facilities for and instruction in special education.

The board may also provide any other educational programs or other services requested by a participating district. However, these programs and services may not be post-secondary programs or services. Academic offerings shall be provided only under the direction of properly licensed academic supervisory personnel.

Sec. 19. Laws 1969, chapter 775, section 3, is amended by adding a subdivision to read:

Subd. 1a. [LEASE PURCHASE AGREEMENTS.] In addition to any powers granted pursuant to section 465.71, the board may lease real property with an option to purchase under a lease purchase agreement. Notwithstanding any law to the contrary, no election shall be required in connection with the execution of a lease purchase agreement authorized by this subdivision. The provisions of this subdivision shall apply only to lease purchase agreements between the school board of Intermediate School District No. 916 and the school boards of districts which are members of Intermediate School District No. 916.

Sec. 20. Laws 1969, chapter 1060, is amended by adding a section to read:

Sec. 6. [LEASE PURCHASE AGREEMENTS.]

In addition to any powers granted pursuant to section 465.71, the board may lease real property with an option to purchase under a lease purchase agreement. Notwithstanding any law to the contrary, no election shall be required in connection with the execution of a lease purchase agreement authorized by this subdivision. The provisions of this subdivision shall apply only to lease purchase agreements between the school board of Intermediate School District No. 917 and the school boards of districts which are members of Intermediate School District No. 917.

Sec. 21. Laws 1969, chapter 1060, is amended by adding a section to read:

Sec. 7. [OTHER PROGRAMS AND SERVICES.]

The board may also provide any other educational programs or other services requested by a participating district. However, these programs and services may not be post-secondary programs or services. Academic offerings shall be provided only under the direction of properly licensed academic

supervisory personnel.

Sec. 22. Laws 1981, chapter 358, article 7, section 29, as amended by Laws 1981, Third Special Session chapter 1, article 1, section 10, and by Laws 1982, chapter 548, article 4, section 19, is amended to read:

Sec. 29. [EXEMPTION FROM PUBLIC SALE.] Notwithstanding Minnesota Statutes, section 124.76, from ~~June 4, 1981~~ *July 1, 1983* until June 30, ~~1983~~ *1985*, the requirements as to public sale of tax and aid anticipation certificates of indebtedness shall not apply to certificates which mature no later than twelve months after their date of issue. The interest rate on these certificates may be determined by direct negotiation.

Sec. 23. Laws 1982, chapter 548, article IV, section 21, is amended to read:

Sec. 21. [TRANSFER FROM CAPITAL EXPENDITURE FUND.]

Notwithstanding the provisions of section 275.125, subdivision 11a or 11b, or any other law to the contrary, a school district may permanently transfer an amount not to exceed \$50 per actual pupil unit from the capital expenditure fund to the general fund of the district. The transfer shall be made before June 30, ~~1983~~ *1984*. *Not more than a total of \$50 per actual pupil unit may be transferred under the provisions of this section.*

Sec. 24. [POLICY.]

It is the intent of the legislature to establish a pilot project to maximize the use of public funds by reorganizing the administrative functions of certain school districts. It is the policy of the legislature to maintain current school district boundaries while reorganizing administrative functions.

Sec. 25. [PILOT ADMINISTRATIVE DISTRICTS.]

Subdivision 1. [APPLICABILITY.] The provisions of this section shall apply to school districts whose greatest land area lies within the counties of Koochiching, Itasca, Lake, St. Louis, and Carleton.

Subd. 2. [DEFINITIONS.]

(a) "Administrative district" means an administrative unit composed of member school districts which conducts the administrative and business functions for all member school districts.

(b) "Administrative board" means a board composed of one member from each school board in the administrative district with the power to employ a qualified superintendent and business manager and discharge the same for cause.

(c) "Administrative aid" means the aid paid to an administrative district used for administrative costs. These funds are the only funds which may be used for administrative expenditures in the administrative district.

Subd. 3. [LEGISLATIVE REPORT.]

By February 1, 1984, the department of education shall submit a report to the legislature about reorganizing the administrative functions of the school districts in subdivision 1. The report shall include:

(a) the geographic area and legal boundaries establishing administrative

districts which maintain all present school district boundaries and contain at least 5,000 students;

(b) the projected population of the proposed administrative district, including present enrollment, census estimates, and projections for the population of preschool and school-aged persons in the district;

(c) maintaining current school board responsibilities and functions with the exception of employing the superintendent and business manager which will be the function of the administrative board;

(d) plans to establish an administrative board composed of one current member of each school board in the administrative district. Election to the administrative board shall be by vote of all current school board members of participating districts with each school board member having one vote. Each school district shall have one member on the administrative board;

(e) an analysis of the estimated financial and educational impact of an administrative district;

(f) an analysis of present administrative expenditures in school districts, estimated costs in establishing and operating an administrative district, and suggestions for a categorical aid program for administrative expenditures which prohibits transferring instructional funds for administrative expenditures.

(g) projected implementation dates to have administrative districts begin operation;

(h) statutory or administrative rule changes required to implement the administrative district; and

(i) an analysis of all cooperative or multiregional agreements entered into by school districts and the impact of administrative district organization on those agreements.

Sec. 26. [FUND TRANSFER AUTHORIZATION; SCHOOL DISTRICT NO. 694.]

Notwithstanding any law to the contrary, Independent School District No. 694 is authorized to permanently transfer from the appropriated fund balance account for bus purchases in its transportation fund an amount not to exceed \$75,838 and from the capital expenditure fund an amount not to exceed \$131,801 to the general fund during the 1983-1984 school year.

Sec. 27. [DATE OF CONSOLIDATION.]

Notwithstanding Minnesota Statutes, section 122.23, subdivision 13, or any other law to the contrary, the effective date of a consolidation of Independent School District No. 694, Buhl, with one or more school districts may be a date in 1984, as agreed upon by the school boards of the affected districts.

Sec. 28. [PILOT PROJECTS USING MICROCOMPUTERS.]

The department of education shall pilot test the reporting method established in Minnesota Statutes, section 121.936, subdivision 4a, in school districts during the 1983-1984 school year. No more than 12 districts shall be designated as pilot sites.

The school districts selected as pilot sites shall be exempt from the requirements in Minnesota Statutes, section 121.936, subdivision 1, clause (b), for the 1983-1984 school year.

The pilot test shall begin on July 1, 1983. The legislative auditor shall conduct a midyear performance evaluation of the reporting method and report his findings to the legislature by February 15, 1984. The cost of this evaluation shall be paid by the department of education.

Sec. 29. [TIME PERIOD EXTENDED.]

Notwithstanding the provisions of Minnesota Statutes 1982, section 125.185, and 5 MCAR S 3.002, the board of teaching shall extend the time period to apply for a life license from July 1, 1982 to January 1, 1984.

Sec. 30. [REPEALER.]

Minnesota Statutes 1982, section 122.90, is repealed.

Sec. 31. [APPROPRIATION.]

Subdivision 1. [MAXIMUM EFFORT.] There is appropriated from the general fund to the maximum effort school loan fund the sums indicated in this section for the fiscal years ending June 30 in the years designated.

\$2,719,000 1984,

\$3,672,000 1985.

Subd. 2. [COMMISSION ON EDUCATION.] There is appropriated \$40,000 from the general fund to the legislative commission on education for operating expenses. The sum is available until June 30, 1985.

Sec. 32. [EFFECTIVE DATE.]

Sections 1, 7, 10, 15, 23, 24 and 25 are effective the day following final enactment.

ARTICLE 8

TEACHER MOBILITY

Section 1. Minnesota Statutes 1982, section 125.60, subdivision 3, is amended to read:

Subd. 3. Except as provided in subdivisions 6a and 6b, a teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which he is licensed at the beginning of any school year which immediately follows a year of the extended leave of absence, unless he is discharged or placed on unrequested leave of absence or his contract is terminated pursuant to section 125.12 or 125.17 while he is on the extended leave. The board shall not be obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section unless the teacher advises the board of his intention to return before February 1 in the school year preceding the school year in which he wishes to return. ~~The board shall notify the commissioner within 30 days of being notified that a teacher intends to return from an extended leave.~~

Sec. 2. Minnesota Statutes 1982, section 125.60, subdivision 7, is amended to read:

Subd. 7. [APPLICATION PROCEDURES; LIMITS.] No school board shall grant an extended leave of absence pursuant to this section without applying for and receiving authorization from the commissioner of education. The commissioner of education shall establish procedures for applications and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of sections 354.094 and 354A.091. Each application shall state whether or not the teacher requesting the extended leave of absence pursuant to this section intends to pay the employee contribution and requests state payment of the employer contribution into the teacher's retirement fund pursuant to section 354.094 or 354A.091 in order to receive retirement service credit for years spent on leave. The commissioner shall approve no more than ~~300~~ 250 applications for extended leaves beginning in the ~~1981-1982, 1982-1983 and 1983-1984 school years~~ year for teachers who intend to pay employee contributions and request state payment of employer contributions.

If more than ~~300~~ 250 applications for extended leaves beginning in any school year are received by March 15 of the preceding school year, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. Applications received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.

The commissioner shall not approve any applications for extended leaves beginning in the 1984-1985 or any subsequent school year for teachers who intend to pay employee contributions and request state payment of employer contributions. There is no limit on the number of applications which may be approved for extended leaves for teachers who do not intend to pay employee contributions or who do not request state payment of employer contributions.

Sec. 3. Minnesota Statutes 1982, section 354.094, subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT CONTRIBUTIONS.] If A member is granted an extended leave of absence pursuant to section 125.60 or 136.88, except as provided in subdivision 1a ~~he or 1b~~ may pay employee contributions and receive allowable service credit toward annuities and other benefits under this chapter, for each year of ~~his~~ the leave by paying into the fund ~~employee contributions provided the member and the employing board make the required employer contribution in any proportion they may agree upon,~~ during the period of the leave which shall not exceed five years. Except as provided in subdivision 1a or 1b, the state shall not pay employer contributions into the fund for ~~each any~~ year for which a member ~~who~~ is on extended leave ~~pays employee contributions into the fund~~. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 4. Minnesota Statutes 1982, section 354.094, subdivision 1a, is

amended to read:

Subd. 1a. ~~[RESTRICTIONS EXCEPTIONS.]~~ Notwithstanding subdivision 1, the following provisions apply to elementary, secondary and area vocational-technical school teachers whose extended leaves begin in the 1981-1982, 1982-1983, or 1983-1984 school year ~~and each year thereafter:~~

(a) ~~Only~~ A member whose application states the intention to pay employee contributions into the fund, requests state payment of employer contributions, and is approved by the commissioner ~~within the limits of section 125.60, subdivision 7, qualifies for the payment of employee contributions and for state payment of employer contributions pursuant to subdivision 1 on or before June 30, 1983, may pay employee contributions and receive allowable service credit toward annuities and other benefits under this chapter for each year of the leave during the period of the leave which shall not exceed five years;~~

(b) The state shall pay employer contributions *into the fund* for a member described in clause (a) for no more than the first three years of the leave, *provided the member who is on extended leave pays the employee contribution into the fund by the payment date specified in subdivision 1;*

(c) A member whose application is approved as to the member's eligibility under section 125.60, subdivisions 1 and 2 but whose application does not request state payment of employer contributions or is disapproved as to state payment of employer contributions, or who is in the fourth or fifth year of leave affected by clause (b) may pay employee contributions and receive allowable service credit as provided in subdivision 1 if the member and ~~his~~ *the* employing school board make the required employer contribution, in any proportion which they may agree upon, by the payment date specified in subdivision 1.

Sec. 5. Minnesota Statutes 1982, section 354.094, is amended by adding a subdivision to read:

Subd. 1b. [EXCEPTION.] Notwithstanding subdivision 1, the following provisions apply only to elementary, secondary, and area vocational technical school teachers whose extended leaves began in the 1978-1979, 1979-1980, or 1980-1981 school years:

(a) A member whose period of extended leave began on or before May 15, 1981, may pay employee contributions and receive allowable service credit toward annuities and other benefits under this chapter for each year of the leave during the period of the leave which does not exceed five years;

(b) The state shall pay employer contributions into the fund for a member described in clause (a) of this subdivision for each year of the leave for which the member who is on extended leave pays the employee's contribution into the fund by the payment date specified in subdivision 1.

Sec. 6. Minnesota Statutes 1982, section 354.66, subdivision 4, is amended to read:

Subd. 4. Notwithstanding any provision ~~of to the contrary~~ in this chapter relating to the salary figure to be used for the determination of contributions or the accrual of service credit ~~to the contrary~~, a teacher assigned to a part time position pursuant to this section shall continue to make employee con-

tributions to and to accrue allowable service credit in the retirement fund during the period of part time employment ~~pursuant to this section upon~~ on the same basis and in the same amounts as would have been paid and accrued if the teacher had been employed on a full time basis *provided that prior to June 30 each year the member and the employing board make that portion of the required employer contribution to the retirement fund, in any proportion which they may agree upon, that is based on the difference between the amount of compensation that would have been paid if the teacher had been employed on a full time basis and the amount of compensation actually received by the teacher for the services rendered in the part time assignment.* The state shall make ~~the full~~ that portion of the required employer contributions to the retirement fund on behalf of the teacher ~~to the retirement association for the part time teaching service~~ that is based on the amount of compensation actually received by the teacher for the services rendered in the part time assignment in the manner described in section 354.43, subdivisions 1, 2 and 5. *The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42.* Full accrual of allowable service credit and employee contributions for part time teaching service pursuant to this section and section 354A.094 shall not continue for a period longer than 10 years.

Sec. 7. Minnesota Statutes 1982, section 354.66, is amended by adding a subdivision to read:

Subd. 4a. [EXCEPTION.] Notwithstanding the provisions of subdivision 4, a teacher whose assignment to a part time position pursuant to this section is authorized by the commissioner on or before June 30, 1983, shall continue to make employee contributions and to accrue allowable service credits in the retirement fund during the period of part time employment on the same basis and in the same amounts as would have been paid and accrued if the teacher had been employed on a full time basis. The state shall make the full required employer contributions to the retirement fund on behalf of the teacher in the manner described in section 354.43, subdivisions 1 and 5. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42. Full accrual of allowable service credit and employee contributions for part time teaching service pursuant to this section and section 354A.094 shall not continue for a period longer than ten years.

Sec. 8. Minnesota Statutes 1982, section 354.66, subdivision 9, is amended to read:

Subd. 9. [APPLICATIONS; LIMITS.] A school district shall not assign a teacher to a part time teaching position qualifying for full accrual of service credit from and employee contributions to the retirement fund pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the board of trustees of the teachers retirement association and the boards of trustees of the appropriate teachers retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of education shall approve or disapprove the applications from school districts for authorization to assign teachers to part time teaching positions qualifying for full accrual of service credit from and employee contributions to the retirement fund pursuant to this section; provided he shall not approve more than

§§ 125 total applications pursuant to this section and section 354A.094 for participation in the fund in any fiscal year. If more than §§ 125 applications for any school year are received by the commissioner by March 15 of the preceding school year, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment or any combination of these methods. Applications received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision. The state board for community colleges and the state university board may within the limits appropriated to them for purposes of this section assign a teacher to a part time teaching position qualifying for full accrual of service credit from and employee contributions to the retirement fund pursuant to this section without applying for and receiving the authorization of the commissioner of education.

Sec. 9. Minnesota Statutes 1982, section 354A.091, subdivision 1, is amended to read:

Subdivision 1. [RETIREMENT CONTRIBUTIONS.] Notwithstanding any provision to the contrary of this chapter or the articles of incorporation or bylaws of an association relating to the salary figure to be used for the determination of contributions or the accrual of service credit, except as provided in subdivision 1a or 1b an elementary, secondary or area vocational-technical school teacher in the public schools of a city of the first class who is granted an extended leave of absence pursuant to section 125.60, *may pay employee contributions to the applicable association and shall be entitled to receive allowable service credit in the applicable that association for each year of leave, provided the member and the employing board make the required employer contributions, in any proportion they may agree upon, to that association during the period of leave which shall not exceed five years. To obtain the service credit, the teacher on extended leave shall make an employee contribution to the applicable association each year during the period of the leave. The extended leave period for which a teacher shall be entitled to receive allowable service credit pursuant to this section shall not exceed the leave duration maximum set forth in section 125.60, subdivision 2. If the teacher on extended leave makes the employee contribution pursuant to this section during a leave of absence year, Except as provided in subdivision 1a or 1b the state shall not make an employer contribution on behalf of the teacher to the applicable association for that year. The employee and employer contributions shall be in amounts equal to the employee and employer contribution rates in effect for other active members of the association covered by the same program applied based upon the rates of contribution prescribed by section 354A.12 as applied to a salary figure equal to the teacher's actual covered salary for the plan year immediately preceding the leave. Payment of the employee contribution and employer contributions authorized pursuant to this section shall be made by the teacher on or before June 30 of the fiscal year for which service credit is to be obtained, and payment of the employer contribution shall be made by the state within 30 days of notification by the association of receipt of the required employee contribution received.* No allowable service with respect to a year of extended leave of absence shall be credited to a teacher until payment of the required employee and employer contributions has been received by the association.

Sec. 10. Minnesota Statutes 1982, section 354A.091, subdivision 1a, is amended to read:

Subd. 1a. ~~[CONTRIBUTION RESTRICTIONS EXCEPTION.]~~ Notwithstanding subdivision 1, the following provisions apply to elementary, secondary and area vocational-technical school teachers whose extended leaves begin in the 1981-1982, 1982-1983, or 1983-1984 school year and each year thereafter:

(a) ~~Only~~ A member whose application states the intention to pay employee contributions to the applicable association, requests state payment of the employer contribution, and is approved by the commissioner ~~within the limits of section 125.60, subdivision 7,~~ qualifies for the payment of employee contributions and for state payment of employer contributions pursuant to ~~subdivision 4~~ on or before June 30, 1983, may pay employee contributions to the applicable association and receive allowable service credit in that association for each year of leave during the period of the leave, which shall not exceed five years;

(b) The state shall pay employer contributions for a member described in clause (a) for no more than the first three years of the leave, *provided the member who is on extended leave pays the employee contribution to the applicable association by the payment date specified in subdivision 1;*

(c) A member whose application is approved as to the member's eligibility under section 125.60, subdivisions 1 and 2 but whose application does not request state payment of employer contributions or is disapproved as to state payment of employer contributions, or who is in the fourth or fifth year of leave affected by clause (b) may pay employee contributions and receive allowable service credit as provided in subdivision 1 if the member and ~~his~~ the employing school board make the required employer contribution, in any proportion which they may agree upon, by the payment date specified in subdivision 1.

Sec. 11. Minnesota Statutes 1982, section 354A.091, is amended by adding a subdivision to read:

Subd. 1b. [EXCEPTION.] Notwithstanding subdivision 1, the following provisions apply only to elementary, secondary, and area vocational technical school teachers whose extended leaves began in the 1978-1979, 1979-1980 or 1980-1981 school years:

(a) A member whose period of extended leave began on or before May 15, 1981, may pay employee contributions and receive allowable service credit toward annuities and other benefits under this chapter for each year of the leave during the period of the leave which does not exceed five years;

(b) The state shall pay employer contributions into the applicable fund for a member described in clause (a) of this subdivision for each year of the leave for which the member who is on extended leave pays the employee's contribution into the fund by the payment date specified in subdivision 1.

Sec. 12. Minnesota Statutes 1982, section 354A.094, subdivision 4, is amended to read:

Subd. 4. Notwithstanding any provision to the contrary in this chapter or the articles of incorporation or bylaws of an association relating to the salary figure to be used for the determination of contributions or the accrual of service credit, a teacher assigned to a part time position pursuant to this

section shall continue to make employee contributions to and to accrue allowable service credit in the applicable association during the period of part time employment pursuant to this section upon on the same basis and in the same amounts as would have been paid and accrued if the teacher had been employed on a full time basis provided the member and the employing board prior to June 30 each year make that portion of the required employer contribution to the applicable association in any proportion which they may agree upon, that is based on the difference between the amount of compensation that would have been paid if the teacher had been employed on a full time basis and the amount of compensation actually received by the teacher for services rendered in the part time assignment. The state shall make the full that portion of required employer contributions to the applicable association on behalf of the teacher to the applicable association for the part time teaching service that is based on the amount of compensation actually received by the teacher for the services rendered in the part time assignment in the manner described in section 354.43, subdivisions 1, 2 and 5. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354A.12. Full membership, accrual of allowable service credit and employee contributions for part time teaching service by a teacher pursuant to this section and section 354.66 shall not continue for a period longer than ten years.

Sec. 13. Minnesota Statutes 1982, section 354A.094, is amended by adding a subdivision to read:

Subd. 4a. [EXCEPTION.] Notwithstanding the provisions of subdivision 4, a teacher whose assignment to a part time position pursuant to this section is authorized by the commissioner on or before June 30, 1983, shall continue to make employee contributions to and to accrue allowable service credit in the applicable association during the period of part time employment on the same basis and in the same amounts as would have been paid and accrued if the teacher had been employed on a full time basis. The state shall make the full required employer contributions to the applicable association on behalf of the teacher in the manner described in section 354.43, subdivisions 1 and 5. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354A.12. Full membership accrual of allowable service credit and employee contributions for part time teaching service by a teacher pursuant to this section and section 354.66 shall not continue for a period longer than ten years.

Sec. 14. Minnesota Statutes 1982, section 354A.094, subdivision 9, is amended to read:

Subd. 9. [APPLICATION APPROVAL; LIMITS.] A district shall not assign a teacher to a part time teaching position qualifying for full membership in, accrual of service credit from and employee contributions to a teachers retirement fund association pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amounts appropriated for the purpose of this section, the commissioner of education shall approve or disapprove the applications from districts for authorization to assign teachers to part time teaching positions qualifying for full membership in, accrual of service credit from and employee contributions to a teachers retirement fund asso-

ciation pursuant to this section; provided he shall not approve more than 55 125 total applications pursuant to this section and section 354.66 for participation in the fund in any fiscal year. If more than 55 125 applications for any school year are received by the commissioner by March 15 of the preceding school year, the commissioner may decide which applications to approve according to the order of receipt, a method ensuring participation by teachers from the maximum possible number of districts, random allotment, or any combination of these methods. Applications received by the commissioner after March 15 shall be considered for approval according to the order of receipt within the limits prescribed by this subdivision.

Sec. 15. [REPEALER.]

Minnesota Statutes 1982, sections 125.60, subdivisions 2a and 7, 354.66, subdivision 9, and 354A.094, subdivision 9, are repealed effective June 30, 1983.

Sec. 16. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [EXTENDED LEAVES OF ABSENCE.] To meet the state's obligation prescribed in Minnesota Statutes 1982, sections 354.094 and 354A.091, there is appropriated:

\$1,143,000.....1984,

\$1,524,000.....1985.

Subd. 3. [PART-TIME TEACHING.] To meet the state's obligation prescribed in Minnesota Statutes 1982, sections 354.66 and 354A.094, there is appropriated:

\$ 74,000.....1984,

\$182,000.....1985.

Subd. 4. [EARLY RETIREMENT INCENTIVES.] To meet the state's obligation prescribed in Minnesota Statutes 1982, section 125.611, there is appropriated:

\$1,983,000.....1984,

\$2,032,500.....1985.

Subd. 5. [NON-CANCELLATION; FUNDING RESTRICTION.] Any unexpended balance remaining from the appropriations in this section for fiscal year 1984 shall not cancel but shall be available for the second year of the biennium. Notwithstanding the provisions of Minnesota Statutes 1982, sections 354.43 and 354A.12, the state's obligations prescribed in Minnesota Statutes 1982, sections 354.094, 354.66, 354A.091, and 354A.094 shall not be financed out of standing appropriations for the state's obligations pursuant to Minnesota Statutes 1982, chapter 354 or 354A.

Subd. 6. [TRANSFER AUTHORITY.] If any appropriation for any year in subdivision 2, 3 or 4 exceeds the amount needed to pay the state's obligation for that year under that subdivision, then the excess amount may be used to

make payments for that year pursuant to another subdivision.

Sec. 17. [EFFECTIVE DATE.]

Sections 2, 8, and 14 are effective the day following final enactment.

ARTICLE 9

COUNCIL ON QUALITY EDUCATION

Section 1. Minnesota Statutes 1982, section 121.503, is amended to read:

121.503 [PROGRAM SELECTION.]

Subdivision 1. [AUTHORIZATION.] A school district or group of districts that ~~wish wishes~~ to receive ~~moneys a grant~~ for improved learning programs may apply to the ~~state board of education council on quality education~~ for approval. Programs may be approved for one portion of a school population, ~~an entire school attendance area, one or several attendance areas, an entire school district, or one or a group of school districts.~~

Subd. 2. [APPLICATIONS.] The ~~state board council on quality education~~ shall prescribe the form and manner of ~~annual~~ application for the program. ~~The council on quality education may review and advise the state board on applications made for improved learning programs. Beginning in 1982, and each year thereafter, applications shall be submitted to the state board by January 15. If a district wishes to receive aid for the principal-teacher, career teacher or counselor-teacher component of an improved learning program, an application for state aid must be submitted to the state board by January 15. The application may include estimates of salaries and fringe benefits for the next school year and for the additional time beyond the regular contract period for staff to be employed shall be itemized on the application for aid. The board shall notify all applicants of aid approved or denied by March 15 of each year. The board shall approve or deny applications in the order that they are received. The council may require that each program be evaluated and it may contract for additional evaluation.~~

Subd. 2a. [DECLINING GRANT AMOUNTS.] *An improved learning program may receive grants for not more than three years. The grant amount for the second year of a program shall not exceed 75 percent of the grant amount for the first year. The grant amount for the third year of a program shall not exceed 50 percent of the grant amount for the first year. The council shall notify each recipient that no grant will be awarded after the third year and that the recipient is expected to continue successful programs without grants.*

Subd. 3. [WAIVERS RULES AND RIGHTS.] *On recommendation of the council of quality education, the state board of education may waive school district compliance with its rules which would prevent implementation of an improved learning program which receives approval from the state board. However, individuals participating Participation in the an improved learning program as a principal-teacher, counselor-teacher, or career teacher program shall maintain their not affect seniority date in the district and all or rights under the applicable collective bargaining agreement.*

Subd. 4. [ADDITIONAL FUNDING.] A school district providing an improved learning program may receive funds for the program from private

sources and governmental agencies, including state or federal funds.

Subd. 5. [REPORT.] The ~~department~~ *council on quality education* shall submit a report to the legislature by ~~February 1, 1983, and by February 1~~ each year thereafter. This report shall include the number and description of programs approved, implementation status of programs approved, waivers granted, and evaluation of programs approved.

Sec. 2. Minnesota Statutes 1982, section 121.505, is amended to read:

121.505 [PROGRAM CRITERIA COMPONENTS.]

Subdivision 1. [MANDATORY COMPONENTS.] A ~~plan for~~ An improved learning program shall include:

(a) ~~Curricula, instructional strategy and use of materials responsive to the individual educational needs and learning styles of each pupil to enable students to make continuous progress and learn at a rate appropriate to their abilities participation by a designated individual as a principal-teacher, career teacher, or counselor-teacher, as defined in sections 121.506 and 121.507;~~

(b) A plan to develop student abilities for both learner and teacher in basic skills and applied learning skills and, when appropriate, arts, humanities, physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education ~~involve parents in planning the educational experiences of their children;~~

(c) ~~Plans to make use of community resources and communications media to pursue improved learning opportunities for pupils an annual plan for the district to evaluate program goals and objectives;~~

(d) a staff development program for teachers and other school personnel, such as that found in sections 121.506 and 121.507 ~~plan for the district to fund the program after the third year of the program;~~

(e) A plan to improve the learning environment, including use of the community in general, to enhance the learning process;

(f) A plan for annual and ongoing evaluation of program goals and objectives; and

(g) A plan to involve parents in planning an improved learning program for their children-

Subd. 2. [OPTIONAL COMPONENTS.] A ~~plan for~~ An improved learning program may include:

(a) A ~~principal-teacher and career teacher program as defined in section 121.506~~ efforts to improve curricula strategies, instructional strategies, and use of materials which respond to the individual educational needs and learning styles of each pupil in order to enable each pupil to make continuous progress and to learn at a rate appropriate to that pupil's abilities;

(b) A ~~counselor-teacher program as defined in section 121.507~~ efforts to develop student abilities in basic skills; applied learning skills; and, when appropriate, arts; humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education;

(c) Use of community resources and communications media to pursue im-

proved learning opportunities for pupils:

- (d) *staff development for teachers and other school personnel;*
- (e) *improvements to the learning environment, including use of the community in general, to enhance the learning process;*
- (f) *cooperative efforts with other agencies involved with human services or child development and development of alternative community based learning experiences;*
- (g) *apprenticeship post-secondary education components for ~~students~~ pupils who are able to accelerate or programs for ~~students~~ pupils with special abilities and interests who are given advanced learning opportunities within existing programs;*
- (h) *use of volunteers in the learning program;*
- (i) *flexible attendance schedules for ~~students~~ pupils;*
- (j) *adult education component;*
- (k) *coordination with early childhood and family education ~~component~~ programs;*
- (l) *variable student/faculty ratios for special education students to provide for special programming;*
- (m) *inclusion of nonpublic ~~students participating in an improved learning program~~ pupils as part of the ratio in the principal-teacher and career teacher component;*
- (n) *application of educational research findings;*
- (o) *summer learning experiences for students as recommended by the principal-teacher and career teacher;*
- (p) *use of educational assistants, teacher aides or paraprofessionals as part of the improved learning program;*
- (q) *establishment of alternative criteria for high school graduation; and*
- (r) *Variable age and class size groupings of students.*

Sec. 3. Minnesota Statutes 1982, section 129B.01, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP, TERMS.] There is ~~hereby~~ created a council on quality education consisting of ~~49~~ 21 persons. The members of ~~such~~ the council shall be appointed as follows:

- (1) One member ~~shall be appointed~~ by the Minnesota education association;
- (2) One member ~~shall be appointed~~ by the Minnesota federation of teachers;
- (3) One member ~~shall be appointed~~ by the Minnesota school board association;
- (4) One member ~~shall be appointed~~ by the Minnesota state advisory council for vocational education;

(5) One member ~~shall be appointed~~ by the Minnesota state advisory council for special education;

(6) One member ~~shall be appointed~~ by the state university board;

(7) One member ~~shall be appointed~~ by the state board for community colleges;

(8) One member ~~shall be appointed~~ by the regents of the University of Minnesota;

(9) One member ~~shall be appointed~~ by the private college council;

(10) *One member by the Minnesota association for the education of young children; and*

(11) One member from each congressional district and ~~two~~ *three* members at large, ~~shall be~~ appointed by the governor with the advice and consent of the senate, none of whom shall be officers, employees or board members of state educational institutions, departments, agencies or boards.

Sec. 4. Minnesota Statutes 1982, section 129B.01, subdivision 2, is amended to read:

Subd. 2. [TERMS, COMPENSATION, REMOVAL, VACANCIES.] The membership terms, compensation, removal of members and filling of vacancies shall be as provided for in section 15.0575; *members appointed by organizations shall be subject to reappointment or removal by the appointing organizations.*

Sec. 5. Minnesota Statutes 1982, section 129B.02, is amended to read:

129B.02 [PURPOSE.]

Subdivision 1. [CONCERN FOR FUTURE.] The legislature of the state of Minnesota expresses concern over the future of elementary and secondary education in this state, its ability to meet the educational needs of the public school students, the professional growth and satisfaction of school staffs, the effectiveness and efficiency of present schools and their learning processes, continuing pupil unit cost escalation and the resulting financial crisis which this brings about. New approaches to the learning process, better ~~utilization~~ *use* of professional staff and community resources, different requirements as to course offerings, course content, grading, graduation and school attendance must be researched and developed. It is believed that revised programs, innovations, new attitudes about learning and the public schools' responsibilities can be effectively achieved if ~~such~~ *research and development are* is performed by the council on quality education and at the local school level by the school's staff and with involvement by the students and their community. Although funds spent now for ~~such~~ *these* purposes can produce substantial educational and cost benefits in the future, ~~such~~ *these* capital type funds are seldom available within any single school district's budget.

Subd. 2. [RESEARCH AND DEVELOPMENT.] The purpose of the council on quality education is, therefore, to encourage, promote, aid, and perform research and development for quality education in Minnesota elementary and secondary schools, to evaluate the results of significant innovative programs and to disseminate information about these programs

throughout the state.

To these ends, the council through the state board of education shall establish a venture fund from which grants or loans may be made in support of research and development programs relating to the problems and objectives ~~heretofore~~ described in this section which shall include but not be limited to:

- (1) (a) effective ~~utilization~~ use of community personnel and resources-;
- (2) (b) developing improved learning programs, including model personnel policies and procedures, and new staffing and educational concepts such as ~~differentiated staffing-~~ the career teacher, principal-teacher, and counselor-teacher, and comprehensive developmental and educational planning for individual pupils;
- (3) (c) assessment and evaluation of education programs-;
- (4) (d) ~~developing a management and unit of instructional objectives design which will provide development of procedures to increase schools' accountability by relating time and dollars to the amount of learning produced-;~~
- (5) (e) ~~determining~~ determination of responsibilities to be assumed by the schools exclusively or concurrently with other agencies or individuals-;
- (6) (f) effective dissemination of educational information- ;
- (7) (g) ~~developing~~ development of new knowledge about learning and teaching-;
- (8) (h) ~~developing~~ development of model educational programs as ~~alternatives to existing educational practices and curricula-~~ and alternative delivery systems for small rural schools;
- (9) (i) model programs and innovations to increase equality of educational opportunities-;
- (10) (j) research and testing of new concepts of educational efficiency, effectiveness and cost benefits- ;and
- (11) (k) comprehensive interdisciplinary programs in health education and comprehensive programs designed to coordinate and integrate the delivery of pupil support services.

Subd. 3. [NEW CONCEPTS.] The council shall not be limited to supporting innovations, programs or procedures supplementary to existing school structures and programs but may assist or research entirely new concepts such as open schools, informal schools and the like. It is the legislature's intent that any supported program shall hold promise of both educational and cost benefits and that the costs and improvements in learning effectiveness introduced thereby shall be measured and related.

The council may also review literature and other information about innovative programs in Minnesota and other states and disseminate the results of this research throughout the state. The council may identify ideas for innovative programs in the course of this research and solicit proposals from school boards for grants for such programs; ~~provided.~~ However, not to exceed more than ten percent of the funds appropriated to the venture fund in any year may be expended to fund such research and programs.

Subd. 4. [REPORT TO LEGISLATURE.] The council shall ~~make~~ a report

to the legislature by November 15 of each even numbered year to the legislature concerning all research and all proposals received and, the dispositions made thereof of them by the council and the state board of education, and of receipts and expenditures resulting from sales of materials developed through venture fund grants.

Sec. 6. Minnesota Statutes 1982, section 129B.04, is amended to read:

129B.04 [PROPOSALS.]

Subdivision 1. [REQUIREMENTS.] ~~The A school board of any local school district or any group of such school boards may develop a proposal for a grant or loan in support of a research and development program of the kind described in section 129B.02. Except for grants according to subdivision 1a, every such proposal shall include:~~

(1) ~~a statement of the objectives of the program, and the procedures for achieving the objectives to achieve them;~~

(2) ~~a description of the evaluation procedures for measuring the effectiveness of the program;~~

(3) ~~provision for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement and accounting for funds paid to the applicant;~~

(4) ~~provision for administration of the program by the local school district, or in cooperation with other school districts, educational institutions, or local agencies under the supervision of the local school district; and~~

(5) ~~a description of the involvement of local how school staff, students pupils, and members of the community are involved in planning and implementing the program.~~

Subd. 1a. [MINI GRANTS.] The council may award grants not to exceed \$5,000 to districts to (1) disseminate information about successful projects initiated by the district with a grant from the venture fund, or (2) replicate cost-effective innovations which either were initiated in other districts with venture fund support or were validated by the department of education or federal agencies. The council shall prescribe the form and manner of application for these grants.

Subd. 2. [PROCEDURE.] Every program proposal shall be submitted to the council created by section 129B.01, not less than ~~three~~ two months before the planned commencement of the program. The council shall recommend approval or disapproval, or shall modify and then recommend such modification with respect to every proposal submitted to it. The council shall also recommend the amount and type of grant to be made in support of the proposed program in the light of the then currently available moneys in the venture fund, ~~which~~. This information shall be provided to the council by the state board of education. The council shall also recommend what rules ~~and regulations~~, if any, shall be suspended or modified ~~in order~~ to implement the proposal. Only ~~such~~ proposals as ~~are~~ recommended for approval shall be transmitted by the council to the state board; ~~and~~. All ~~such~~ these proposals shall be approved and funded from the venture fund by the state board as recommended by the council unless the state board, within 30 days ~~of receipt of~~ after receiving a proposal from the council, ~~shall make~~

makes other disposition of the proposal by formal board action. One half of each grant recommended by the council and funded by the state board may be ~~deemed~~ an interest free loan ~~to be and~~ repaid over a ~~five year period~~ years.

Sec. 7. Minnesota Statutes 1982, section 129B.05, is amended to read:

129B.05 [STATE BOARD AND COMMISSIONER.]

Subdivision 1. [GENERAL POWERS.] The state board of education shall develop and promulgate ~~such~~ additional recommendatory guidelines as may be appropriate ~~for the furtherance of~~ *to further* sections 129B.01 to 129B.05 and the development and implementation of the ~~contemplated~~ *contemplated* programs ~~contemplated herein,~~ for its benefit and the benefit of the council and applicants. The commissioner of education shall make available to the council at its request ~~such the staff as~~ the council deems necessary to perform its functions.

Subd. 2. [CONSULTANTS.] The council may also employ or contract for the services of ~~outside consultants,~~ *and. The consultants may be for purposes such as research, evaluation, dissemination, cost-benefit analyses, and in-service training. The council may contract with one or more qualified consultants or law firms specializing in securing broadcast and telecast licenses from the federal communications commission. The consultant or law firm shall assist with the preparation of all necessary license applications to the federal communications commission on behalf of school districts recommended by the council as transmission sites. The council may use as much of the annual appropriation to the state department of education, made for the purposes of sections 129B.01 to 129B.05 as is necessary, *shall be made available to the council* for this purpose.*

Sec. 8. [129B.051] [COPYRIGHT AND SALE OF PRODUCTS.]

Subdivision 1. *Products of projects and programs funded pursuant to sections 129B.01 to 129B.05, including curriculum and instructional materials, computer and telecommunications software, and associated manuals and reports, shall be copyrighted, if possible, by the council in the name of the state and may be sold. The state may sell the products to school districts and public agencies located in states other than Minnesota at prices that exceed the cost of reproduction and distribution. However, the state shall sell the products to all school districts and public agencies in the state at prices that do not exceed the cost of reproduction and distribution.*

Subd. 2. *The education products revolving account is established in the state treasury. Proceeds up to the cost of reproduction and distribution from the sale of products under this section shall be deposited in this account. All funds in this account are annually appropriated to the department of education and shall be used to reproduce and distribute products of projects and programs funded pursuant to sections 129B.01 to 129B.05.*

Subd. 3. *Proceeds in excess of costs from the sale of products pursuant to this section shall be shared equally between the state and the school district which developed the product with a grant from the council. The school district share is appropriated to the department of education and shall be paid to the district. The state share is appropriated to the department of education and shall be placed in the venture fund of the council and used to fund similar projects.*

Sec. 9. Minnesota Statutes 1982, section 129B.09, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] The school board of any district, however organized, which receives early childhood and family education moneys from the council on quality education shall provide those services in ~~one elementary school attendance area, or an area within the district,~~ if the council deems the area to be appropriate. The council on quality education shall prescribe the form and manner of application for the programs and shall select the grant recipients. These programs shall be as equally distributed as possible among districts in cities of the first class, in suburbs, and outside the seven county metropolitan area.

Sec. 10. Minnesota Statutes 1982, section 129B.09, subdivision 12, is amended to read:

Subd. 12. [NEGOTIATED GRANTS.] ~~For the 1981-1982 and 1982-1983 school years~~ The council on quality education may fund up to ~~36~~ early childhood and family education programs according to the negotiated grants procedure in sections 129B.01 to 129B.05. *In the 1983-1984 school year, the council may fund an early childhood and family education program existing in the 1982-1983 school year in an amount not to exceed 75 percent of the grant received during the 1982-1983 school year. In the 1984-1985 school year, the council may fund an early childhood and family education program existing in the 1982-1983 school year in an amount not to exceed 50 percent of the grant received during the 1982-1983 school year. In the 1985-1986 school year, no early childhood and family education program which received a grant during the 1982-1983 school year shall receive a grant pursuant to this section. Beginning in the 1983-1984 school year, no early childhood and family education program funded by the council on a negotiated grant shall be funded for more than three years. The second year a program is funded, the negotiated grant cannot exceed 75 percent of the original grant amount. The third year a program is funded, the negotiated grant cannot exceed 50 percent of the original grant amount.*

Sec. 11. [REPORT TO LEGISLATURE.]

The council on quality education shall submit a report to the education committees of the legislature by February 15, 1984 containing evaluation data on programs designed to benefit handicapped adults and recommendations for policies for school districts to extend services to handicapped adults.

Sec. 12. [INSTRUCTION TO THE REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes is requested to renumber Minnesota Statutes, sections 121.501, 121.502, 121.503, 121.504, 121.505, 121.506, and 121.507 in an appropriate place in Minnesota Statutes, chapter 129B. The revisor of statutes is also requested to retitle chapter 129B as "Grants for Education".

Sec. 13. [REPEALER.]

Minnesota Statutes 1982, sections 122.542 and 124.251 are repealed.

Sec. 14. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the depart-

ment of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [COUNCIL ON QUALITY EDUCATION GRANTS.] For the council on quality education grants pursuant to sections 129B.02 and 129B.04 there is appropriated:

\$778,000.....1984,

\$897,000.....1985.

The appropriation for 1984 includes \$84,000 for grants for fiscal year 1983 payable in fiscal year 1984, and \$694,000 for grants in fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$122,000 for grants for fiscal year 1984 payable in fiscal year 1985, and \$775,000 for grants in fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent grant entitlements of \$816,000 for fiscal year 1984 and \$816,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriations in this subdivision for 1984 shall not cancel and shall be available for the second year of the biennium.

ARTICLE 10

LIBRARIES

Section 1. Minnesota Statutes 1982, section 134.07, is amended to read:

134.07 [~~LIBRARIES, READING ROOMS; TAX PUBLIC LIBRARY SERVICE.~~]

~~Subdivision 1-~~ The governing body of any city or county may establish and maintain a public library, a public reading room, or both, service for the use of its inhabitants. By ordinance or resolution it may set apart for the benefit thereof any public property of the city or county. ~~Except as provided in subdivision 2-~~ In any statutory city and in any city of the second, third, or fourth class, and in any county, the governing body thereof may levy an annual tax of not more than 2-6 2/3 mills on the dollar, of all taxable property therein ~~except counties may not tax property which is already taxed for public library service.~~ The proceeds of ~~any such~~ the tax shall be known as the library fund.

~~Subd. 2-~~ The governing body of any city of the fourth class located in any county having over 7,000 and less than 9,000 inhabitants and over 70 full and fractional congressional townships, operating under a home rule charter, may levy an annual tax of not to exceed 1-6 2/3 mills for such purposes, notwithstanding any limitation contained in its home rule charter.

Sec. 2. Minnesota Statutes 1982, section 134.08, is amended to read:

134.08 [~~WHEN ESTABLISHED BY VOTE; EXISTING LIBRARIES ESTABLISHING AND DISCONTINUING LIBRARY SERVICE; APPLICABILITY OF LAW.~~]

Subdivision 1. [ESTABLISHMENT.] If a public library or reading room service is not otherwise established under section 134.07, the governing

body of the ~~municipality~~ city or county, upon the petition of ~~50~~ eligible voters, as defined in section ~~200.02~~ 201.014, subdivision ~~25~~ 1, of the ~~municipality~~ city or county, in a number not less than five percent of the number of persons who voted at the last general election in the city or county, shall submit the question of the establishment or provision of public library services to the voters at the next ~~municipal~~ general election. If ~~two-thirds~~ a majority of the votes cast on the question are in the affirmative, the governing body shall establish the library or ~~reading room~~ shall provide public library service as authorized in section 134.12 or 375.335 and levy a ~~yearly~~ annual tax for its support, ~~within the limits fixed by section 134.07.~~

Subd. 2. [DISCONTINUANCE.] If public library service is established under the provisions of subdivision 1, it may be discontinued only after a majority of the votes cast on the question are in the affirmative on a question on a ballot in a general election. The question of discontinuance of public library service shall be placed on the ballot at the next general election upon the petition of eligible voters, as defined in section 201.014, subdivision 1, of the city or county, in a number not less than five percent of the number of persons who voted at the last general election in the city or county.

Subd. 3. [APPLICABILITY.] All public ~~libraries and reading rooms~~ library service heretofore established and now existing in cities ~~are~~ and counties is continued and all ordinances and resolutions setting apart public property for their support are hereby confirmed. Nothing in sections 134.08 to 134.15 shall be construed as abridging any power or duty in respect to libraries conferred by any city charter. *If a city charter does not address matters provided for in chapter 134, the provisions of chapter 134 shall apply.*

Sec. 3. Minnesota Statutes 1982, section 134.09, is amended to read:

134.09 [DIRECTORS LIBRARY BOARDS; TERM; REMOVAL.]

Subdivision 1. [APPOINTMENT.] When ~~any such~~ public library or ~~reading room~~ service is established, except in any city of the first class operating under a home rule charter, the mayor of the city or ~~president of the statutory city,~~ with the approval of the council for a city library or the board of commissioners for a county library, shall appoint a board of five, seven or nine ~~directors~~ members from among the residents of the city or county, ~~but~~. The number of members on the board shall be determined by resolution or ordinance adopted by the council or the board of commissioners. Not more than one of ~~whom~~ council member or county commissioner shall at any time be a member of ~~such governing body,~~ ~~such~~ the library board. The appointments ~~to~~ shall be made ~~prior to~~ before the first meeting of ~~such~~ the library board after the end of the fiscal year.

Subd. 2. [TERM OF OFFICE.] If nine ~~board members~~ are appointed, three shall hold office for one year, three for two years and three for three years. If seven members ~~be~~ are appointed, three shall hold office for one year, two for two years, and two for three years; if five ~~be~~ are appointed, two shall hold office for one year, two for two years, and one for three years. ~~The number of directors on the board shall be determined by resolution or ordinance adopted by the council.~~ All terms shall end with the fiscal year. Annually ~~thereafter~~ ~~such~~ the mayor or ~~president~~ with the approval of the council, or the board of county commissioners shall appoint board members for the term of three years ~~and~~ until their successors qualify a sufficient number of ~~directors~~ members to fill the places of those whose term or terms expire. A library board member shall not be eligible to serve more than three consec-

utive three-year terms.

Subd. 2 3. [REMOVAL OF MEMBERS.] The mayor ~~or president, by and~~ with the ~~consent approval~~ of the council, ~~or the board of county commissioners~~ may remove any ~~director member~~ for misconduct or neglect.

Subd. 3. Terms of directors in office at the time Laws 1945, Chapter 46, takes effect shall expire at the end of the city's fiscal year current at the expiration of their terms as heretofore provided.

Subd. 4. [ABOLISHMENT.] Upon recommendation of a majority of any library board created under the provisions of subdivision 1, the governing body of ~~such the city or county~~ may abolish ~~such the~~ library board at the end of any fiscal year provided that ~~such the~~ governing body shall simultaneously establish a successor library board of either five, seven or nine members by resolution or ordinance. ~~In the event of such resolution or ordinance, the mayor, with the approval of the council, shall appoint a library board of the number of members as provided by said resolution or ordinance. If nine are appointed, three shall hold office for one year, three for two years and three for three years. If seven members be appointed, three shall hold office for one year, two for two years, and two for three years; if five be appointed, two shall hold office for one year, two for two years, and one for three years. Annually thereafter such mayor shall appoint for the term of three years and until their successors qualify a sufficient number of directors to fill the places of those whose term or terms expire. All terms shall end with the fiscal year. The appointment of successor board members shall be made as provided in subdivision 1. The terms of successor board members shall be as provided in subdivision 2.~~

Sec. 4. Minnesota Statutes 1982, section 134.10, is amended to read:

134.10 [BOARD VACANCIES; COMPENSATION.]

~~Vacancies in The library board of directors president shall be reported report vacancies in the board to the council and filled by like or the board of county commissioners. The council or board of county commissioners shall fill the vacancies by appointment for the unexpired term. Directors Library board members shall receive no compensation for their services as such but may be reimbursed for actual and necessary traveling expenses incurred in the discharge of library board duties and activities.~~

Sec. 5. Minnesota Statutes 1982, section 134.11, is amended to read:

134.11 [ORGANIZATION OF BOARD; RULES BONDING; DUTIES.]

~~Subdivision 1. [ORGANIZATION.] Immediately after appointment, such the library board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the municipality in an amount fixed by the directors, conditioned for the faithful discharge of his official duties.~~

~~Subd. 2. [DUTIES.] The library board shall adopt such bylaws and regulations for the government of the library and reading room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, of interest earned on all moneys collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All moneys received for such the library shall be paid into~~

the city or county treasury, credited to the library fund, kept separate from other moneys of the ~~municipality~~ city or county, and paid out only upon ~~itemized vouchers approved~~ approval by the board. The library board may lease rooms for library use; ~~fix~~. The library board shall appoint a library director and other staff as necessary, establish the compensation of employees, and remove any of them ~~at pleasure for cause~~. With the approval of the council or board of county commissioners, the library board may purchase grounds and erect a library building thereon.

Sec. 6. Minnesota Statutes 1982, section 134.12, is amended to read:

134.12 [BENEFITS OF LIBRARY.]

Subdivision 1. [NON-RESIDENTS TO RECEIVE.] Any library board of ~~directors~~ may admit to the benefits of its library persons not residing within ~~the municipality~~ its city or county under regulations and upon conditions as to payment and security prescribed by ~~the library board~~.

Subd. 2. [LOAN OF BOOKS, CONTRACTS WITH CITIES AND TOWNS.] The library board may contract with the county board of the county in which the library is situated or the county board of any adjacent county, or with the governing body of any neighboring town or city, to loan ~~books of the library, either singly or in traveling libraries,~~ library materials to residents of the contracting county, town, or city.

Subd. 3. [USE OF ~~FREE~~ PUBLIC LIBRARY; TAX LEVY.] Any ~~such~~ county board or city governing body may contract with the board of ~~directors~~ of any ~~free~~ city or county public library for the use of the library by the residents of the county, town, or city who do not have the use of a ~~free~~ public library, upon the terms and conditions as those granted residents of the city or county where the public library is located, and to pay ~~such~~ the library board of ~~directors~~ an annual amount therefor. Any ~~such~~ county board or city governing body may establish a library fund by levying an annual tax upon all taxable property which is not already taxed for the support of any ~~free~~ public library and all taxable property which is situated outside of any city in which is situated a ~~free~~ public library.

Sec. 7. Minnesota Statutes 1982, section 134.13, is amended to read:

134.13 [DIRECTORS NOW IN OFFICE; ANNUAL REPORT; EXCEPTIONS.]

The directors of any such library or reading room in office under existing laws shall so continue until the expiration of their terms; but their successors shall be appointed and vacancies filled under the provision of sections 134.08 to 134.15. At the first regular meeting of the board As soon as practicable following the end of each ~~the~~ fiscal year of a city, the library board shall report to the governing body of the ~~municipality~~ city or county all amounts received during the preceding year and the sources thereof, the amounts expended and for what purposes, the number of ~~books~~ library materials on hand, the number purchased and loaned, and such other information as it deems advisable. A copy of ~~such report~~ No later than April 1 of each year the library board shall be filed file this information with the Library Division, ~~state~~ department of education on forms supplied by the department. ~~Nothing in this section shall apply to libraries in cities of the first class.~~

Sec. 8. Minnesota Statutes 1982, section 134.14, is amended to read:

134.14 [TITLE TO PROPERTY; FREE USE.]

All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any ~~municipality~~ *city or county* for a *public library or reading room* shall vest in, and be held in the name of, ~~such municipality~~ *the city or county* and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any public library or library board shall be deemed to have been made directly to ~~such municipality~~ *the city or county to be used as provided in section 134.11*. Every *public library and reading room* established under sections ~~134.08~~ *134.07* to 134.15 shall be forever free to the use of the inhabitants of the ~~municipality~~ *city or county* subject to ~~such~~ reasonable regulations as the ~~directors~~ *library board* may adopt.

Sec. 9. Minnesota Statutes 1982, section 134.15, is amended to read:

134.15 [GIFTS; CONTRACTS.]

With the consent of the governing body of any *city or county*, expressed by ordinance or resolution, and ~~within the limitations of sections 134.08 to 134.15 as to the rate of taxation,~~ the library board may accept any gift, grant, devise, or bequest made or offered by any person for *public library* purposes, or for the establishment, enlargement, or maintenance of an art gallery or museum in connection with its library, and may carry out the conditions of ~~such~~ *the* donation. The ~~municipality~~ *city or county* in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted.

Sec. 10. Minnesota Statutes 1982, section 134.30, is amended to read:

134.30 [DEFINITIONS.]

Subdivision 1. As ~~used in sections 134.30 to 134.35 and sections 134.351, 134.352, and 134.353,~~ The terms ~~defined used in this section shall~~ *chapter 134* have the meanings ~~ascribed to~~ *given them in this section*.

Subd. 2. "Public library" means any library that provides free access to all residents of a city or county without discrimination, receives at least half of its financial support from public funds and is organized under the provisions of chapter 134 ~~or section 375.33~~. It does not include libraries such as law, medical, school and academic libraries organized to serve a special group of persons, or libraries organized as a combination of a public library and another type of library.

Subd. 3. "Public library services" means services provided by or on behalf of a public library and does not include services for elementary schools, secondary schools or post-secondary educational institutions.

Subd. 4. "Regional public library system" means a multicounty public library service agency that provides free access to all residents of the region without discrimination, and is organized under the provisions of ~~sections 134.12, 375.335, 471.59 or chapter 317~~ *chapter 134 or 317, or section 471.59*.

Subd. 5. "Basic system services" means services offered by all regional public library systems either directly or by contract. These services shall

include, but are not limited to, communication among participants, resource sharing, delivery of materials, reciprocal borrowing, and cooperative reference service.

Subd. 6. "Multi-county, multi-type library system" means a cooperative network composed of any combination of public libraries, regional public library systems, public school libraries, public or private college or university libraries and any other libraries which share services and resources within a multi-county area.

Subd. 7. "City" or "cities" means home rule and statutory cities unless specifically provided otherwise.

Sec. 11. Minnesota Statutes 1982, section 134.32, subdivision 1, is amended to read:

Subdivision 1. The department shall provide the grants specified in this section from any available state ~~or~~, federal, *or other* funds.

Sec. 12. Minnesota Statutes 1982, section 134.32, subdivision 7, is amended to read:

Subd. 7. ~~Nothing within the provisions of this section shall be construed to allow state money to be used for the construction of library facilities~~ *It may provide grants for construction or remodeling of library facilities from any state and federal funds specifically appropriated for this purpose.*

Sec. 13. Minnesota Statutes 1982, section 134.351, subdivision 3, is amended to read:

Subd. 3. [AGREEMENT.] In order for a multi-county, multi-type library system to qualify for a planning, development or operating grant pursuant to sections ~~134.352 and~~ 134.353 *and section 16*, each participating library in the system shall adopt an organizational agreement providing for the following:

- (a) Sharing of resources among all participating libraries;
- (b) Long-range planning for cooperative programs;
- (c) The development of a delivery system for services and programs;
- (d) The development of a bibliographic data base; and
- (e) A communications system among all cooperating libraries.

Sec. 14. Minnesota Statutes 1982, section 134.351, subdivision 7, is amended to read:

Subd. 7. [REPORTS.] Each multi-county, multi-type system receiving a grant pursuant to section ~~134.352 or~~ 134.353 *or section 16* shall provide an annual progress report to the department of education. The department shall report before November 15 of each year to the legislature on all projects funded under sections ~~134.352 and~~ *section 134.353 and section 16.*

Sec. 15. Minnesota Statutes 1982, section 134.353, is amended to read:

134.353 [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM DEVELOPMENT GRANT.]

The state board of education may provide development ~~and operating~~

grants to multi-county, multi-type library systems in their second and subsequent years of operation. In awarding a development and operating grant, the state board shall consider the extra costs incurred in systems located in sparsely populated and large geographic regions.

Sec. 16. [134.354] [MULTI-COUNTY, MULTI-TYPE LIBRARY SYSTEM OPERATING GRANT.]

The state board of education may provide operating grants to multi-county, multi-type library systems. In awarding an operating grant, the state board shall consider the extra costs incurred in systems located in sparsely populated and large geographic areas.

Sec. 17. Minnesota Statutes 1982, section 134.36, is amended to read:

134.36 [RULES.]

The state board of education shall promulgate rules as necessary for implementation of any provision of sections 134.30 to 134.353 library grant programs.

Sec. 18. Minnesota Statutes 1982, section 375.335, is amended to read:

375.335 [REGIONAL LIBRARIES PUBLIC LIBRARY SYSTEMS.]

Subdivision 1. [ESTABLISHMENT.] Two or more contiguous counties, except counties one or more of which contain a city of the first class over 300,000 according to the 1960 United States census or two or more cities located in two or more counties may, through action by their governing bodies under the provisions of section 471.59, establish and maintain a regional public library system, even though any one or more of the counties or cities may already have a county library with a library board; provided that in any such county or city already having a county library board, the approval of said the library board shall also be required. Cities in any of the contracting counties having public libraries may join in the regional public library system by being parties to the agreement which establishes the regional public library system through action of their library boards and their city councils, or as hereinafter provided in subdivision 3.

Subd. 2. [LIBRARY BOARD.] The agreement establishing such a regional public library may system shall provide for a library board to govern the organization having all the powers and duties of city and county library boards as provided in section 375.33 sections 134.11, 134.12, and 134.13 and including exclusive determination of all library services to be provided under terms of the agreement as defined in section 134.30, subdivision 5, and exclusive control of the expenditure of all funds for the services. Such The regional library system board may consist of as many members as the contracting parties deem necessary, appointed in such numbers a number from among the residents of the contracting parties and for such terms by each county board party to the contract as may be determined by the contracting parties, irrespective of the existence of one or more city and county library boards already in existence in the participating cities and counties. Not more than one member from each contracting party shall be a member of the governing body of a contracting party and no member may be appointed to serve more than three consecutive three-year terms. In such the participating cities and counties, such the portion of the proceeds of the city and county library

tax authorized by section ~~375.33, subdivision 1~~ 134.07, shall be used for the support of the regional *public library system* as the contracting agreement may provide.

Subd. 3. [CITY PARTICIPATION.] Where ~~such a~~ regional *public library system* is established, any city located in any of the contracting counties which is excluded from the county tax supporting the regional *public library system* under the provisions of section ~~375.33, subdivision 1~~ 134.07, may, upon recommendation of its library board and upon action by its governing body, be included in ~~such the~~ county tax and become an integral part of the regional *public library system*. ~~Such cities and any other cities in the participating counties~~ *Cities included in the county tax and with public libraries which are part of the regional public library system*, whether or not governed by home rule charter provisions, *upon action by their city council*, may levy taxes for the additional support of their local library services ~~provided that said combined levies shall not exceed the statutory limit on the library levy~~. Any ~~such~~ local *public library board* or governing body may, at its option, continue to control ~~such the~~ local library fund or pay all or part thereof into the regional *public library system* fund, to be used for the increase or improvement of *public library services* in ~~such the~~ city.

Subd. 4. [PROPERTY.] All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created shall vest in, and be held in the name of, the regional library board or regional public library system board. Any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any regional library or public library system shall be deemed to have been made directly to the regional public library system board.

Subd. 5. [RATIFICATION.] All property heretofore given, granted, conveyed, donated, devised, bequeathed to, or otherwise acquired by any regional library board or any regional public library system board however created is hereby validated, ratified and confirmed as the property of the board.

Subd. 6. [RATIFICATION.] Any multicounty regional *public library* heretofore created, and the agreements creating them, are hereby validated, ratified, and confirmed and the benefits of subdivisions 1 to 6 5 shall hereafter apply to these libraries.

Sec. 19. Minnesota Statutes 1982, section 648.39, subdivision 1, is amended to read:

Subdivision 1. [FREE DISTRIBUTION.] The revisor of statutes shall without charge distribute each edition of Minnesota Statutes, supplement to the Minnesota Statutes, and the Laws of Minnesota to the persons, officers, departments, agencies, or commissions listed in this subdivision. Prior to distribution of Minnesota Statutes, supplement to the Minnesota Statutes, or the Laws of Minnesota, the revisor of statutes shall inquire whether the full number of copies authorized by this subdivision are required for their work. Unless a smaller number is needed, each edition shall be distributed without charge as follows:

- (a) 30 copies to the supreme court;

- (b) 1 copy to each judge of a district court;
- (c) 1 copy to the clerk of each district court for use in each courtroom of the district court of his county;
- (d) 100 copies to the state law library;
- (e) 100 copies to the law school of the University of Minnesota;
- (f) 100 copies to the office of the attorney general;
- (g) 10 copies each to the governor's office, the departments of agriculture, commerce, corrections, education, health, transportation, labor and industry, economic security, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;
- (h) 1 copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;
- (i) 1 copy to each member of the legislature;
- (j) 100 copies for the use of the senate and 150 copies for the use of the house of representatives;
- (k) 4 copies to the secretary of the senate;
- (l) 4 copies to the chief clerk of the house of representatives;
- (m) 1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society;
- (n) 20 copies each to the department of administration, state auditor, and legislative auditor;
- (o) 1 copy to each county library maintained pursuant to ~~section 134.12 or 375.33~~ *chapter 134*, except in counties containing cities of the first class. If a county has not established a county library pursuant to ~~section 134.12 or 375.33~~ *chapter 134*, the copy shall be provided to any public library in the county; and
- (p) 50 copies to the revisor of statutes.

Sec. 20. [REPEALER.]

Minnesota Statutes 1982, sections 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33 are repealed.

Sec. 21. [INSTRUCTION TO THE REVISOR.]

The revisor of statutes, under the powers in section 648.34, shall renumber sections 134.01 and 134.02 by placing them in chapter 123; shall renumber section 134.04 by placing it in chapter 121; shall renumber section 134.30 by placing it at the beginning of chapter 134; and shall renumber section 375.335 by placing it in chapter 134.

Sec. 22. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [BASIC SUPPORT GRANTS.] For grants pursuant to sections 134.32 to 134.35 and 134.36 for the provision of library services there is appropriated:

\$4,417,000.....1984,

\$5,161,000.....1985.

The appropriation for 1984 includes \$595,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$3,822,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$675,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$4,486,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$4,497,000 for fiscal year 1984 and \$4,722,000 for fiscal year 1985.

If the Crow River regional library system and the Western Plains regional library system merge by July 1, 1983, the basic support grant paid to the merged system pursuant to section 134.35, subdivision 4, shall be increased by \$24,000 in fiscal year 1984 and \$12,000 in fiscal year 1985. These additional grants are included in the appropriations in this subdivision.

Subd. 3. [MULTI-COUNTY LIBRARY SYSTEMS.] For grants pursuant to sections 134.353 and 16 to multi-county, multi-type library systems there is appropriated:

\$189,000.....1984,

\$221,000.....1985.

The appropriation for 1984 includes \$26,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$163,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$29,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$192,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$192,000 for fiscal year 1984 and \$202,000 for fiscal year 1985.

ARTICLE 11

HIGH TECHNOLOGY

Section 1. [POLICY.]

The legislature recognizes that the development of the state's economy is highly dependent on providing for and improving the quality and productivity of the education of all students. Existing and developing technology, if used appropriately, has tremendous potential. There is need for a comprehensive program which permits the benefits of using technology in instruction to be realized in schools and their communities. Some of the desired results in education that must be emphasized include:

(a) Raising the quality of instruction while containing costs;

(b) Offering programs and services not otherwise available because of

insufficient populations or resources; and

(c) Preparing pupils of all ages to handle a high technology world.

Sec. 2. [129B.10] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purpose of sections 3 to 10, the following terms have the meanings given them, unless clearly provided otherwise.

Subd. 2. [AVERAGE DAILY MEMBERSHIP.] "Average daily membership" has the meaning given it in section 124.17, subdivision 2.

Subd. 3. [COURSEWARE PACKAGE.] "Courseware package" means software and its supporting materials, such as workbooks and textbooks, integrated videotape, and disc.

Subd. 4. [STATE BOARD.] "State board" means state board of education.

Subd. 5. [TASK FORCE.] "Task force" means the advisory task force on technology in education established in section 3.

Subd. 6. [TECHNOLOGY.] "Technology" includes, but is not limited to, computers, telecommunications, cable television, interactive video, film, low-power television, satellite communications, and microwave communications.

Sec. 3. [129B.12] [TASK FORCE ON TECHNOLOGY IN EDUCATION.]

By July 1, 1983, an advisory task force on technology in education shall be appointed by the governor to assist in the implementation of this chapter. The task force shall consist of 11 members, one from each congressional district and three members to represent the state at large. The task force shall have representation from public school teachers and administrators, school boards, parents, higher education, and at least two members from high technology business and industry. Task force members shall be knowledgeable about use of technology in elementary and secondary instruction. The provisions of section 15.959, subdivision 6, shall govern the terms and compensation of the task force, except that the task force shall expire on June 30, 1985.

Sec. 4. [129B.14] [TECHNOLOGY UTILIZATION PLANS.]

Subdivision 1. [DEVELOPMENT OF PLAN.] Each school district is encouraged to develop and adopt as part of its educational policy a written technology utilization plan, in consultation with the curriculum advisory committee for planning, evaluation, and reporting appointed pursuant to section 123.741, subdivision 3.

Subd. 2. [CONTENTS OF PLAN.] The plan shall describe:

(a) how technology will be used to provide educational opportunities for people of all ages residing in the district;

(b) goals for implementing the use of technology in the district, including instruction and management uses;

(c) means to achieve these goals, including proposed teacher inservice

training;

(d) procedures for integrating the use of technology into the district's community education program; and

(e) procedures to evaluate and report progress toward the goals.

Subd. 3. [MODEL PLANS.] By December 31, 1983, the department of education, in consultation with the task force, educational cooperative service units, appropriate ESV regional computer services agencies, and the Minnesota educational computing consortium, shall develop model plans and criteria for evaluating district plans. The department may employ consultants and specialists to assist in this effort. The model plans and criteria shall be distributed to districts. The department and regional coordinators employed according to section 5 shall assist in developing district plans, upon request.

Subd. 4. [SUBMISSION OF PLANS.] To be reimbursed for technology utilization planning, a district shall submit its plan to the state board by June 30, 1984 in the form and manner prescribed by the department. A plan submitted for aid purposes may be modified by the district, in consultation with the department, at any time prior to state board action on the plans.

Subd. 5. [APPROVAL OF PLANS.] The state board shall approve or disapprove plans by September 1, 1984.

Subd. 6. [AID FOR PLANNING.] A district whose plan is approved by the state board shall receive 50 cents times average daily membership for the previous school year. Aid shall be paid to districts by October 1, 1984.

Sec. 5. [129B.16] [INSERVICE TRAINING FOR USE OF TECHNOLOGY.]

Subdivision 1. [AID.] A district whose technology utilization plan is approved by the state board according to section 4 is eligible for inservice training aid. The aid amount shall be \$1 times average daily membership for the previous school year.

Subd. 2. [APPLICATIONS.] Applications containing specific training proposals for a district or combination of districts shall be submitted by January 15, 1985, in the form and manner prescribed by the department of education. The department shall approve or disapprove applications within 60 days of receipt. Aid shall be paid within 30 days of approval.

Subd. 3. [STATEWIDE INSERVICE TRAINING.] By June 30, 1985, the department shall conduct regional or statewide inservice training for district staff on the use of technology in instruction. The department may employ consultants or specialists for this purpose, including the regional coordinators according to subdivision 4.

Subd. 4. [REGIONAL COORDINATORS.] In consultation with the task force, education cooperative service units, appropriate ESV regional computer services agencies, and the Minnesota educational computing consortium, the department may contract for regional coordinators with expertise in the use of technology in instruction. Each coordinator shall be based in a particular region but available to service any portion of the state upon request of the department. Among other responsibilities assigned by the de-

partment, a coordinator shall serve as an onsite consultant to a district participating in technology utilization planning and inservice training.

Sec. 6. [129B.18] [MATH AND SCIENCE TRAINING.]

Subdivision 1. [GRANTS.] By February 1, 1984, the state board shall award grants to provide inservice training in mathematics and science to elementary and secondary district staff. The state board shall develop criteria to select recipients for this purpose.

Subd. 2. [APPLICATIONS.] Applications for inservice training grants shall be submitted to the state board by January 1, 1984. A district, education cooperative service unit, institution of higher education, or state agency may apply.

Sec. 7. [129B.20] [TECHNOLOGY DEMONSTRATION SITES.]

Subdivision 1. [SITE DESIGNATION.] By January 15, 1984, the state board shall designate from eight to ten districts as technology demonstration sites and award each district a grant for use during the 1983-84 and 1984-85 school years.

Subd. 2. [CRITERIA FOR SELECTION.] In consultation with the department of education, appropriate ESV regional computer services agencies, and the Minnesota educational computing consortium, the task force shall develop selection criteria for review by the state board. The state board shall establish selection criteria to be distributed to districts by October 1, 1983. Criteria shall include at least the following:

- (a) exemplary program of technology utilization existing in the district;*
- (b) evidence of willingness by district staff and the community to incorporate technology fully into the curriculum to demonstrate new instructional methods;*
- (c) willingness to match the grant awarded to the district; and*
- (d) willingness to share educational experiences with other interested parties.*

For two of the sites, criteria shall include participation of Minnesota high technology business or industry. Clause (a) shall not be a factor in selection of these sites, one site of which shall be a rural district.

Subd. 3. [SITES THROUGHOUT THE STATE.] The sites shall be located throughout the state in urban, suburban, and rural areas.

Subd. 4. [APPLICATIONS.] Applications for grants shall be submitted to the state board by December 1, 1983 in the form and manner prescribed by the department.

Subd. 5. [RECIPIENT DUTIES AND USE OF MONEYS.] A district selected for a grant shall work cooperatively with the task force, department, higher education institutions in the area, and business and industry, as appropriate. A district selected for a grant shall submit a technology utilization plan according to section 4. The district shall conduct at least one workshop each school year of the grant to demonstrate to other districts and interested parties its use of technology in education. Grant money may be used for equipment, consultants, curriculum development, and teacher training.

Subd. 6. [CONTRIBUTIONS.] The state board and the task force shall seek contributions from public and private sources to supplement the state money for grants for technology demonstration sites. These contributions shall be added to the state money and administered by the state board in the same manner as the state money.

Subd. 7. [EVALUATION OF SITES.] The state board shall evaluate the technology demonstration sites. It may contract with independent evaluators for this purpose.

Sec. 8. [129B.22] [COURSEWARE PACKAGES.]

Subdivision 1. [LIST OF PACKAGES.] By January 1, 1984, the department shall compile, publish, and distribute to districts a list of high quality courseware packages for use in public elementary and secondary schools. Every six months thereafter, the department shall supplement the list with recently reviewed materials.

Subd. 2. [PROCUREMENT.] The department shall obtain courseware packages for evaluation by notifying publishers and inviting them to submit their materials.

Subd. 3. [CRITERIA.] The state board shall develop and adopt criteria and procedures for evaluation of courseware packages, in consultation with the department, task force, appropriate ESV regional computer services agencies, and the Minnesota educational computer consortium. The provisions of chapter 14 shall not apply to the criteria and procedures.

Subd. 4. [EVALUATORS.] The department may employ consultants to evaluate courseware packages and pay them fees based on the size and complexity of the courseware package involved. The evaluators shall certify to the state board that they have no financial interest in the product being evaluated or any similar or competing product.

Subd. 5. [EVALUATION TEAM.] The evaluation team for each courseware package shall include at least one microcomputer professional who is knowledgeable in the software techniques used, and three public school teachers, with expertise in the specific content area, to field test the courseware package in their classrooms. Each evaluation team member shall use the criteria and procedures adopted by the state board and submit a written report to the department upon completion.

Subd. 6. [COURSEWARE PACKAGE EVALUATION.] Based on the reports submitted by evaluation team members, the department shall compute the composite score which ranks the courseware package at a specific level of quality. The results shall be recorded in a standardized format and be available to the public at the department.

Subd. 7. [DISPOSITION.] The department shall maintain a collection of the courseware packages evaluated as high quality. These materials shall be available to the public at the department.

Subd. 8. [REIMBURSEMENT.] A district that purchases courseware packages included on the list shall be reimbursed 25 percent of its expenditure, up to a total of \$2 times average daily membership for the previous school year. A district shall apply to the department for reimbursement by March 15, 1985.

Sec. 9. [129B.24] [PURCHASE OF COURSEWARE DUPLICATION RIGHTS.]

Rights to duplicate courseware packages may be purchased by the department of education if it determines that the courseware packages are high quality, according to the criteria adopted in section 8, and if the courseware packages are available at a lower cost than if purchased by districts individually. The department shall make the courseware packages available to districts without cost, except for costs of printing, handling, and mailing. Districts may be required to supply the blank discs necessary for duplication. The department may contract to distribute the courseware packages.

Sec. 10. [129B.26] [SUMMER INSTITUTES.]

Subdivision 1. [ESTABLISHMENT.] For summer 1984, the department, in consultation with the task force, shall plan and conduct two four-week summer institutes. The institutes shall combine seminars and onsite visitations to explore new applications of high technology. The institutes shall use consultants from business and education as presenters.

Subd. 2. [PARTICIPANTS.] Participants for the institutes shall be selected by the task force. Depending on the availability of private contributions to supplement state moneys, up to 25 teachers and an equal number of students shall be selected to participate in each institute. Every region of the state and every subject area shall have representation among the teachers selected. The task force also shall select business community sponsors to host onsite visitations for teachers and students. Presenters shall be selected by the department in consultation with the task force.

Subd. 3. [PAYMENT.] Each participating teacher shall receive \$2,000 and each participating student shall receive \$200. Teacher participants shall conduct two workshops, at the direction of the department, subsequent to attending the institute.

Subd. 4. [CONTRIBUTIONS.] The state board and the advisory task force shall seek contributions from private or public sources to supplement state money provided for the summer institutes. The contributions shall be administered by the department in the same manner as state money.

Sec. 11. [INCREASE IN COMPLEMENT.]

To implement the provisions of sections 1 to 10, the department of education may increase its complement by two positions: one education specialist II and one clerical support position. The positions are in the classified service of the state civil service.

Sec. 12. [REPORTS TO THE LEGISLATURE.]

By February 1, 1984, the department of education shall report to the education committees of the legislature on the progress of implementing the programs in sections 1 to 10.

By February 1, 1985, the department of education shall report to the education committees of the legislature on preliminary evaluations of the programs and participants in sections 1 to 10.

Sec. 13. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the depart-

ment of education the sums indicated in this section. The sums are available until June 30, 1985.

Subd. 2. [TECHNOLOGY UTILIZATION PLANS.] The sum of \$550,000 is appropriated for the purposes of section 4.

The department of education may use up to \$120,000 of the appropriation for costs of developing model plans and criteria, assisting districts to develop plans, and evaluating the program.

Subd. 3. [INSERVICE TRAINING.] The sum of \$1,500,000 is appropriated for the purposes of section 5. Of the sum, \$343,000 shall be used by the department for inservice training under section 5, subdivision 3, and \$295,000 shall be used for the regional coordinators established under section 5, subdivision 4.

Subd. 4. [MATH AND SCIENCE INSERVICE.] The sum of \$250,000 is appropriated for the purposes of section 6, of which \$42,000 may be used by the department for the costs of administration.

Subd. 5. [TECHNOLOGY DEMONSTRATION SITES.] The sum of \$1,900,000 is appropriated for the purposes of section 7. The department may use up to \$95,000 for costs of administering and evaluating the program. The department shall allocate \$300,000 for partial substitute pay and travel expenses for visitation to demonstration sites from districts within the state for purposes of staff inservice training.

Subd. 6. [COURSEWARE EVALUATION AND INCENTIVES.] The sum of \$1,860,000 is appropriated for the purposes of section 8. The department may use up to \$150,000 of the appropriation for development of criteria, employment of evaluators, and printing and distribution of the courseware package list.

Subd. 7. [PURCHASE OF COURSEWARE DUPLICATION RIGHTS.] The sum of \$200,000 is appropriated for the purposes of section 9.

Subd. 8. [SUMMER INSTITUTES.] The sum of \$100,000 is appropriated for the purposes of section 10, of which not more than \$15,000 may be used for administration.

Subd. 9. [INCREASE IN COMPLEMENT.] The sum of \$125,000 is appropriated for the purposes of section 11.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment.

ARTICLE 12

CASH FLOW

Section 1. Minnesota Statutes 1982, section 121.904, subdivision 4a, as amended by Laws 1982, Third Special Session chapter 1, article 3, section 10, is amended to read:

Subd. 4a. [LEVY RECOGNITION.] (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and

excluding the amount levied pursuant to section 275.125, subdivision 9a, and Laws 1976, Chapter 20, Section 4.

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the June and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 124.155, subdivision 2 which are for the fiscal year payable in that fiscal year; or

(3) thirty-two percent of the amount of the spread levy in the ~~current~~ 1983 calendar year, and 50 percent of the amount of the spread levy in the current calendar year beginning in 1984 and each year thereafter, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, Chapter 20, Section 4; and

(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, Chapter 261, Section 4;

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, and amounts levied pursuant to section 275.125, subdivision 14a.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Sec. 2. Minnesota Statutes 1982, section 124.155, subdivision 1, as amended by Laws 1982, Third Special Session chapter 1, article 3, section 2, is amended to read:

Subdivision 1. [AMOUNT OF ADJUSTMENT.] Beginning with fiscal year 1984 and each year thereafter, state aids and credits enumerated in subdivision 2 payable to any school district in a particular fiscal year for that fiscal year shall be adjusted, in the order listed, by an amount equal to (1) the amount the district recognized as revenue for the prior fiscal year pursuant to section 121.904, subdivision 4a, clause (b), as amended by article III, section 1 of *Laws 1982, Third Special Session chapter 1, as amended by article 12, section 1 of this act*; minus (2) the amount the district recognizes as revenue for the current fiscal year pursuant to section 121.904, subdivision 4a, clause (b), as amended by article III, section 1 of *Laws 1982, Third Special Session chapter 1, as amended by article 12, section 1 of this act*.

Any loan amount authorized from the cash flow loan fund or payment from the permanent school fund shall not be adjusted pursuant to this section. The school district shall be notified of the amount of the adjustment made to each payment pursuant to this section.

Sec. 3. Minnesota Statutes 1982, section 124.155, subdivision 2, as amended by Laws 1982, Third Special Session chapter 1, article 3, section 3, is amended to read:

Subd. 2. [SUBTRACTION FROM AIDS.] The amount specified in Laws 1981, Third Special Session Chapter 2, Article 4, Section 3, Subdivision 2, as amended by Laws 1982, Chapter 548, Article 7, Section 7, as further amended by article III, section 4 of ~~this act~~ *Laws 1982, Third Special Session chapter 1* shall be subtracted from the following state aids and credits in the order listed in fiscal year 1983. *The amount specified in article 12, section 1 of this act shall be subtracted from the following state aids and credits in the order listed in fiscal year 1984.* The amount specified in subdivision 1 shall be used to adjust the following state aids and credits in the order listed:

- (a) Foundation aid as authorized in section 124.212, subdivision 1;
- (b) Secondary vocational aid authorized in section 124.573;
- (c) Special education aid authorized in section 124.32;
- (d) Secondary vocational aid for handicapped children authorized in section 124.574;
- (e) Gifted and talented aid authorized in section 124.247;
- (f) Aid for pupils of limited English proficiency authorized in section 124.273;
- (g) Aid for improved learning programs authorized in section 124.251;
- (h) Aid for chemical use programs authorized in section 124.246;
- (i) Transportation aid authorized in section 124.225;
- (j) Community education programs aid authorized in section 124.271;
- (k) Adult education aid authorized in section 124.26;
- (l) Capital expenditure equalization aid authorized in section 124.245;
- (m) Homestead credit authorized in section 273.13, subdivisions 6, 7, and 14a;
- (n) Reduced assessment credit authorized in section 273.139;
- (o) Wetlands credit authorized in section 273.115;
- (p) Native prairie credit authorized in section 273.116; and
- (q) Attached machinery aid authorized in section 273.138, subdivision 3.

The commissioner of education shall schedule the timing of the reductions from state aids and credits specified in Laws 1981, Third Special Session Chapter 2, Article 4, Section 3, Subdivision 2, as amended by Laws 1982, Chapter 548, Article 7, Section 7, as further amended by article III, section 4 of this act, and the adjustments to state aids and credits specified in subdivision 1, as close to the end of the fiscal year as possible and in such a

manner that will minimize the impact of Laws 1981, Third Special Session Chapter 2, Article 4, as amended, on the cash flow needs of the school districts.

Sec. 4. [AMOUNT OF 1984 REDUCTION.]

State aids and credits enumerated in section 124.155, subdivision 2, due any school district in fiscal year 1984 for the 1983-84 school year shall be reduced in the order listed by the following amount: the difference between (1) the amount the district recognizes as revenue for fiscal year 1984 pursuant to section 121.904, subdivision 4a, clause (b), as amended by article 12, section 1 of this act, minus the amount the district received pursuant to section 275.125, subdivision 2d and (2) the amount the district recognized as revenue for fiscal year 1983 pursuant to section 121.904, subdivision 4a, clause (b), as amended by Laws 1982, Third Special Session chapter 1, article III, section 1, minus the amount the district received pursuant to Minnesota Statutes 1982, section 275.125, subdivision 2d. The school district shall be notified of the amount, by fund, of the reductions to each aid payment made according to this section.

Sec. 5. [124.195] [PAYMENT OF AIDS AND CREDITS TO SCHOOL DISTRICTS.]

Subdivision 1. [APPLICABILITY.] This section applies to all aids or credits paid by the commissioner of education from the general fund of the state of Minnesota to school districts for the financing of elementary, secondary, and post-secondary vocational education. The procedures described in subdivision 2 for making disbursements to schools will be used starting in fiscal year 1985.

Subd. 2. [DEFINITION.] The term "other-than-general-fund receipts" means payments by county treasurers pursuant to section 276.10, apportionments from the school endowment fund pursuant to section 124.09, any payments made by the commissioner of education from federal funds, apportionments by the county auditor pursuant to section 124.10, subdivision 2, and payments to school districts by the commissioner of revenue pursuant to sections 294.21 to 294.26 and chapter 298.

Subd. 3. [PAYMENT DATES AND PERCENTAGES.] Beginning in fiscal year 1985 and continuing thereafter, the commissioner of education shall pay to a school district on the days indicated an amount which will provide for the operating funds of the school districts, the indicated percentages from the sum of:

(a) estimated cumulative other-than-general-fund receipts to school operating funds between July 1 and the payment date;

(b) all prior disbursements during the fiscal year of state general fund cash to school operating funds;

(c) 95 percent of the estimated state aids and credits which are paid according to subdivision 10; and

(d) 100 percent of the state aids paid according to subdivisions 8 and 9.

	Payment date	Percentage
Payment 1	First business day prior to July 15:	2.25

Payment 2	First business day prior to July 30:	4.50
Payment 3	First business day prior to August 15:	6.75
Payment 4	First business day prior to August 30:	9.0
Payment 5	First business day prior to September 15:	12.75
Payment 6	First business day prior to September 30:	16.5
Payment 7	First business day prior to October 15: one-half of the final adjustment for the prior fiscal year plus the amount needed to provide 20.75 percent	
Payment 8	First business day prior to October 30: one-half of the final adjustment for the prior fiscal year plus the amount needed to provide 25.0 percent	
Payment 9	First business day prior to November 15:	31.0
Payment 10	First business day prior to November 30:	37.0
Payment 11	First business day prior to December 15:	40.0
Payment 12	First business day prior to December 30:	43.0
Payment 13	First business day prior to January 15:	47.25
Payment 14	First business day prior to January 30:	51.5
Payment 15	First business day prior to February 15:	56.0
Payment 16	First business day prior to February 28:	60.5
Payment 17	First business day prior to March 15:	65.25
Payment 18	First business day prior to March 30:	70.0
Payment 19	First business day prior to April 15:	74.0
Payment 20	First business day prior to April 30:	78.0
Payment 21	First business day prior to May 15:	85.0
Payment 22	First business day prior to May 30:	95.0
Payment 23	First business day prior to June 15:	100.0

Subd. 4. [PAYMENT LIMIT.] Subdivision 3 does not authorize the commissioner of education to pay to a school's operating funds an amount of state general fund cash that exceeds the sum of:

(a) its estimated aid entitlements for the current year according to subdivision 10;

(b) its actual aid entitlements according to subdivisions 8 and 9; and

(c) the final adjustment payment for the prior year.

Subd. 5. [COMMISSIONER'S ASSUMPTIONS.] For purposes of determining the amount of state general fund cash to be paid to schools pursuant to subdivision 3, the commissioner of education shall:

(a) assume that the payments to school districts by the county treasurer pursuant to section 276.10 are made in the following manner:

(1) 50 percent within seven business days of each deadline for payment of ad valorem taxes; and

(2) 100 percent within 14 business days of each deadline for payment of ad valorem taxes;

(b) assume that the payments to school districts by county auditors pursuant to section 124.10, subdivision 2 are made in the months indicated in that subdivision.

Subd. 6. [FINAL ADJUSTMENT PAYMENT.] For all aids and credits paid according to subdivision 10, the final adjustment payment shall include

the amounts necessary to pay the district's full aid entitlement for the prior year based on actual data. This payment shall be used to correct all estimates used for the payment schedule in subdivision 3. The payment shall be made in two installments, during October, as specified in subdivision 3.

Subd. 7. [PAYMENTS TO SCHOOL NONOPERATING FUNDS.] Beginning in fiscal year 1985, state general fund payments to school nonoperating funds shall be made at 95 percent of the estimated entitlement during the fiscal year of the entitlement. The amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement shall be paid as the final adjustment payment according to subdivision 6.

Subd. 8. [PAYMENT SCHEDULE FOR REIMBURSEMENT AIDS.] The following aids shall be paid at 100 percent of the entitlement for the prior fiscal year: special education summer foundation aid according to section 124.201; abatement aid according to section 124.214, subdivision 2; special education residential aid according to section 124.32, subdivision 5; special education summer school aid, according to section 124.32, subdivision 10; veterans farm management aid, according to section 124.625; early retirement aid according to section 125.611; and extended leave and part-time teacher aids according to chapters 354 and 354A.

Subd. 9. [PAYMENT SCHEDULE FOR CERTAIN AIDS.] The following aids shall be paid at 100 percent of the entitlement for the current fiscal year: AVTI debt service aid, according to section 124.564; school lunch aid, according to section 124.646; teacher institute aid, according to section 1 of article 6; campus laboratory school aid, according to section 18 of article 6; and high technology aids, according to article 11.

Subd. 10. [AID PAYMENT SCHEDULE.] Except as provided in subdivisions 9 and 10, beginning in fiscal year 1985, all education aids in chapters 121, 124, and 125 shall be paid at 95 percent of the estimated entitlement during the fiscal year of the entitlement. The amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement shall be paid as the final adjustment payment according to subdivision 6.

Sec. 6. [PAYMENT SCHEDULES FOR 1984.]

The following sections are applicable for aids payments for the 1983-1984 school year: sections 124.11, subdivisions 1a, 2a, and 2b; 124.223, subdivision 12; 124.246, subdivision 5; 124.26, subdivision 5; 124.271, subdivision 6; 124.273, subdivision 5; 124.32, subdivision 9a; 124.572, subdivision 8a; 124.573, subdivision 6; 124.574, subdivision 8; and section 13 of this act.

Sec. 7. Minnesota Statutes 1982, section 273.1392, is amended to read:

273.1392 [PAYMENT; AIDS TO SCHOOL DISTRICTS.]

The amounts of homestead credit under section 273.13, subdivisions 6, 7, and 14a; wetlands credit and reimbursement under section 273.115; native prairie credit and reimbursement under section 273.116; disaster or emergency reimbursement under section 273.123; attached machinery aid under section 273.138; reimbursement under section 273.139; and metropolitan

agricultural preserve ~~credit~~ *reduction* under section 473H.10, shall be certified to the department of education by the department of revenue. The amounts so certified shall be paid according to the schedule for payment of foundation aids pursuant to section 124.11 *for fiscal year 1984. The sum sufficient to make the payments required by this section is appropriated from the general fund to the commissioner of education. Beginning in fiscal year 1985, the amounts so certified shall be paid according to article 12, section 5, subdivisions 6 and 10.*"

Delete the title and insert:

"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 duties and powers to school boards, school districts, the state board of education; modifying certain components of foundation aid; modifying the method for calculating transportation aid; suspending certain special education rules; providing for community education aid and levy; providing for AVTI instructional aid; providing certain powers to intermediate school districts; modifying certain provisions relating to teacher mobility programs; modifying certain duties of the council on quality education; establishing certain programs relating to high technology; modifying the method of payment of certain aids and credits to school districts and related matters; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 121.15; 120.17, subdivision 3; 121.503; 121.505; 121.904, subdivision 4a, as amended; 121.908; 121.936, by adding a subdivision; 123.32, by adding a subdivision; 123.33, subdivisions 10 and 14; 124.34, subdivision 9; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.702, subdivision 1a; 123.705; 123.933, subdivision 3; 124.14, subdivision 1; 124.15, subdivision 5; 124.155, subdivisions 1, and 2, as amended; 124.17, subdivision 2d; 124.19, subdivision 3; 124.201, subdivision 2; 124.212, subdivisions 1 and 2; 124.2124, subdivision 1; 124.2126, subdivision 3; 124.2127, subdivision 1; 124.2132, subdivision 1; 124.214, subdivision 2; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3, and by adding a subdivision; 124.273, subdivision 4; 124.32, subdivisions 3a, 5, and 5a; 124.43, subdivision 1; 124.572, subdivision 2; 124.646, subdivision 1; 125.60, subdivisions 3 and 7; 126.54, subdivision 1; 129B.01, subdivisions 1 and 2; 129B.02; 129B.04; 129B.05; 129B.09, subdivisions 1 and 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 273.1392; 275.125, subdivisions 2d, 5, 5b, 9, 11a, 11b, and by adding subdivisions; 354.094, subdivisions 1, 1a, and by adding a subdivision; 354.66, subdivisions 4, 9, and by adding a subdivision; 354A.091, subdivisions 1, 1a, and by adding a subdivision; 354A.094, subdivisions 4, 9, and by adding a subdivision; 375.335; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, by adding a section; Laws 1969, chapter 775, section 3, subdivision 2, as amended; section 3, by adding a subdivision; and chapter 1060, by adding sections; Laws 1981, chapter 358, article VII, section 29, as amended; and Laws 1982, chapter 548, article IV, section 21; proposing new law coded in Minnesota Statutes, chapters 121; 124; 124A; 125; 126; 129B; and 134; repealing Minnesota Statutes 1982, sections 122.542; 122.90; 124.2123; 124.2124; 124.2125; 124.2128; 124.24; 124.251; 124.271; 124.273, subdivisions 1 and 2; 124.32, subdivision 1; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 125.60, subdivisions 2a and 7; 129B.09, subdivision 5; 134.03;

134.06; 134.16; 134.19; 134.352; 275.125, subdivisions 6b, 6c, 6d, 7a, 7c, and 8; 354.66, subdivision 9; 354A.094, subdivision 9; and 375.33."

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. 368, 83, 281, 603, 170, 175, 831, 842, 56, 275, 926, 685, 705, 865, 825, 791, 857, 972, 551, 84, 523, 952, 808, 1015, 210, 1011, 889, 722, 716, 53, 666, 436, 833, 272, 659, 767, 827, 900, 294, 437, 660, 147, 936, 786, 948, 855, 1083, 1104, 784 and 734 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 210, 706, 597, 277, 396, 638, 573 and 430 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 504. The motion prevailed.

Mr. DeCramer moved that his name be stricken as a co-author to S.F. No. 738. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Vega be added as a co-author to S.F. No. 973. The motion prevailed.

Mr. Pehler moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1079. The motion prevailed.

Mr. Solon moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1094. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1097. The motion prevailed.

Mr. Langseth moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1103. The motion prevailed.

Mr. Dahl moved that H.F. No. 26 be taken from the table. The motion prevailed.

H.F. No. 26: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

Mr. Dahl moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 26, 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.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 292, 234, 609, 844, 403 and H.F. No. 633, which the committee recommends to pass.

H.F. No. 459, which the committee recommends to pass, subject to the following motion:

Mr. Vega moved that the amendment made to H.F. No. 459 by the Committee on Rules and Administration in the report adopted April 6, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 406, which the committee recommends to pass with the following amendment offered by Mr. Peterson, R.W.:

Amend H.F. No. 406, as amended pursuant to Rule 49, adopted by the Senate April 7, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 328.)

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 5, before the period, insert "; and 580.17"

The motion prevailed. So the amendment was adopted.

S.F. No. 92, which the committee recommends to pass with the following amendment offered by Mr. Pogemiller:

Page 1, line 11, after "*subdivisions*," insert "*excluding the metropolitan area as defined in section 473.121, subdivision 2*,"

Page 1, line 12, delete the second "or" and insert "and"

The motion prevailed. So the amendment was adopted.

S.F. No. 611, which the committee recommends to pass with the following amendment offered by Mr. Novak:

Amend the title as follows:

Page 1, line 4, delete "of" and insert "by"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

H.F. No. 365: A bill for an act relating to health care facilities; clarifying

the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652, subdivision 1.

With the unanimous consent of the Senate, Ms. Berglin moved to amend the amendment to H.F. No. 365, adopted by the Senate April 8, 1983, as follows:

Delete the amendment to page 7, line 14, and insert:

“Page 7, line 14, delete everything before “the” and insert “based on the information required in subdivision 9. Residents who refuse treatment, medication, or dietary restrictions shall be informed of”

Delete the amendment to page 7, line 15

Amend the amendment to page 12, line 13, by deleting “after “subdivisions” insert “8,” and”

The motion prevailed. So the amendment was adopted.

H.F. No. 365 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Moe, R. D.	Renneke
Anderson	Dicklich	Kamrath	Nelson	Samuelson
Belanger	Diessner	Knaak	Novak	Schmitz
Benson	Dieterich	Knutson	Olson	Spear
Berg	Frank	Kroening	Pehler	Storm
Berglin	Frederick	Laidig	Peterson, D.C.	Stumpf
Bernhagen	Frederickson	Langseth	Peterson, R.W.	Taylor
Bertram	Freeman	Lantry	Petty	Ulland
Brataas	Hughes	Luther	Pogemiller	Waldorf
Chmielewski	Isackson	McQuaid	Purfeerst	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Willet
Davis	Johnson, D.J.	Moe, D. M.	Reichgott	

Mr. Merriam voted in the negative.

So the bill, as amended, passed and its title was agreed to.

S.F. No. 554: A bill for an act relating to housing and redevelopment; providing for the appointment of commissioners of multi-county authorities; amending Minnesota Statutes 1982, section 462.428, 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:

Adkins	DeCramer	Jude	Moe, D. M.	Reichgott
Anderson	Dicklich	Kamrath	Moe, R. D.	Renneke
Belanger	Diessner	Knaak	Nelson	Samuelson
Benson	Dieterich	Knutson	Novak	Schmitz
Berg	Frank	Kroening	Olson	Spear
Berglin	Frederick	Laidig	Pehler	Storm
Bernhagen	Frederickson	Langseth	Peterson, D. C.	Stumpf
Bertram	Freeman	Lantry	Peterson, R. W.	Taylor
Brataas	Hughes	Luther	Petty	Ulland
Chmielewski	Isackson	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. E.	Mehrkens	Purfeerst	Wegscheid
Davis	Johnson, D. J.	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

S.F. No. 282: A bill for an act relating to housing and redevelopment authorities; increasing the per diem compensation for attendance of commissioners at meetings; amending Minnesota Statutes 1982, section 462.441.

Was read the third time 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 8, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Spear
Anderson	Diessner	Kroening	Olson	Storm
Belanger	Dieterich	Laidig	Pehler	Stumpf
Berg	Frank	Langseth	Peterson, D. C.	Taylor
Berglin	Frederick	Lantry	Peterson, R. W.	Ulland
Bernhagen	Freeman	Luther	Petty	Vega
Bertram	Hughes	McQuaid	Pogemiller	Waldorf
Brataas	Johnson, D. E.	Mehrkens	Purfeerst	Willet
Chmielewski	Johnson, D. J.	Merriam	Ramstad	
Dahl	Jude	Moe, D. M.	Reichgott	
DeCramer	Knaak	Moe, R. D.	Samuelson	

Those who voted in the negative were:

Benson	Frederickson	Kamrath	Renneke	Wegscheid
Davis	Isackson	Novak		

So the bill passed and its title was agreed to.

S.F. No. 568: A bill for an act relating to state government; providing for a permanent job sharing program; amending Minnesota Statutes 1982, sections 43A.41, subdivisions 4 and 5; 43A.42; 43A.43, subdivision 2; 43A.44, subdivisions 1 and 2; 43A.45; Laws 1981, chapter 210, section 55, as amended; repealing Minnesota Statutes 1982, sections 43A.41, subdivision 3; and 43A.43, 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:

Adkins	Dicklich	Knaak	Novak	Spear
Anderson	Diessner	Knutson	Olson	Storm
Belanger	Dieterich	Kroening	Pehler	Stumpf
Benson	Frank	Laidig	Peterson, D.C.	Taylor
Berg	Frederick	Langseth	Peterson, R.W.	Ulland
Berglin	Frederickson	Lantry	Petty	Vega
Bernhagen	Freeman	Luther	Pogemiller	Waldorf
Bertram	Hughes	McQuaid	Purfeerst	Wegscheid
Brataas	Isackson	Mehrkens	Ramstad	Willet
Chmielewski	Johnson, D.E.	Merriam	Reichgott	
Dahl	Johnson, D.J.	Moe, D. M.	Renneke	
Davis	Jude	Moe, R. D.	Samuelson	
DeCramer	Kamrath	Nelson	Schmitz	

So the bill passed and its title was agreed to.

H.F. No. 25: A bill for an act relating to the city of Lake Park; authorizing the issuance of general obligation bonds to finance construction of municipal facilities.

Was read the third time 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 2, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Nelson	Schmitz
Anderson	Dicklich	Kamrath	Novak	Spear
Belanger	Diessner	Knaak	Olson	Storm
Benson	Dieterich	Knutson	Peterson, D.C.	Stumpf
Berg	Frank	Kroening	Peterson, R.W.	Taylor
Berglin	Frederick	Laidig	Petty	Ulland
Bernhagen	Frederickson	Langseth	Pogemiller	Vega
Bertram	Freeman	Lantry	Purfeerst	Waldorf
Brataas	Hughes	Luther	Ramstad	Wegscheid
Chmielewski	Isackson	McQuaid	Reichgott	Willet
Dahl	Johnson, D.E.	Mehrkens	Renneke	
Davis	Johnson, D.J.	Moe, R. D.	Samuelson	

Messrs. Merriam and Pehler voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 358: A bill for an act relating to counties; permitting changes to appointed coroners, medical examiners, and death investigations in certain conditions; amending Minnesota Statutes 1982, sections 390.005, by adding a subdivision; and 390.35.

Was read the third time 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:

Adkins	DeCramer	Jude	Moe, R. D.	Renneke
Anderson	Dicklich	Kamrath	Nelson	Samuelson
Belanger	Diessner	Knaak	Novak	Schmitz
Benson	Dieterich	Knutson	Olson	Spear
Berg	Frank	Kroening	Pehler	Storm
Berglin	Frederick	Laidig	Peterson, D.C.	Stumpf
Bernhagen	Frederickson	Langseth	Peterson, R.W.	Taylor
Bertram	Freeman	Lantry	Petty	Ulland
Brataas	Hughes	Luther	Pogemiller	Vega
Chmielewski	Isackson	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Davis	Johnson, D.J.	Merriam	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 627: A bill for an act relating to the Minnesota humane society; providing for appointment of the executive director by the governor; amending Minnesota Statutes 1982, section 343.01, 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 39 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Samuelson
Belanger	Diessner	Kroening	Nelson	Schmitz
Bernhagen	Dieterich	Laidig	Novak	Spear
Bertram	Freeman	Langseth	Peterson, D.C.	Stumpf
Chmielewski	Hughes	Lantry	Peterson, R.W.	Vega
Dahl	Johnson, D.E.	Luther	Petty	Wegscheid
Davis	Johnson, D.J.	McQuaid	Pogemiller	Willet
DeCramer	Jude	Merriam	Reichgott	

Those who voted in the negative were:

Anderson	Frank	Kamrath	Pehler	Storm
Benson	Frederick	Knutson	Purfeerst	Taylor
Berglin	Frederickson	Mehrkens	Ramstad	Ulland
Brataas	Isackson	Olson	Renneke	Waldorf

So the bill passed and its title was agreed to.

S.F. No. 513: A bill for an act relating to education; authorizing the state board for vocational education, the state board for community colleges, and the state university board to close institutions in their respective systems; amending Minnesota Statutes 1982, sections 121.21, subdivision 4; 136.03; and 136.62, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Lantry	Peterson, R.W.	Taylor
Belanger	Frank	Luther	Petty	Ulland
Berglin	Freeman	Merriam	Pogemiller	Vega
Bertram	Hughes	Moe, D. M.	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Moe, R. D.	Ramstad	Willet
Dahl	Johnson, D.J.	Nelson	Reichgott	
Davis	Jude	Olson	Schmitz	
Dicklich	Kroening	Pehler	Spear	
Diessner	Langseth	Peterson, D.C.	Stumpf	

Those who voted in the negative were:

Anderson	Chmielewski	Isackson	Laidig	Samuelson
Benson	DeCramer	Kamrath	McQuaid	Storm
Berg	Frederick	Knaak	Novak	Wegscheid
Bernhagen	Frederickson	Knutson	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 339: A bill for an act relating to taxation; real property; extending the homestead credit to certain noncontiguous property; amending Minnesota Statutes 1982, sections 273.13, subdivision 7; and 290A.03, 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Samuelson
Anderson	Diessner	Knaak	Nelson	Schmitz
Belanger	Dieterich	Knutson	Novak	Spear
Benson	Frank	Kroening	Olson	Storm
Berg	Frederick	Laidig	Pehler	Stumpf
Berglin	Frederickson	Langseth	Peterson, D.C.	Taylor
Bernhagen	Freeman	Lantry	Peterson, R.W.	Ulland
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
DeCramer	Jude	Moe, D. M.	Reichgott	

Mr. Davis voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 332: A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; amending Minnesota Statutes 1982, section 48.152, subdivision 8; repealing Minnesota Statutes 1982, section 48.152, 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Moe, R. D.	Samuelson
Anderson	Dicklich	Kamrath	Nelson	Schmitz
Belanger	Diessner	Knaak	Novak	Spear
Benson	Dieterich	Kroening	Olson	Storm
Berg	Frank	Laidig	Pehler	Stumpf
Berglin	Frederick	Langseth	Peterson, D.C.	Taylor
Bernhagen	Frederickson	Lantry	Peterson, R.W.	Ulland
Bertram	Freeman	Luther	Petty	Vega
Brataas	Hughes	McQuaid	Purfeerst	Waldorf
Chmielewski	Isackson	Mehrkens	Ramstad	Wegscheid
Dahl	Johnson, D.E.	Merriam	Reichgott	Willet
Davis	Johnson, D.J.	Moe, D. M.	Renneke	

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 176: A bill for an act relating to financial institutions; providing that Small Business Administration guaranteed loans are collateral for public deposits; amending Minnesota Statutes 1982, section 118.01, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Moe, D. M.	Samuelson
Anderson	Dicklich	Kamrath	Moe, R. D.	Schmitz
Belanger	Diessner	Knaak	Nelson	Spear
Benson	Dieterich	Knutson	Olson	Storm
Berg	Frank	Kroening	Pehler	Stumpf
Berglin	Frederick	Laidig	Peterson, D.C.	Taylor
Bernhagen	Frederickson	Langseth	Peterson, R.W.	Ulland
Bertram	Freeman	Lantry	Petty	Vega
Brataas	Hughes	Luther	Purfeerst	Waldorf
Chmielewski	Isackson	McQuaid	Ramstad	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Reichgott	Willet
Davis	Johnson, D.J.	Merriam	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 639: A bill for an act relating to energy; changing a cross-reference for nonpublic data reporting; amending the definition of "earth sheltered"; changing the due date of biennial energy reports; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; and 116J.18, 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 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Moe, R. D.	Renneke
Anderson	Dicklich	Kamrath	Nelson	Samuelson
Belanger	Diessner	Knaak	Novak	Schmitz
Benson	Dieterich	Knutson	Olson	Spear
Berg	Frank	Kroening	Pehler	Storm
Berglin	Frederick	Laidig	Peterson, D.C.	Stumpf
Bernhagen	Frederickson	Langseth	Peterson, R.W.	Taylor
Bertram	Freeman	Lantry	Petty	Ulland
Brataas	Hughes	Luther	Pogemiller	Vega
Chmielewski	Isackson	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Davis	Johnson, D.J.	Merriam	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 645: A resolution memorializing the President and Congress to authorize the issuance of qualified mortgage bonds beyond the current expiration date of December 31, 1983.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Moe, D. M.	Renneke
Anderson	Dicklich	Kamrath	Moe, R. D.	Samuelson
Belanger	Diessner	Knaak	Nelson	Schmitz
Benson	Dieterich	Knutson	Novak	Spear
Berg	Frank	Kroening	Olson	Storm
Berglin	Frederick	Laidig	Pehler	Stumpf
Bernhagen	Frederickson	Langseth	Peterson,D.C.	Taylor
Bertram	Freeman	Lantry	Peterson,R.W.	Ulland
Brataas	Hughes	Luther	Petty	Vega
Chmielewski	Isackson	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Davis	Johnson, D.J.	Merriam	Reichgott	Willet

So the resolution passed and its title was agreed to.

H.F. No. 529: A bill for an act relating to crimes; providing that acquittal or conviction of the crime of kidnapping does not bar conviction for any other crime committed during the time of the victim's confinement; amending Minnesota Statutes 1982, section 609.035; proposing new law coded in Minnesota Statutes, chapter 609.

Was read the third time 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:

Adkins	Dicklich	Knaak	Novak	Spear
Anderson	Diessner	Knutson	Olson	Storm
Belanger	Dieterich	Kroening	Pehler	Stumpf
Benson	Frank	Laidig	Peterson,D.C.	Taylor
Berg	Frederick	Langseth	Peterson,R.W.	Ulland
Berglin	Frederickson	Lantry	Petty	Vega
Bernhagen	Freeman	Luther	Pogemiller	Waldorf
Bertram	Hughes	McQuaid	Purfeerst	Wegscheid
Brataas	Isackson	Mehrkens	Ramstad	Willet
Chmielewski	Johnson, D.E.	Merriam	Reichgott	
Dahl	Johnson, D.J.	Moe, D. M.	Renneke	
Davis	Jude	Moe, R. D.	Samuelson	
DeCramer	Kamrath	Nelson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 7: A bill for an act relating to St. Louis County; providing for the tort liability of the St. Louis County Promotional Bureau.

Was read the third time 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 8, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Moe, D. M.	Reichgott
Anderson	DeCramer	Kamrath	Moe, R. D.	Renneke
Belanger	Dicklich	Knaak	Nelson	Samuelson
Berg	Diessner	Kroening	Novak	Schmitz
Berglin	Frank	Laidig	Olson	Spear
Bernhagen	Frederick	Langseth	Pehler	Storm
Bertram	Freeman	Lantry	Peterson, D.C.	Stumpf
Brataas	Hughes	Luther	Petty	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Willet

Those who voted in the negative were:

Benson	Frederickson	Knutson	Peterson, R.W.	Pogemiller
Dieterich	Isackson	Merriam		

So the bill passed and its title was agreed to.

H.F. No. 342: A bill for an act relating to the board of dentistry; increasing the board's powers in relation to disciplinary actions; exempting certain registered occupations from business licensing review; amending Minnesota Statutes 1982, sections 116J.70, subdivision 2a; 150A.01, by adding a subdivision; 150A.05, subdivision 2; 150A.06; 150A.08, subdivisions 1, 3, and by adding subdivisions; 150A.09; and repealing Laws 1976, chapter 263, section 6, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Moe, R. D.	Renneke
Anderson	Dicklich	Knaak	Nelson	Schmitz
Belanger	Diessner	Knutson	Novak	Spear
Benson	Frank	Kroening	Olson	Storm
Berg	Frederick	Laidig	Pehler	Stumpf
Berglin	Frederickson	Langseth	Peterson, D.C.	Taylor
Bernhagen	Freeman	Lantry	Peterson, R.W.	Ulland
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 171: A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes 1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

Was read the third time 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:

Adkins	Dicklich	Knaak	Novak	Spear
Anderson	Diessner	Knutson	Olson	Storm
Belanger	Dieterich	Kroening	Pehler	Stumpf
Benson	Frank	Laidig	Peterson, D.C.	Taylor
Berg	Frederick	Langseth	Peterson, R. W.	Ulland
Berglin	Frederickson	Lantry	Petty	Vega
Bernhagen	Freeman	Luther	Pogemiller	Waldorf
Bertram	Hughes	McQuaid	Purfeerst	Wegscheid
Brataas	Isackson	Mehrkens	Ramstad	Willet
Chmielewski	Johnson, D.E.	Merriam	Reichgott	
Dahl	Johnson, D.J.	Moe, D. M.	Renneke	
Davis	Jude	Moe, R. D.	Samuelson	
DeCramer	Kamrath	Nelson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 621: A bill for an act relating to state government; allowing the acceptance of gifts to the state without the governor's approval; authorizing the commissioner of administration to rent state property without the governor's approval; authorizing the state to transfer surplus state property to local units of government; allowing the governor and lieutenant governor to use unmarked state cars; regulating the state building code's application to hospitals; amending Minnesota Statutes 1982, sections 7.09, subdivision 1; 16.02, subdivisions 14 and 18; 16.75, subdivision 7; 16.753, subdivision 5; and 16.851, 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 50 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Novak	Schmitz
Anderson	DeCramer	Kroening	Olson	Spear
Belanger	Dicklich	Langseth	Pehler	Storm
Benson	Diessner	Lantry	Peterson, D.C.	Stumpf
Berglin	Dieterich	Luther	Peterson, R. W.	Taylor
Bernhagen	Frederick	McQuaid	Petty	Ulland
Bertram	Freeman	Mehrkens	Purfeerst	Vega
Brataas	Hughes	Merriam	Ramstad	Waldorf
Chmielewski	Isackson	Moe, R. D.	Reichgott	Wegscheid
Dahl	Johnson, D.J.	Nelson	Samuelson	Willet

Those who voted in the negative were:

Berg	Frederickson	Kamrath	Laidig	Pogemiller
Frank	Johnson, D.E.	Knaak	Moe, D. M.	Renneke

So the bill passed and its title was agreed to.

S.F. No. 338: A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, 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 12, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Storm
Anderson	Frederick	Laidig	Olson	Stumpf
Belanger	Frederickson	Langseth	Peterson, R. W.	Taylor
Benson	Freeman	Lantry	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Ramstad	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Reichgott	Willet
Chmielewski	Jude	Merriam	Renneke	
Dahl	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	

Those who voted in the negative were:

Berglin	Dieterich	Kroening	Peterson, D.C.	Spear
Davis	Frank	Pehler	Purfeerst	Wegscheid
Dicklich	Johnson, D.J.			

So the bill passed and its title was agreed to.

S.F. No. 530: A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

Was read the third time 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:

Adkins	Dicklich	Kamrath	Novak	Schmitz
Anderson	Diessner	Knaak	Olson	Spear
Belanger	Dieterich	Knutson	Pehler	Storm
Berg	Frank	Kroening	Peterson, D.C.	Stumpf
Berglin	Frederick	Laidig	Peterson, R.W.	Taylor
Bernhagen	Frederickson	Langseth	Petty	Ulland
Bertram	Freeman	Lantry	Pogemiller	Vega
Brataas	Hughes	Luther	Purfeerst	Waldorf
Chmielewski	Isackson	McQuaid	Ramstad	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Reichgott	Willet
Davis	Johnson, D.J.	Moe, R. D.	Renneke	
DeCramer	Jude	Nelson	Samuelson	

Messrs. Benson, Merriam and Moe, D. M. voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 30: A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

Was read the third time 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:

Adkins	DeCramer	Jude	Moe, R. D.	Renneke
Anderson	Dicklich	Kamrath	Nelson	Samuelson
Belanger	Diessner	Knaak	Novak	Schmitz
Benson	Dieterich	Knutson	Olson	Spear
Berg	Frank	Kroening	Pehler	Storm
Berglin	Frederick	Laidig	Peterson, D.C.	Stumpf
Bernhagen	Frederickson	Lantry	Peterson, R.W.	Taylor
Bertram	Freeman	Luther	Petty	Ulland
Brataas	Hughes	McQuaid	Pogemiller	Vega
Chmielewski	Isackson	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Davis	Johnson, D.J.	Moe, D. M.	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 280: A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13A.

Was read the third time 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 5, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, D.J.	Moe, R. D.	Renneke
Anderson	Dicklich	Jude	Nelson	Samuelson
Belanger	Diessner	Kroening	Novak	Schmitz
Benson	Dieterich	Laidig	Olson	Spear
Berg	Frank	Langseth	Pehler	Storm
Berglin	Frederick	Lantry	Peterson, D.C.	Stumpf
Bernhagen	Frederickson	Luther	Peterson, R.W.	Taylor
Brataas	Freeman	McQuaid	Petty	Ulland
Chmielewski	Hughes	Mehrkens	Purfeerst	Vega
Dahl	Isackson	Merriam	Ramstad	Waldorf
Davis	Johnson, D.E.	Moe, D. M.	Reichgott	Willet

Those who voted in the negative were:

Bertram	Kamrath	Knaak	Knutson	Wegscheid
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So the bill passed and its title was agreed to.

H.F. No. 325: A bill for an act relating to real property; revising and clarifying certain provisions relating to the registration of real property; amending Minnesota Statutes 1982, sections 508.03; 508.06; 508.08; 508.16, subdivision 2; 508.22; 508.23, by adding a subdivision; 508.24, subdivision 2; 508.25; 508.35; 508.36; 508.37, subdivision 6; 508.48; 508.49; 508.50; 508.55; 508.60; 508.62; 508.65; 508.71; 508.82; 508A.01, subdivision 1; 508A.06; 508A.17, subdivision 1; 508A.25; 508A.35; 508A.47, subdivision 6; 508A.48; 508A.49; 508A.50; 508A.55; 508A.62; 508A.65; 508A.71; 508A.82; proposing new law coded in Minnesota Statutes, chapters 508 and 508A; repealing Minnesota Statutes, sections 508.41; 508.42; 508A.41; and 508A.42.

Was read the third time 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:

Adkins	Dicklich	Knaak	Novak	Spear
Anderson	Diessner	Knutson	Olson	Storm
Belanger	Dieterich	Kroening	Pehler	Stumpf
Benson	Frank	Laidig	Peterson, D.C.	Taylor
Berg	Frederick	Langseth	Peterson, R.W.	Ulland
Berglin	Frederickson	Lantry	Petty	Vega
Bernhagen	Freeman	Luther	Pogemiller	Waldorf
Bertram	Hughes	McQuaid	Purfeerst	Wegscheid
Brataas	Isackson	Mehrkens	Ramstad	Willet
Chmielewski	Johnson, D.E.	Merriam	Reichgott	
Dahl	Johnson, D.J.	Moe, D. M.	Renneke	
Davis	Jude	Moe, R. D.	Samuelson	
DeCramer	Kamrath	Nelson	Schmitz	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Chmielewski reported that the committee had considered the following:

S.F. Nos. 684, 204, 746, 591, 402, 346 and 238, which the committee recommends to pass.

S.F. No. 263, which the committee recommends to pass with the following amendment offered by Mrs. Lantry:

Page 4, line 3, after "and" insert "*which are issued or renewed*"

Page 5, line 1, after "roles" insert "*as nurse anesthetists or nurse midwives*"

Page 5, line 6, delete everything after the period

Page 5, delete lines 7 to 9

The motion prevailed. So the amendment was adopted.

H.F. No. 132, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Amend H.F. No. 132, as amended pursuant to Rule 49, adopted by the Senate April 6, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 108.)

Page 1, line 13, before "the" insert "*not less than*"

The motion prevailed. So the amendment was adopted.

H.F. No. 381, which the committee recommends to pass with the following amendments offered by Messrs. Petty and DeCramer:

Mr. Petty moved to amend H.F. No. 381, as amended pursuant to

Rule 49, adopted by the Senate March 24, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 448.)

Page 48, line 1, delete “12” and insert “10”

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend the amendment placed on H.F. No. 381 pursuant to Rule 49, adopted by the Senate March 24, 1983, as follows:

Page 1, line 15, delete “, and insert:”

Page 1, delete lines 16 to 32

Page 1, before line 33, insert:

“Page 15, delete lines 9 to 17”

Page 3, after line 14, insert:

“Page 52, line 26, delete “*section*” and insert “*sections*””

Page 3, after line 16, insert:

“Page 52, line 28, delete “*section*” and insert “*sections*””

Page 3, after line 30, insert:

“Page 53, line 11, delete “13” and insert “12””

Page 4, after line 11, insert:

“Page 1, line 23, delete “*section*” and insert “*sections*””

The motion prevailed. So the amendment was adopted.

Mr. DeCramer moved to amend H.F. No. 381, as amended pursuant to Rule 49, adopted by the Senate March 24, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 448.)

Page 4, line 8, delete “and”

Page 4, line 9, after “97-473” insert “and the Payment-in-Kind Tax Treatment Act of 1983, Public Law Number 98-4”

Page 45, line 32, delete “January 15” and insert “March 12”

Page 47, line 17, delete “December 31, 1982” and insert “March 12, 1983”

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend H.F. No. 381, as amended pursuant to Rule 49, adopted by the Senate March 24, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 448.)

Page 7, line 31, strike “The amount of contributions to an individual”

Page 7, lines 32 to 36, strike the old language and delete the new language

Page 8, strike lines 1 and 2

Page 8, line 3, strike “(26)”

Page 8, line 7, strike “(27)” and insert “(26)”

Page 47, line 32, delete everything after "1982"

Page 47, delete line 33

Page 47, line 34, delete "after December 31, 1981"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 39, as follows:

Those who voted in the affirmative were:

Adkins	Bernhagen	Johnson, D.E.	Laidig	Renneke
Anderson	Brataas	Jude	McQuaid	Storm
Belanger	Frederick	Kamrath	Mehrkens	Taylor
Benson	Frederickson	Knaak	Olson	Ulland
Berg	Isackson	Knutson	Ramstad	

Those who voted in the negative were:

Berglin	Dieterich	Lessard	Peterson, C.C.	Schmitz
Bertram	Frank	Luther	Peterson, D.C.	Spear
Chmielewski	Freeman	Merriam	Peterson, R.W.	Stumpf
Dahl	Hughes	Moe, D. M.	Petty	Vega
Davis	Johnson, D.J.	Moe, R. D.	Pogemiller	Waldorf
DeCramer	Kroening	Nelson	Purfeerst	Wegscheid
Dicklich	Langseth	Novak	Reichgott	Willet
Diessner	Lantry	Pehler	Samuelson	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 416, which the committee recommends to pass with the following amendment offered by Mr. Mehrkens:

Page 1, after line 15, insert:

"Sec. 2. [INSTRUCTIONS TO THE REVISOR.]

If a bill styled as H.F. No. 552 is enacted and if Minnesota Statutes 1982, section 205.03, is repealed, the revisor of statutes shall substitute "section 205.175" for "section 205.03" wherever it appears in section 1 of this act."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

H.F. No. 231: A bill for an act relating to motor vehicles; increasing the time for the validity of temporary registration permits to 21 days; amending Minnesota Statutes 1982, section 168.092, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Novak	Schmitz
Anderson	Diessner	Knutson	Olson	Spear
Belanger	Dieterich	Kroening	Pehler	Storm
Benson	Frank	Laidig	Peterson, C.C.	Stumpf
Berg	Frederick	Langseth	Peterson, D.C.	Taylor
Berglin	Frederickson	Lantry	Peterson, R.W.	Ulland
Bernhagen	Freeman	Lessard	Petty	Vega
Bertram	Hughes	Luther	Pogemiller	Waldorf
Brataas	Isackson	McQuaid	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Ramstad	Willet
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Jude	Moe, R. D.	Renneke	
DeCramer	Kamrath	Nelson	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 673: A bill for an act relating to motor vehicles; providing for handicapped persons to obtain special plates for recreational vehicles; amending Minnesota Statutes 1982, section 168.021, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Novak	Schmitz
Anderson	Diessner	Knutson	Olson	Spear
Belanger	Dieterich	Kroening	Pehler	Storm
Benson	Frank	Laidig	Peterson, C.C.	Stumpf
Berg	Frederick	Lantry	Peterson, D.C.	Taylor
Berglin	Frederickson	Lessard	Peterson, R.W.	Ulland
Bernhagen	Freeman	Luther	Petty	Vega
Bertram	Hughes	McQuaid	Pogemiller	Waldorf
Brataas	Isackson	Mehrkens	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Willet
Dahl	Johnson, D.J.	Moe, D. M.	Reichgott	
Davis	Jude	Moe, R. D.	Renneke	
DeCramer	Kamrath	Nelson	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 699: A bill for an act relating to highway traffic regulations; regulating the use of materials on the windshields, side windows, and rear windows of motor vehicles; amending Minnesota Statutes 1982, section 169.71, 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 45 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Nelson	Schmitz
Anderson	Dicklich	Knaak	Novak	Spear
Belanger	Diessner	Kroening	Olson	Storm
Berglin	Frank	Laidig	Peterson, C.C.	Stumpf
Bertram	Frederickson	Langseth	Peterson, D.C.	Taylor
Brataas	Freeman	Lantry	Peterson, R.W.	Vega
Chmielewski	Hughes	Lessard	Petty	Waldorf
Dahl	Johnson, D.E.	Luther	Purfeerst	Wegscheid
Davis	Johnson, D.J.	McQuaid	Samuelson	Willet

Those who voted in the negative were:

Benson	Isackson	Merriam	Pogemiller	Ulland
Berg	Kamrath	Moe, D. M.	Ramstad	
Bernhagen	Knutson	Moe, R. D.	Reichgott	
Frederick	Mehrkens	Pehler	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 723: A bill for an act relating to public welfare; providing guidelines for considering race and ethnic origin in foster care and adoption placement; requiring recruitment, periodic review, reporting, and record-keeping; providing for a voluntary task force; amending Minnesota Statutes 1982, sections 257.01; 257.071, subdivision 2, and by adding subdivisions; 259.27, subdivisions 1 and 2; 259.28; 260.181, subdivision 3; 260.191, subdivision 1; 260.192; and 260.242, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 257 and 259.

Was read the third time 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 19, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Moe, R. D.	Reichgott
Belanger	Diessner	Knutson	Nelson	Renneke
Benson	Dieterich	Kroening	Novak	Spear
Berglin	Frank	Langseth	Peterson, C.C.	Storm
Brataas	Frederick	Lantry	Peterson, D.C.	Ulland
Chmielewski	Frederickson	Luther	Peterson, R.W.	Waldorf
Dahl	Hughes	McQuaid	Petty	Wegscheid
Davis	Isackson	Merriam	Pogemiller	
DeCramer	Johnson, D.J.	Moe, D. M.	Ramstad	

Those who voted in the negative were:

Anderson	Freeman	Laidig	Purfeerst	Taylor
Berg	Johnson, D.E.	Lessard	Samuelson	Vega
Bernhagen	Kamrath	Mehrkens	Schmitz	Willet
Bertram	Knaak	Pehler	Stumpf	

So the bill passed and its title was agreed to.

H.F. No. 552: A bill for an act relating to elections; recodifying the municipal elections law; amending Minnesota Statutes 1982, sections 205.02; 205.07, subdivision 1; 205.10; 205.13; 205.16; 205.17; 205.20; and 205.84; proposing new law coded in Minnesota Statutes, chapter 205; repealing Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and 205.21.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Spear
Benson	Frank	Laidig	Pehler	Storm
Berg	Frederick	Langseth	Peterson, C.C.	Stumpf
Berglin	Frederickson	Lantry	Peterson, D.C.	Taylor
Bernhagen	Freeman	Lessard	Peterson, R.W.	Ulland
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 576: A bill for an act relating to insurance; health and accident; providing coverage for adopted children from the date of placement for adoption; 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 61 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Spear
Anderson	Diessner	Laidig	Pehler	Storm
Belanger	Dieterich	Langseth	Peterson, C.C.	Stumpf
Benson	Frank	Lantry	Peterson, D.C.	Taylor
Berg	Frederickson	Lessard	Peterson, R.W.	Ulland
Berglin	Freeman	Luther	Petty	Vega
Bernhagen	Hughes	McQuaid	Pogemiller	Waldorf
Bertram	Isackson	Mehrkens	Purfeerst	Wegscheid
Brataas	Johnson, D.E.	Merriam	Ramstad	Willet
Chmielewski	Johnson, D.J.	Moe, D. M.	Reichgott	
Dahl	Jude	Moe, R. D.	Renneke	
Davis	Kamrath	Nelson	Samuelson	
DeCramer	Knaak	Novak	Schmitz	

Messrs. Frederick and Knutson voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 413: A bill for an act relating to the city of Edina; allowing the city to make special assessments against certain benefited property.

Was read the third time 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:

Adkins	DeCramer	Jude	Merriam	Renneke
Anderson	Dicklich	Kamrath	Moe, D. M.	Samuelson
Belanger	Diessner	Knaak	Moe, R. D.	Schmitz
Benson	Dieterich	Knutson	Nelson	Spear
Berg	Frank	Kroening	Novak	Storm
Berglin	Frederick	Laidig	Olson	Stumpf
Bernhagen	Frederickson	Langseth	Peterson, D.C.	Taylor
Bertram	Freeman	Lantry	Peterson, R.W.	Ulland
Brataas	Hughes	Lessard	Petty	Vega
Chmielewski	Isackson	Luther	Purfeerst	Waldorf
Dahl	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Davis	Johnson, D.J.	Mehrkens	Reichgott	Willet

Messrs. Pehler and Peterson, C.C. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 148: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to extend timber permits; amending Laws 1981, chapter 305, section 11, 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 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Samuelson
Belanger	Frank	Laidig	Olson	Schmitz
Benson	Frederickson	Langseth	Pehler	Spear
Berg	Freeman	Lantry	Peterson, C.C.	Storm
Berglin	Hughes	Lessard	Peterson, D.C.	Stumpf
Bernhagen	Isackson	Luther	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Dahl	Jude	Merriam	Purfeerst	Waldorf
Davis	Kamrath	Moe, D.M.	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R.D.	Reichgott	Willet

Messrs. Dieterich and Frederick voted in the negative.

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Dahl moved that the vote whereby S.F. No. 338 was passed by the Senate on April 11, 1983, be now reconsidered. The motion prevailed.

S.F. No. 338: A bill for an act relating to motor vehicles; maintaining the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act at the current rate; amending Minnesota Statutes 1982, section 168.72, 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 10, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Novak	Schmitz
Anderson	Frederick	Langseth	Olson	Solon
Belanger	Frederickson	Lantry	Pehler	Storm
Benson	Freeman	Lessard	Peterson, C.C.	Stumpf
Berg	Hughes	Luther	Peterson, R.W.	Taylor
Bernhagen	Isackson	McQuaid	Petty	Ulland
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Chmielewski	Jude	Merriam	Ramstad	Waldorf
Dahl	Knaak	Moe, D. M.	Reichgott	Willet
Davis	Knutson	Moe, R. D.	Renneke	
DeCramer	Kroening	Nelson	Samuelson	

Those who voted in the negative were:

Berglin	Dieterich	Johnson, D.J.	Peterson, D.C.	Spear
Dicklich	Frank	Kamrath	Pogemiller	Wegscheid

So the bill passed and its title was agreed to.

S.F. No. 598: A bill for an act relating to insurance premium finance companies; authorizing finance charges based on the federal discount rate; amending Minnesota Statutes 1982, sections 59A.09, subdivisions 3, 4 and 6; and 59A.12, subdivisions 1 and 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 54 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Laidig	Novak	Solon
Anderson	Diessner	Langseth	Olson	Spear
Belanger	Frederick	Lantry	Pehler	Storm
Benson	Frederickson	Lessard	Peterson, C.C.	Stumpf
Berg	Hughes	Luther	Peterson, R.W.	Taylor
Bernhagen	Isackson	McQuaid	Petty	Ulland
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Brataas	Jude	Merriam	Reichgott	Waldorf
Chmielewski	Kamrath	Moe, D.M.	Renneke	Wegscheid
Dahl	Knaak	Moe, R.D.	Samuelson	Willet
Davis	Knutson	Nelson	Schmitz	

Those who voted in the negative were:

Berglin	Dieterich	Freeman	Kroening	Pogemiller
Dicklich	Frank	Johnson, D.J.	Peterson, D.C.	

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 proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Taylor introduced—

S.F. No. 1122: A bill for an act relating to traffic regulations; regulating

school buses; amending Minnesota Statutes 1982, sections 169.01, subdivision 6; 169.44, subdivision 8; and 169.45.

Referred to the Committee on Transportation.

Mses. Peterson, D.C. and Reichgott introduced—

S.F. No. 1123: A bill for an act relating to education; requiring multi-cultural and sex equity education programs in all school districts; creating an advisory committee; appropriating money; proposing new law coded in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 1124: A bill for an act relating to the city of McGrath; permitting the city to make an additional property tax levy.

Referred to the Committee on Taxes and Tax Laws.

Mrs. McQuaid introduced—

S.F. No. 1125: A bill for an act relating to the environment; establishing an environmental response, compensation, and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; establishing a hazardous substance compensation trust account; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dicklich introduced—

S.F. No. 1126: A resolution memorializing the United States Congress to conduct an in-depth investigation of the steel industry.

Referred to the Committee on Economic Development and Commerce.

Mr. Frank introduced—

S.F. No. 1127: A bill for an act relating to Anoka County; authorizing the issuance of bonds for the construction of library buildings and an annual levy for debt retirement.

Referred to the Committee on Local and Urban Government.

Mr. Solon introduced—

S.F. No. 1128: A bill for an act relating to labor; providing for the composition of bargaining units at the University of Minnesota; amending Min-

nesota Statutes 1982, section 179.741, subdivision 3.

Referred to the Committee on Employment.

Messrs. Ulland, Frederickson, Berg, Isackson and Mrs. McQuaid introduced—

S.F. No. 1129: A bill for an act relating to taxation; reducing the rate of tax on certain corporate income; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, Anderson, Mehrkens and Kamrath introduced—

S.F. No. 1130: A bill for an act relating to taxation; income; reducing the corporate tax rate on certain income; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 1131: A bill for an act relating to retirement; permitting the purchase of certain prior service credit for periods of teaching service in other states.

Referred to the Committee on Governmental Operations.

Messrs. Peterson, C.C.; Spear; Renneke and Frederickson introduced—

S.F. No. 1132: A bill for an act relating to retirement; post retirement adjustments payable by the Minneapolis Teachers' Retirement Fund Association.

Referred to the Committee on Governmental Operations.

Mr. Johnson, D.E. introduced—

S.F. No. 1133: A bill for an act relating to taxation; sales and use; clarifying the law with respect to the taxability of tipboard "free plays"; amending Minnesota Statutes 1982, section 297A.01, subdivisions 3 and 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.E. introduced—

S.F. No. 1134: A bill for an act relating to local government aids; changing the formula for aid distributions to towns; amending Minnesota Statutes 1982, sections 477A.011, subdivisions 2, 4, 5, 7, 9, 10, and 11; and 477A.013.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson introduced—

S.F. No. 1135: A bill for an act relating to the state building code; requir-

ing certain elevators to have raised letters and numbers for use by the blind; amending Minnesota Statutes 1982, section 16.851, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Peterson, C.C.; Johnson, D.J.; Novak; Merriam and Ms. Berglin introduced—

S.F. No. 1136: A bill for an act relating to taxation; providing that taxation of the income of individuals, estates, and trusts will be based on federal taxable income; extending the period of time the sales tax rate is six percent; including sales of motor vehicles in the six percent rate; defining "publication" for sales tax purposes; amending Minnesota Statutes 1982, sections 290.01, subdivisions 19, 20, 20d, 21, 27, and by adding subdivisions; 290.012, subdivision 2; 290.032, by adding a subdivision; 290.06, subdivisions 2c, 3f, and 11; 290.071, subdivisions 5 and 6; 290.08, subdivisions 1, 8 and 19; 290.081; 290.085; 290.09, subdivisions 1, 2, 3, as amended, 4, 5, and 29; 290.091; 290.095, subdivision 11; 290.10; 290.101, subdivision 1; 290.12, subdivision 1; 290.16, subdivision 1; 290.17, subdivision 2; 290.18, subdivision 1; 290.21, subdivisions 1 and 3; 290.23, subdivisions 4 and 5; 290.311; 290.32; 290.37, subdivision 1; 290.38; 290.39, subdivisions 1, 1a, and 2; 290.46; 290.49, subdivisions 3 and 10; 290.50, subdivision 1; 290.56, subdivision 2; 290.92, subdivisions 2a, 21, and 23; 290.93, subdivisions 1, 5, and 10; 290.9726, subdivisions 1 and 3; 290A.03, subdivision 3; 297A.02, subdivision 1, as amended; 297A.03, subdivision 2, as amended; 297A.14, as amended; 297A.25, subdivision 1; 297A.35, subdivision 3; 297B.02, as amended; and 474.12, subdivision 2; and Laws 1982, chapter 523, article 7, section 3, subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 290.01, subdivisions 20a, 20b, 20f, 23, and 27; 290.032, subdivision 5; 290.06, subdivisions 2d, 2e, 3e, 3g, 9, 9a, and 15; 290.077, subdivisions 2 and 4; 290.08, subdivisions 23 and 25; 290.09, subdivisions 10, 15, 22, and 27; 290.16, subdivision 1a; 290.17, subdivisions 1 and 1a; 290.18, subdivisions 2 and 4; 290.23, subdivision 3; 290.501; and 290.9726, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kroening and Pogemiller introduced—

S.F. No. 1137: A bill for an act relating to public safety; allowing businesses to apply for permits to equip motor vehicles with radio equipment capable of receiving radio signals from a police emergency frequency; amending Minnesota Statutes 1982, section 299C.37, subdivision 3.

Referred to the Committee on Veterans and General Legislation.

Messrs. Pogemiller and Kroening introduced—

S.F. No. 1138: A bill for an act relating to firearms; providing that a discharge of a firearm by a peace officer which kills a sick, injured, or dangerous animal need not be reported; amending Minnesota Statutes 1982, section 626.553, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Sieloff and Peterson, D.L. introduced—

S.F. No. 1139: A bill for an act relating to local government; requiring notice of and hearings on increases in certain license fees; proposing new law coded in Minnesota Statutes, chapter 471.

Referred to the Committee on Local and Urban Government.

Mr. Pogemiller introduced—

S.F. No. 1140: A bill for an act relating to crimes and criminals; authorizing departures from the presumptive sentences established in the sentencing guidelines; amending Minnesota Statutes 1982, section 244.10, subdivision 2 and by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 1141: A bill for an act relating to taxation; providing an income tax credit for employers who create new permanent jobs; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, R.W.; Spear; Jude; Knaak and Sieloff introduced—

S.F. No. 1142: A bill for an act relating to contracts; prohibiting the enforcement of indemnification agreements in construction contracts; proposing new law coded as Minnesota Statutes, chapter 337.

Referred to the Committee on Judiciary.

Messrs. Luther, Benson, Kroening, Waldorf and Knaak introduced—

S.F. No. 1143: A bill for an act relating to state departments and agencies; requiring the adjustment or establishment of certain agency fees by rule; authorizing the use of the noncontroversial rulemaking procedure; amending Minnesota Statutes 1982, sections 14.14, subdivision 1; 16A.128; 239.10; and 296.13.

Referred to the Committee on Governmental Operations.

Mr. DeCramer introduced—

S.F. No. 1144: A bill for an act relating to commerce; providing a lien for the furnishing of commercial feed or commercial fertilizer; amending Minnesota Statutes 1982, section 514.01.

Referred to the Committee on Judiciary.

Messrs. Nelson; Moe, R.D.; Willet; Stumpf and Peterson, D.L. introduced—

S.F. No. 1145: A bill for an act relating to education; school districts;

providing for self-insured, state-wide fringe benefit coverages for employees of school districts; amending Minnesota Statutes 1982, sections 3.855, subdivision 3; 43A.04, by adding a subdivision; 60A.03, by adding a subdivision; 179.65, subdivision 4; 179.66, subdivision 4; 275.125, by adding a subdivision; 471.616, by adding a subdivision; 471.617, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 124 and 471.

Referred to the Committee on Education. Mr. Moe, D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Jude, Knaak and Ms. Reichgott introduced—

S.F. No. 1146: A bill for an act relating to statutes; conforming certain laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 65B.51, subdivision 1; 154.03; and 573.01.

Referred to the Committee on Judiciary.

Mr. Johnson, D.J. introduced—

S.F. No. 1147: A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 1148: A bill for an act relating to labor; defining a professional strikebreaker; amending Minnesota Statutes 1982, section 179.01, subdivision 16.

Referred to the Committee on Employment.

Mr. Waldorf introduced—

S.F. No. 1149: A bill for an act relating to occupations and professions; regulating plumbers and water conditioning contractors and installers licensed for connections to public water supplies or sewerage systems; amending Minnesota Statutes 1982, sections 326.40, subdivision 1; 326.60, subdivision 1; and 326.65; repealing Minnesota Statutes 1982, section 326.45.

Referred to the Committee on Health and Human Services.

Mr. Waldorf introduced—

S.F. No. 1150: A bill for an act relating to the blind; establishing a division for the blind in public welfare; providing for greater consumer-public input; defining blindness; streamlining the hearings process; removing archaic language; deleting obsolete subdivisions; proposing new law coded in Minnesota Statutes, chapter 248; repealing Minnesota Statutes 1982, sections 248.04; 248.07; and 248.08.

Referred to the Committee on Health and Human Services. Mr. Moe.

D.M. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Sieloff and Johnson, D.J. introduced—

S.F. No. 1151: A bill for an act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivision 4, and by adding a subdivision; and 297B.10.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ramstad, Mrs. Brataas, Ms. Reichgott, Messrs. Pogemiller and Luther introduced—

S.F. No. 1152: A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, subdivision 2.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Vega moved that S.F. No. 77 be withdrawn from the Committee on Finance and re-referred to the Committee on Energy and Housing. The motion prevailed.

Mr. Moe, D.M. moved that S.F. No. 164 be taken from the table. The motion prevailed.

S.F. No. 164: A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.

Mr. Moe, D.M. moved that the Senate do not concur in the amendments by the House to S.F. No. 164, 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. Dicklich moved that the name of Mr. Pehler be added as a co-author

to S.F. No. 513. The motion prevailed.

Mr. Solon moved that H.F. No. 314 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 368, now on General Orders. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 7:30 p.m., Wednesday, April 13, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 13, 1983

The Senate met at 7:30 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. James Gorman.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Olson	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Sieloff
Belanger	Frank	Laidig	Peterson, C.C.	Solon
Benson	Frederick	Langseth	Peterson, D.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.L.	Storm
Berglin	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Isackson	Luther	Petty	Taylor
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, R.D.	Reichgott	Willet
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	

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.

April 6, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
	56	18	April 6	April 6
31		19	April 6	April 6
152		20	April 6	April 6
221		21	April 6	April 6
224		22	April 6	April 6
270		23	April 6	April 6
421		24	April 6	April 6

Sincerely,

Joan Anderson Growe
Secretary of State

April 13, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 107, 128, 207, 269, 325 and 327.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 186 and 240.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1983

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. 9: A Senate 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

Returned April 11, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 159, 239, 251, 384, 610, 230, 491, 540, 631, 830, 760, 558, 697, 721, 787, 490, 513, 592, 598, 725,

749, 730, 801, 804, 836, 838, 870, 903, 909, 953 and 987.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 159: A bill for an act relating to education; requiring school boards to adopt and review discipline policies including rules of conduct for pupils, and grounds and procedures for removal of pupils from class; amending Minnesota Statutes 1982, section 127.27, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 127.

Referred to the Committee on Education.

H.F. No. 239: A bill for an act relating to liquor; extending the date for requiring dram shop insurance; requiring an assigned risk plan and specifying rule making authority of the commissioner of insurance in regard thereto; amending Minnesota Statutes 1982, sections 340.11, subdivision 21, and by adding a subdivision; and 340.353, subdivision 8; and Laws 1982, chapter 528, section 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 357, now on General Orders.

H.F. No. 251: A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; updating obsolete language; clarifying ambiguous language; amending Minnesota Statutes 1982, section 423A.01, subdivisions 2 and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 294, now on the Consent Calendar.

H.F. No. 384: A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 437, now on the Consent Calendar.

H.F. No. 610: A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and sales-

persons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 609, now on the Calendar.

H.F. No. 230: A bill for an act relating to insurance; prohibiting sex discrimination under Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 491: A bill for an act relating to administrative rulemaking; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 558.

H.F. No. 540: A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from a provider of regular route transit and unlawfully interfering with a transit operator while the operator is performing his or her duties; prohibiting disruptive behavior on a transit vehicle; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

H.F. No. 631: A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 272, now on the Consent Calendar.

H.F. No. 830: A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, sections 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; 327B.07, subdivision 1; and 327B.09, subdivisions 1 and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 740, now on General Orders.

H.F. No. 760: A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivi-

sion 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 719, now on General Orders.

H.F. No. 558: A bill for an act relating to commerce; altering certain interest rate provisions on renegotiations of conventional and cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 697: A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 825, now on General orders.

H.F. No. 721: A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 787: A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivisions 1 and 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 921.

H.F. No. 490: A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

Referred to the Committee on Health and Human Services.

H.F. No. 513: A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1, 3, and 6; 204B.16, by adding a subdivision; and 206.21, subdivision 3; repealing Minnesota Statutes 1982, section 201.071, subdivision 7.

Referred to the Committee on Rules and Administration for comparison

with S.F. No. 494, now on General Orders.

H.F. No. 592: A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 666, now on General Orders.

H.F. No. 598: A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

Referred to the Committee on Health and Human Services.

H.F. No. 725: A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivision 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 818, now on General Orders.

H.F. No. 749: A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal facility.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 762.

H.F. No. 730: A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 781, now on the Consent Calendar.

H.F. No. 801: A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, subdivision 5.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 804: A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1982, section 486.06.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 716, now on the Consent Calendar.

H.F. No. 836: A bill for an act relating to the legislative reference library; permitting the library to require certain identification of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, by adding a subdivision.

Referred to the Committee on Rules and Administration.

H.F. No. 838: A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Statutes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 786, now on General Orders.

H.F. No. 870: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 711.

H.F. No. 903: A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 909: A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 865, now on the Consent Calendar.

H.F. No. 953: A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 987: A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 926, 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 the reports on S.F. Nos. 910, 510, 841 and reports pertaining to appointments. The motion prevailed.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 289: A bill for an act relating to education; transferring authority for appointing the commissioner of education from the state board of education to the governor; amending Minnesota Statutes 1982, section 121.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after "governor" insert "*with the advice and consent of the senate,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 616: A bill for an act relating to the council for the handicapped; providing for appointment of members to the council; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 4, strike the old language and delete "*not*"

Page 3, line 6, strike the period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 180: A bill for an act relating to public utilities; customer deposits; providing an interest rate based on the average prime interest rate; amending Minnesota Statutes 1982, section 325E.02.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, strike "paid" and insert "*applied during each calendar year*"

Page 1, line 19, strike the first "the"

Page 1, line 19, delete "*average prime*" and insert "*an*"

Page 1, line 19, before the period, insert "*equal to the average of the daily lending rate offered to preferred customers at the largest bank in the 9th Federal Reserve District during the last six months of the preceding calendar*

year''

Page 1, line 23, strike the period and insert a semicolon

Page 1, delete lines 24 and 25

Page 2, delete lines 1 to 3

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1032: A bill for an act relating to the city of New Ulm; permitting the establishment of special service districts; providing taxing and other financial authority for New Ulm.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 34, after the first "in" insert "*the event that*"

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. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 538: A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

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 Local and Urban Government, to which was referred

S.F. No. 910: A bill for an act relating to local government; regulating township levies in Crow Wing County; repealing Laws 1941, chapter 451.

Reports the same back with the recommendation that the bill do pass. Mr. Pogemiller, for Mr. Johnson, D.J., 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. 904: A bill for an act relating to transportation; establishing collective rate-making procedure for motor vehicle carriers; amending Minnesota Statutes 1982, section 221.041, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete everything after the period and insert "[221.033] [COLLECTIVE RATE-MAKING.]"

Page 1, delete line 9

Page 1, line 10, delete “*Subd. 3.*”

Page 1, lines 11, 20, and 22, delete “*commission*” and insert “*board*”

Page 1, after line 25, insert:

“Sec. 2. [PUBLIC UTILITIES COMMISSION.]

Prior to the effective date of Laws 1980, chapter 534, as amended by Laws 1981, chapter 357, section 108, the public utilities commission shall perform the duties of the board under section 1.”

Amend the title as follows:

Page 1, delete lines 4 and 5 and insert “proposing new law coded in Minnesota Statutes, chapter 221.”

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. 711: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 927: A bill for an act relating to Independent School District No. 709; providing for withdrawal of clerical workers from civil service; amending Laws 1967, chapter 252, section 2, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete everything after “*workers*”

Page 1, line 18, delete “*between the district and its employees*”

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. 1082: A bill for an act relating to workers’ compensation; regulating the assigned risk plan; amending Minnesota Statutes 1982, section 79.251; proposing new law coded in Minnesota Statutes, chapter 79; repealing Minnesota Statutes 1982, section 79.63.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 375: A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete “, *except a city of the first class,*”

Page 1, line 20, before the period, insert “*and in any city or part of a city where by resolution the city authorizes the county to exercise all or part of the powers provided for in this act*”

Page 2, line 11, after the comma, insert “*or in the case of cities of the first class, in accordance with the provisions of chapter 435,*”

Page 6, line 16, after “*section*” insert “, *except for cities of the first class, where procedures of chapter 435 will apply*”

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. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 973: A bill for an act relating to homesteads; creating an extended forbearance loan guarantee program; authorizing the state to guarantee loans to forestall foreclosures of mortgages and terminations of contracts for deed on certain residential and agricultural homesteads; giving certain powers and duties to the department of agriculture and the Minnesota housing finance agency; creating extended forbearance loan guarantee funds; appropriating money; proposing new law coded as Minnesota Statutes, chapter 583.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 601: A bill for an act relating to housing; eliminating requirements that housing programs for urban Indians combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 16 to 18, reinstate the stricken language

Page 1, lines 20 to 22, reinstate the stricken language

Page 1, line 22, before the period, insert “, *except that interest earned on the portion of an appropriation to be expended for Indian housing programs*

in the city of Duluth does not have to be combined with money from other sources''

Page 2, lines 6 to 8, reinstate the stricken language

Page 2, line 8, before the period, insert "*, except that interest earned on the portion of the appropriation to be expended for Indian housing programs in the city of Duluth does not have to be combined with proceeds of bond sales''*

Amend the title as follows:

Page 1, line 2, delete "eliminating" and insert "modifying"

Page 1, line 3, after "Indians" insert "in the city of Duluth"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 596: A bill for an act establishing an agricultural resource energy loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 116B.03, subdivision 1; 290.01, by adding a subdivision; 297A.44, subdivision 1; and 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 510: A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the bill do pass. Ms. Peterson, D.C. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 841: A bill for an act relating to commerce; providing for the testing of the ambient air level of formaldehyde in housing; providing approved testing methods; establishing the limits of liability for builders; amending Minnesota Statutes 1982, section 325F.18, by adding subdivisions; repealing Minnesota Statutes 1982, section 325F.18, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 325F.18, is amended by adding a subdivision to read:

Subd. 7. [SIGNIFICANT AMBIENT AIR LEVEL.] For the purposes of the liability of a builder of a housing unit under this section, .5 parts of formaldehyde per million parts of air is a significant ambient air level of formaldehyde. Nothing in this section precludes an action by a consumer against the manufacturer of a product that contains urea formaldehyde for personal injuries resulting from the product.

Sec. 2. Minnesota Statutes 1982, section 325F.18, is amended by adding a subdivision to read:

Subd. 8. [APPROVED TESTING METHODS.] The following testing methods are approved:

(1) National Institutes of Occupational Safety and Health (NIOSH) Manual of Analytical Methods, Volume 1, 2nd Edition, NIOSH 77-157-A, 1977, Method Number P&CAM 125, with air samples collected in one percent sodium bisulfite in distilled water;

(2) Diffusional monitors and passive dosimeters may be used and no further testing will be required if the test results are lower than a permitted level to be determined by the commissioner of health.

Sec. 3. Minnesota Statutes 1982, section 325F.18, is amended by adding a subdivision to read:

Subd. 9. [TESTING OF HOUSING UNITS.] No newly constructed housing unit need be tested for a determination of the ambient air level of formaldehyde if the unit does not contain urea formaldehyde containing building materials that emit formaldehyde gas or if a previous test by the builder or seller of a housing unit of similar design, material composition, quantities, and construction revealed an ambient air level less than 0.4 ppm as measured by the NIOSH method. In the case of multifamily units or manufactured homes as defined in sections 327.31 to 327.35, no more than a representative sample of the types of units and materials used, not exceeding five percent of the total number of units, but no less than one unit, need be tested. The units that are not tested are presumed to possess at the date of closing the median ambient air level of formaldehyde of the representative sample of units tested. For the purposes of compliance with rules of the commissioner of health, testing for manufactured homes defined in sections 327.31 to 327.35 may be conducted by the manufacturer prior to the time of sale to the retailer.

Sec. 4. Minnesota Statutes 1982, section 325F.18, is amended by adding a subdivision to read:

Subd. 10. [LIMITATIONS OF LIABILITY.] No civil or criminal liability attaches to a builder or seller under this section under the following circumstances:

(a) to a builder or seller who tests the ambient air level of formaldehyde if the test result is less than .5;

(b) to the builder or seller of a framed house when either the buyer finishes the construction of the home, if the buyer selects the materials used in the

construction, or the buyer selects the material used in the construction of or the components used in a custom built home, provided that in either case the buyer received the warning required under subdivision 1; or

(c) to the original builder subsequent to the remodeling or renovation of a home by the purchaser or any other person if the builder does not participate in the remodeling or renovation.

Sec. 5. [REPEALER.]

Minnesota Statutes 1982, section 325F.18, subdivision 5, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

And when so amended the bill do pass. Mr. Spear questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 721: A bill for an act relating to Carver County; authorizing the county to finance sewage disposal systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, before "DISPOSAL" insert "COUNTY"

Page 1, line 8, delete "IN CARVER COUNTY"

Page 1, after line 8, insert:

"This act may apply to Carver County and Washington County."

Page 1, line 9, delete "Carver County" and insert "Each county"

Page 1, line 20, delete "Carver"

Page 3, line 17, after "effective" insert "separately for each of the counties of Carver and Washington"

Page 3, line 17, after "by" delete "the" and insert "its"

Page 3, line 18, delete "of Carver County"

Amend the title as follows:

Page 1, line 2, delete "Carver County" and insert "local government"

Page 1, line 2, delete "the county" and insert "Carver and Washington counties"

Page 1, line 4, delete the first "county" and insert "counties"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was

referred

S.F. No. 934: A bill for an act relating to elections; authorizing the use of electronic voting systems for absentee voting under certain circumstances; authorizing the secretary of state to promulgate rules; amending Minnesota Statutes 1982, sections 203B.08, by adding subdivisions; 203B.11; and 203B.12, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 203B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, reinstate the stricken language and before "*ballot*" insert "*or*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

H.F. No. 653: A bill for an act relating to elections; making numerous procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; proposing new law coded in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 799: A bill for an act relating to financial institutions; electronic financial terminals; regulating the use of terminals by financial institutions located outside the state; amending Minnesota Statutes 1982, section 47.64, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 969: A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, subdivision 12.

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 Economic Development and Commerce, to which was referred

S.F. No. 892: A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment, and reporting requirements; establishing a quarterly revenue fee; proposing new law coded as Minnesota Statutes, chapter 62H.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete "two" and insert "three"

Page 1, line 16, delete "100" and insert "250"

Page 1, line 24, after the period, insert "*The reinsurer must bear the risk of coverage for any member of the pool who becomes insolvent with outstanding contribution due.*"

Page 2, line 7, after the period, insert "*Any reinsurance plan must be non-cancellable for a minimum term of two years.*"

Page 2, line 17, delete "*must agree to comply with all*"

Page 2, line 18, delete "*Minnesota laws applicable to employee benefit plans*" and insert "*is subject to the requirements of chapter 62A and the provisions of sections 72A.17 to 72A.325*"

Page 2, line 20, delete "three" and insert "two"

Page 3, line 12, before "The" insert "*The commissioner of insurance shall promulgate appropriate rules to insure the solvency of all self-insured plans subject to this chapter.*"

Page 3, after line 28, insert:

"Sec. 8. [EFFECTIVE DATE.]

This act is effective January 1, 1984."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 996: A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; proposing new law coded in Minnesota Statutes, chapter 47.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 8, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1106: A bill for an act relating to insurance; health and accident; providing group coverage for handicapped children; 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 7, delete "CHILDREN" and insert "DEPENDENTS"

Page 1, line 12, delete "*children*" and insert "*dependents*" and delete "*named beneficiary*" and insert "*insured, subscriber, or enrollee*"

Amend the title as follows:

Page 1, line 3, delete "children" and insert "dependents"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1052: A bill for an act relating to insurance; correcting certain errors; removing certain deficiencies and ambiguities; correcting certain omissions; expanding certain insurers' investment authority; providing standards for application or reporting requirements; authorizing the commissioner to adopt rules; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1982, sections 60A.11, subdivisions 9, 10, 14, 18, 20, 21, 23, and 24; 60A.111, subdivision 2, and by adding subdivisions; 61A.28, subdivisions 3, 6, and 12; 61A.29, subdivision 2; 61A.31, subdivision 3; repealing Minnesota Statutes 1982, sections 60A.11, subdivisions 5a, 5b, and 7; and 60A.111, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 23, delete "*national association*" and insert "*National Association*"

Page 5, line 24, delete "*insurance commissioners*" and insert "*Insurance Commissioners*"

Page 5, line 24, delete "is" and insert "as"

Page 10, line 5, delete "if" and insert a period

Page 10, line 5, after the stricken "shall" insert "must" and reinstate the stricken "dispose" and delete "disposes"

Page 10, line 24, after "of" insert "*the insurance company's*"

Page 12, line 33, after the first "*company*" insert "*system*"

Page 21, line 34, delete "*such*" and insert "*these*"

Page 23, line 14, delete “sections 60A.11, subdivisions 5a,”

Page 23, line 15, delete “5b, and 7; and” and insert “ section”

Page 23, line 15, delete “are” and insert “is”

Amend the title as follows:

Page 1, line 14, delete “sections 60A.11, subdivisions 5a, 5b, and 7; and” and insert “section”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1068: A bill for an act relating to economic development; creating the world trade center commission; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 9 and 10, delete “two” and insert “three”

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 Economic Development and Commerce, to which was referred

S.F. No. 750: A bill for an act relating to economic development; creating the foreign trade agency to promote state economic growth; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [FINDINGS.]

The legislature of the state of Minnesota finds that there is a potential for state economic growth in the area of international trading of Minnesota goods and services; that in particular small- and medium-sized export companies need financial assistance and marketing information; that it is in the best interests of the state and within the public purpose that the state take a more active part in developing and assisting export trade; and that for the state to become involved in foreign trade will stimulate the state economy and provide needed employment for persons in Minnesota.

Sec. 2. [45.20] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 2 to 6 the following terms have the meanings given them.

Subd. 2. [AGENCY.] “Agency” means the Minnesota export agency.

Subd. 3. [OFFICE.] “Office” means the export information office.

Subd. 4. [PRE-EXPORT.] “Pre-export” means that period of time be-

tween the formation of a sale and the actual shipment of the goods.

Sec. 3. [45.21] [FOREIGN TRADE AGENCY.]

Subdivision 1. [CREATION; PURPOSE.] There is created the state foreign trade agency within the department of commerce. Its purpose is to promote state economic development by encouraging and supporting small- and medium-sized exporting companies in their efforts to export goods and services. There shall be two divisions in the foreign trade agency known as the export information office and the Minnesota export finance authority.

Sec. 4. [45.22] [EXECUTIVE DIRECTOR; STAFF.]

Subdivision 1. [APPOINTMENT.] The governor shall appoint an executive director of the foreign trade agency. The executive director shall be knowledgeable and responsive to both public and private sector concerns relating to foreign trade and economic development. The executive director shall provide staff who shall serve in the classified service of the state civil service and who shall be assigned to work for the foreign trade agency on a continuing basis. The foreign trade agency may request staff support from all other agencies of state government as needed for the execution of its responsibilities. The executive director may hire consultants as needed who shall serve at his or her pleasure in the unclassified service of the state civil service. Other matters relating to the executive director are governed by section 15.06.

Subd. 2. [DUTIES.] The executive director shall administer the foreign trade agency. In addition to other duties delegated by the department of commerce, the executive director shall:

(1) assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons in the knowledge of export trading;

(2) coordinate the current international trading activities of various state and local agencies and organizations; and

(3) to the extent possible, be supportive to the state's tourism promotion efforts.

Sec. 5. [45.23] [EXPORT INFORMATION OFFICE.]

Subdivision 1. [PURPOSE; DUTIES.] The export information office of the foreign trade agency shall:

(1) create a worldwide foreign communication network to coordinate foreign trade information and activities;

(2) compile foreign trade information available from, among other places, the United States Department of Commerce and private sources, and produce readily consumable marketing information;

(3) create a program to assess the potential of international investment in Minnesota and promote international investment which results in the infusion of new capital and the creation of new jobs to the benefit of the state;

(4) disseminate to Minnesota businesses, upon direction of the advisory board, collected market information that relates to potential exporting, and to export trading companies, export management companies, and other in-

terested persons; and

(5) prepare a list of firms that provide export support services and disseminate the list to potential exporters to assist their endeavors.

Subd. 2. [ADVISORY BOARD.] (a) The governor shall appoint an advisory board to establish policy and program goals for the office. The board shall ensure that the two functions of the information division, data collection, and marketing outreach, are adequately performed.

(b) There shall be 15 members of the advisory board appointed by the governor with the advice and consent of the senate. The board shall include the director of the office and board members from the following areas and in the following numbers:

- (1) two members from export trading or management companies;*
- (2) one member with international finance experience;*
- (3) four members from small- or medium-sized manufacturing processing companies;*
- (4) one member with international transportation experience;*
- (5) two members from state government;*
- (6) two members with knowledge of international law; and*
- (7) two members from an agriculture promotion council.*

Terms, compensation, and removal of board members are governed by section 15.059.

Subd. 3. [DIRECTOR.] The governor shall appoint a director of the export information office. Matters relating to the director that are not specifically addressed in this section are governed by section 15.06.

Sec. 6. [45.24] [MINNESOTA EXPORT FINANCE AUTHORITY.]

Subdivision 1. [CREATION; PURPOSE.] The Minnesota export finance authority is created to aid and facilitate the financing of exports from the state of Minnesota. The finance authority powers shall be used exclusively to meet the pre-export credit needs of Minnesota exporters.

Subd. 2. [POWERS.] The Minnesota export finance authority has the power and authority to perform the following functions and may:

- (1) insure, co-insure, and guarantee against commercial pre-export credit risks;*
- (2) sue and be sued;*
- (3) enter into agreements and transactions with any person, partnership, or corporation, both foreign and domestic, state, federal, and foreign governments and governmental agencies;*
- (4) acquire and hold personal and real property pursuant to the provisions of insurance and the granting of guarantees;*
- (5) pledge and appropriate collateral;*
- (6) charge premiums, interest, and fees;*

(7) *provide administrative, consultative, and technical services to assist in the financing of exports;*

(8) *prepare and receive reports regarding credit, insurance, and guarantees with respect to export finance;*

(9) *perform all necessary and appropriate operations, administration, processing, and marketing functions related to the authority's functions; and*

(10) *adopt rules necessary to carry out responsibilities under this act.*

Subd. 3. [CAPITAL.] The Minnesota export finance authority shall have working capital in the amount of \$2,000,000 appropriated by the state from the general fund.

Subd. 4. [PRESIDENT AND BOARD OF DIRECTORS.] The governor shall appoint, upon the advice and consent of the senate, a president of the finance authority. The governor shall also appoint six members to the authority's board of directors. The six members shall be as follows: three members with experience in international finance; two private exporters; and one attorney with experience in international law. The president of the finance authority shall also serve on the board. Members of the board shall be compensated at the rate of \$100 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. Membership terms and removals are governed by section 15.0575. Board members shall perform their duties in a nonselfserving manner and in compliance with section 10A.07.

Subd. 5. [ANNUAL REPORT.] The president and board of directors shall submit to the governor an annual report on the activities of the finance authority.

Subd. 6. [LIABILITY LIMITATION.] The Minnesota export finance authority may not have at any one time net liabilities greater than four times its capital and reserves.

Subd. 7. [INSURANCE AND GUARANTEES.] The Minnesota export finance authority may provide insurance and guarantees to the following extent:

(1) *the finance authority may not provide to any one person insurance or guarantees in excess of \$250,000;*

(2) *the policy of the agency is to provide insurance and guarantees for export credits that would otherwise not be made and that the president and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment;*

(3) *the finance authority shall contract with, among others, the Foreign Credit Insurance Association, the U.S. Export-Import Bank, and private insurers to secure reinsurance for country and commercial risks for the finance authority's insurance program;*

(4) *losses incurred by the finance authority that relate to its insurance or guarantee activities shall be solely borne by the finance authority to the extent of its capital and reserves.*

Sec. 7. [APPROPRIATION.]

The sum of \$. is appropriated from the general fund to the foreign trade agency for the purpose of fulfilling the duties described in This appropriation remains available until expended.

Sec. 8. [EFFECTIVE DATE.]

This act is effective”

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 Economic Development and Commerce, to which was referred

S.F. No. 679: A bill for an act relating to redevelopment; authorizing the financing of redevelopment projects by the iron range resources and rehabilitation board; amending Minnesota Statutes 1982, section 298.292; proposing new law coded in Minnesota Statutes, chapter 298.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete subdivision 1 and insert:

“Subdivision 1. [PURPOSE; GRANT OF AUTHORITY.] In order to accomplish the legislative purposes specified in chapters 362A, 462C, and 474, within tax relief areas as defined in section 273.134, the commissioner of iron range resources and rehabilitation may exercise the following powers: (1) all powers conferred upon a rural development financing authority under sections 362A.01 to 362A.05; (2) all powers conferred upon a city under chapter 462C, subject to compliance with the provisions of section 462C.09; (3) all powers conferred upon a municipality or a redevelopment agency under chapter 474; (4) all powers provided by chapter 362A to further any of the purposes and objectives of chapters 462C and 474; and (5) all powers conferred upon a municipality or an authority under sections 273.73 to 273.76, section 273.77, except paragraph (a) thereof, and section 273.78, subject to compliance with the provisions of section 273.74, subdivisions 1, 2, and 3; provided that any tax increments derived by the commissioner from the exercise of this authority may be used only to finance or pay premiums or fees for insurance, letters of credit, or other contracts guaranteeing the payment when due of net rentals under a project lease or the payment of principal and interest due on or repurchase of bonds issued to finance a project or program, to accumulate and maintain reserves securing the payment when due on bonds issued to finance a project or program, or to provide an interest rate reduction program pursuant to section 462.445, subdivision 10. Tax increments and earnings thereon remaining in any bond reserve account after payment or discharge of any bonds secured thereby shall be used within one year thereafter in furtherance of this section or returned to the county auditor of the county in which the tax increment financing district is located. If returned to the county auditor, the county auditor shall immediately allocate the amount among all government units which would have shared therein had the amount been received as part of the other ad valorem taxes on property in the district most recently paid, in the same proportions as other taxes were distributed, and shall immediately distribute it to the government units in accordance with the allocation.”

Page 2, line 29, delete "by" and insert "under"

Page 2, line 30, delete "without approval" and insert ", and no obligations shall be issued and no tax increments shall be expended for a project authorized under this section until the project has been approved"

Page 2, after line 30, insert:

"Subd. 4. [OBLIGATIONS NOT STATE DEBT.] Bonds and other obligations issued by the commissioner pursuant to this section are not general obligations of the state of Minnesota. The full faith and credit and taxing powers of the state are not and may not be pledged for the payment of these bonds or other obligations, and no person has the right to compel the levy of any state tax for their payment or to compel the appropriation of any moneys of the state for their payment except as specifically provided herein. These bonds and obligations shall be payable solely from the property and moneys derived by the commissioner pursuant to the authority granted in this section that the commissioner pledges to their payment. All these bonds or other obligations must contain the provisions of this subdivision or words to the same effect on their face.

Subd. 5. [APPROPRIATION OF MONEYS.] There is appropriated to the commissioner for the purpose of carrying out any project or program undertaken pursuant to this section, all property and moneys derived by the commissioner through the exercise of the powers conferred by this section. The commissioner may pledge all the property or moneys for the security or payment of bonds or other obligations issued or entered into by him for this purpose."

Amend the title as follows:

Page 1, line 2, delete "financing"

Page 1, delete line 3

Page 1, line 4, delete "and rehabilitation board" and insert "commissioner of iron range resources and rehabilitation to exercise certain powers and to issue bonds to finance certain projects and programs in tax relief areas; appropriating money"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 489: A bill for an act relating to insurance; extending the insurance division revolving fund; 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; requiring certain disclosures on credit insurance policies and application; amending Minnesota Statutes 1982, sections 60A.02, subdivision 7; 60A.03, subdivision 6; 60A.17, subdivisions 1 and 6c; and 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, after line 25, insert:

“Sec. 2. Minnesota Statutes 1982, section 60A.03, subdivision 5, is amended to read:

Subd. 5. [EXAMINATION FEES AND EXPENSES.] When any visitation, examination, or appraisal is made by *order of* the commissioner, an assistant, an actuary other than a consulting actuary appointed under subdivision 3, clause (3), an audit director, a supervisor of analysts, or a certified public accountant retained by the insurance division, the company being examined, visited or appraised, including fraternal, township mutuals and reciprocal exchanges, shall pay to the division of insurance \$130 for each day necessarily spent by that person in such activities. When the visitation, examination or appraisal is made by the principal auditor, senior auditor or rate analyst regularly employed in the division of insurance, the company being examined, visited or appraised, including fraternal, township mutuals, and reciprocal exchanges, shall pay to the division \$80 for each day necessarily occupied by that person in such activities. When the visitation, examination, or appraisal is made, or engaged in, by any other person regularly employed in the division of insurance, the company being examined, visited or appraised, including fraternal, township mutuals and reciprocal exchanges, shall pay to the division of insurance the sum of \$65 for each day necessarily spent by that person in such activities. In addition to the fees specified in this section, the company being examined, visited or appraised shall also pay to the division of insurance the necessary expenses of the persons engaged in the examination, visit or appraisal the company being examined, visited, or appraised, including fraternal, township mutuals, reciprocal exchanges, nonprofit service plan corporations, health maintenance organizations, vendors of risk management services licensed under section 60A.23, or self insurance plans or pools established under section 176.181 or 471.982, shall pay to the insurance division the necessary expenses of the persons engaged in the examination, visit, or appraisal plus the per diem salary fees of the employees of the division of insurance who are conducting or participating in the examination, visitation, or appraisal. The per diem salary fees must be determined by the commissioner based upon the approved examination fee schedules of the National Association of Insurance Commissioners. All of these fees and expenses shall must be paid into the general insurance division revolving fund. The necessary expenses of the persons engaged in the examination, visit or appraisal shall be paid by the commissioner of finance at rates prescribed for state employees.

Sec. 3. Minnesota Statutes 1982, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In addition to the fees and charges provided for examinations, the following fees shall must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

- (1) for filing certificate of incorporation \$25 and amendments thereto, \$10;
- (2) for filing annual statements, \$15;
- (3) for each annual certificate of authority, \$15;

(4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

(1) for filing certified copy of certificate of articles of incorporation, \$50;

(2) for filing annual statement, \$30;

(3) for filing certified copy of amendment to certificate or articles of incorporation, \$50;

(4) for filing bylaws, \$25 or amendments thereto, \$10;

(5) for each company's certificate of authority, ~~\$30~~ \$40, annually.

(c) the following general fees apply:

(1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, \$5;

(2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;

(3) for license to procure insurance in unadmitted foreign companies, ~~\$10~~ \$40;

(4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of insurance, as attorney for service of process upon any non-resident agent or insurance company, including reciprocal exchanges, ~~\$5~~ \$15, which amount ~~shall~~ *must* be paid by the party serving the ~~same~~ notice and may be taxed as other costs in the action;

(5) for valuing the policies of life insurance companies, one cent per one thousand dollars of insurance so valued. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

(6) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(7) for issuing a *an initial license to an individual agent*, ~~\$15~~ \$20, for issuing an *initial agent's license to a partnership or corporation*, \$50, and for issuing an amended or duplicate license, ~~\$3~~ \$25;

(8) for an application, examination, or re-examination for one class of license, \$15 and an additional \$15 for an application, examination, or re-examination for the second class of license;

(9) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 ~~annually~~ and all other insurers shall remit \$3 ~~annually~~;

(10) for renewing an *individual agent's license*, \$20, and for renewing a *license issued to a corporation or partnership*, \$50;

(11) for issuing and renewing a *surplus lines agent's license*, \$500."

Page 3, lines 25, 26, and 27, delete the new language

Page 4, after line 16, insert:

“Sec. 6. Minnesota Statutes 1982, section 60A.17, is amended by adding a subdivision to read:

Subd. 1d. [RENEWAL FEE.] Each agent licensed pursuant to this section shall annually pay in accordance with the procedure adopted by the commissioner a renewal fee as prescribed by section 60A.14, subdivision 1, paragraph (c), clause (10).”

Page 5, line 18, delete “; or”

Page 5, lines 19 and 20, delete the new language

Page 7, line 14, after the semicolon, insert “or”

Page 7, delete lines 15 to 20

Page 7, line 21, after “health” insert “and property and casualty”

Page 7, line 23, delete “and” and insert a comma and after “health” insert “and credit property”

Reletter the clauses in sequence

Page 10, line 9, delete “1984” and insert “1985”

Page 10, line 10, delete “1982,”

Page 10, line 11, delete “or” and after “1984” insert “, or 1985”

Page 10, line 21, after “extension” insert “not to exceed 90 days.”

Page 10, line 27, delete “a”

Page 10, line 28, delete “reasonable time determined by the commissioner” and insert “30 days”

Page 11, line 36, delete “issued,” and delete the second comma

Page 12, line 3, delete the first comma and insert “or” and delete “, or”

Page 12, line 4, delete “restricted status license”

Page 12, after line 4, insert:

“If a licensed person fails to file a certificate of compliance or a request for a waiver or extension of requirements with the commissioner within 30 days of the date on which the person is required to report, the commissioner may issue an order summarily suspending that person’s license to act or assume to act as an insurance agent in this state. The order is effective upon service on the person by first class mail at his last known address on file with the commissioner. A person whose license has been summarily suspended under this subdivision may, within 15 days of the date of the order, request a hearing to be conducted within the provisions of chapter 14. The hearing must be held within 15 days of the commissioner’s receipt of the request, but the licensee may agree to an extension. The summary suspension must remain in effect pending the outcome of the hearing.”

Page 12, after line 11, insert:

“Sec. 9. Minnesota Statutes 1982, section 60A.198, subdivision 3, is

amended to read:

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 60A.195 to 60A.209;

(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; *and*

(e) annually paying a fee as prescribed by section 60A.14, subdivision 1, paragraph (c), clause (11).

Sec. 10. Minnesota Statutes 1982, section 60A.23, subdivision 8, is amended to read:

Subd. 8. [SELF INSURANCE PLAN ADMINISTRATORS; VENDORS OF RISK MANAGEMENT SERVICES.] (1) [SCOPE.] This subdivision applies to any vendor of risk management services and to any entity which administers, for compensation, a self insurance plan. This subdivision shall not apply (a) to an insurance company authorized to transact insurance in this state, as defined by section 60A.06, subdivision 1, clauses (4) and (5); (b) to a service plan corporation, as defined by section 62C.02, subdivision 6; (c) to a health maintenance organization, as defined by section 62D.02, subdivision 4; (d) to an employer directly operating a self insurance plan for its employees' benefits ~~or (e) to a nonprofit insurance trust administered and operated for the benefit of employer participants and established prior to January 1, 1979.~~

(2) [DEFINITIONS.] For purposes of this subdivision the following terms have the meanings given them.

(a) "Administering a self insurance plan" means (i) processing, reviewing or paying claims, (ii) establishing or operating funds and accounts, or (iii) otherwise providing necessary administrative services in connection with the operation of a self insurance plan.

(b) "Employer" means an employer, as defined by section 62E.02, subdivision 2.

(c) "Entity" means any association, corporation, partnership, sole pro-

prietorship, trust, or other business entity engaged in or transacting business in this state.

(d) "Self insurance plan" means a plan providing life, medical or hospital care, accident, sickness or disability insurance, as an employee fringe benefit, *or a plan providing liability coverage for any other risk or hazard, which is not directly insured or provided by a licensed insurer, service plan corporation, or health maintenance organization.*

(e) "Vendor of risk management services" means an entity providing for compensation actuarial, financial management, accounting, legal or other services for the purpose of designing and establishing a self insurance plan for an employer.

(3) [LICENSE.] No vendor of risk management services or entity administering a self insurance plan may transact ~~such~~ *this* business in this state unless it is licensed to do so by the commissioner. 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 is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner may issue a license subject to restrictions or limitations upon the authorization, including the type of services which may be supplied or the activities which may be engaged in. The *initial* license fee shall be ~~\$400~~ \$2,000. *The fee for renewal of a license shall be \$1,000.* All licenses are for a period of ~~two years~~ *one year.*

(4) [REGULATORY RESTRICTIONS; POWERS OF THE COMMISSIONER.] To assure that self insurance plans are financially solvent, are administered in a fair and equitable fashion, and are processing claims and paying benefits in a prompt, fair, and honest manner, vendors of risk management services and entities administering self insurance plans are subject to the supervision and examination by the commissioner. Vendors of risk management services, entities administering self insurance plans, and self insurance plans established or operated by them are subject to the trade practice requirements of sections 72A.19 to 72A.30.

(5) [RULE MAKING AUTHORITY.] To carry out the purposes of this subdivision, the commissioner may promulgate administrative rules, including emergency rules, pursuant to sections 14.01 to 14.70. These rules may:

(a) Establish reporting requirements for administrators of self insurance plans;

(b) Establish standards and guidelines to assure the adequacy of financing, reinsuring, and administration of self insurance plans;

(c) Establish bonding requirements or other provisions assuring the financial integrity of entities administering self insurance plans; or

(d) Establish other reasonable requirements to further the purposes of this subdivision.

Sec. 11. Minnesota Statutes 1982, section 471.982, subdivision 2, is amended to read:

Subd. 2. The commissioner of insurance is authorized to promulgate administrative rules, including emergency rules pursuant to sections 14.01 to 14.70. These rules may provide standards or guidelines governing the formation, operation, administration, dissolution of self insurance pools, and other reasonable requirements to further the purpose of this section and shall at a minimum require the following:

(a) All participants in the pool are jointly and severally liable for all claims and expenses of the pool;

(b) Each pool shall contract with a service company licensed by the commissioner to provide or contract for all administrative services required by the pool. No vendor of risk management services or entity administering a self insurance plan under this section may transact such business in this state unless it is licensed to do so by the commissioner. ~~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 is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner may issue a license subject to restrictions or limitations upon the authorization, including the type of services which may be supplied or the activities which may be engaged in. The license fee shall be \$100. All licenses shall be for a period of two years pursuant to section 60A.23, subdivision 8;~~

(c) The service company has sole responsibility for the settlement of all claims against the pool or its members for which the pool may provide indemnification;

(d) A minimum premium volume for each pool shall be established. The minimum premium volume may differ because of the kinds of coverage provided, and the limits of liability for the coverage;

(e) All premiums or other assessments due to the pool from members shall be payable prior to the period for which coverage is being provided, or at equal intervals throughout the period;

(f) Premiums shall either be established by an actuary approved by the commissioner or shall be premiums filed by a licensed rate service organization with reductions permitted solely for administrative or premium tax savings;

(g) The commissioner may require each pool to purchase excess insurance above certain limits and in a particular form. The limits or form of the excess insurance may differ based on the kinds of coverage offered by a pool, the limits of liability of the coverage, and the revenues available to pool members for the payment of premiums or assessments;

(h) Each pool shall be audited annually by a certified public accountant;

(i) Limitations on the payment of dividends to pool members may be established as necessary to assure the solvency of the pool;

(j) No participant may withdraw from a pool for a period of at least three years after its initial entry into the pool;

(k) The amount of any liabilities in excess of assets shall be assessed to

members of the pool within 30 days after a deficiency is identified and shall be payable by the member within 90 days;

(l) The investment policies of the pool shall be governed by the laws governing investments by cities pursuant to section 475.66;

(m) Pools shall be subject to the standards of unfair methods of competition and unfair or deceptive acts or practices established in chapter 72A;

(n) Other requirements that are necessary to protect the solvency of the pool, the rights and privileges of claimants against the pool, and citizens of the members of the pool shall be included in the rules."

Page 12, line 13, delete ", 2, 4, and 5" and insert "; 2; 7; 8"

Page 12, line 13, after "7" insert a comma and after "12" insert "; 9; 10; and 11"

Page 12, line 14, after the period, insert "*Sections 3, 4, and 6 are effective July 1, 1983.*"

Page 12, lines 14 and 16, delete "5" and insert "8"

Page 12, line 15, after "9" insert a comma

Page 12, line 15, delete "3" and insert "5"

Page 12, line 16, after "11" insert a comma

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert " providing for the payment of examination fees and expenses of the insurance division; providing license and renewal fees for agents; regulating self-insurance plans and pools;"

Page 1, line 10, delete "6" and insert "5" and before "60A.17" insert "60A.14, subdivision 1;"

Page 1, line 11, after "6c" insert ", and by adding a subdivision"

Page 1, line 11, after the semicolon, insert "60A.198, subdivision 3; 60A.23, subdivision 8; 471.982, subdivision 2;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 607: A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of money designated by them for certain combined charitable funds; amending Minnesota Statutes 1982, section 15.375, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 309; repealing Minnesota Statutes 1982, section 15.375, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, delete "*approved by*" and insert "*registered with*"

Page 2, line 25, delete "on forms provided by the commissioner"

Page 2, line 30, delete "The"

Page 2, delete lines 31 to 35 and insert "A registered combined charitable organization shall disclose in its solicitation and its annual report filed under section 309.53:

(a) Gross dollars received in contributions in the prior year;

(b) Names of and amount of money distributed to each charitable agency by the combined charitable organization;

(c) Percentage of gross dollars contributed which was directly received by the charitable agencies; and

(d) Projected percentage of the contribution to be received by the charitable agencies in the year for which the solicitation is being made.

If participating charitable agencies are required to pay any fees to the combined charitable organization, it shall also be disclosed in the solicitation and annual report. In the annual report the combined charitable organization shall include a list of charitable agencies to which donors specifically designated funds, and the amount designated to each agency."

Page 3, line 5, delete "approve" and insert "register"

Page 3, line 5, delete "disapprove" and insert "not register"

Page 3, line 6, delete everything after the period

Page 3, delete line 7

Page 3, line 8, delete "section."

Page 3, delete lines 23 and 24

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 156: A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

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 Local and Urban Government, to which was referred

S.F. No. 917: A bill for an act relating to the city of Bloomington; permitting the establishment of special service districts; providing taxing and other financial authority for Bloomington.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete the second "city" and insert "cities" and after

“*Bloomington*” insert “*and Edina*”

Page 5, line 33, after the first “*in*” insert “*the event that*”

Page 8, line 31, after “*effective*” insert “*separately for each city*”

Page 8, line 33, after the first “*of*” insert “*each of*” and delete “*city*” and insert “*cities*” and after “*Bloomington*” insert “*and Edina*”

Amend the title as follows:

Page 1, line 2, delete “*city*” and insert “*cities*” and after “*Bloomington*” insert “*and Edina*”

Page 1, line 4, after “*Bloomington*” insert “*and Edina*”

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. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 824: A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

“Sec. 2. [REORGANIZATION OF DUTIES.]

Subdivision 1. The city council of Minneapolis shall by ordinance initiate and direct any reorganization, consolidation, or delegation of the functions, duties, and responsibilities of the comptroller-treasurer, and other fiscal management functions which the city may exercise, except the establishment and functions of the office of the budget as provided in chapter 5, section 8, of the Minneapolis city charter, and may make other administrative changes as deemed necessary for the purpose of promoting efficiency in city government.

Subd. 2. The city council by ordinance shall designate the title of the division or department and establish the method of appointing the finance officer to head the division or department assuming the reorganized duties and functions. The finance officer shall be in the unclassified service of the city. If the person appointed to the position is a member of the classified service of the city of Minneapolis, the appointee shall be deemed to be on leave of absence during the person's tenure in the appointive position, and upon the termination of the service shall be returned to the person's permanent civil service classification. If no vacancy is available in the person's permanent civil service classified position, seniority shall prevail and the person most recently certified to the position shall be returned to the permanent civil service position held by the person prior to the certification.

Subd. 3. The finance officer shall continue to provide the function of treasurer for the various boards and commissions served by the previous comptroller-treasurer but shall not serve as a member of the boards and commissions.

Subd. 4. The city council by ordinance shall provide for an independent internal audit of the financial records which may be done by an independent agency of the city, or otherwise.

Sec. 3. [MEMBERSHIP ON BOARD OF ESTIMATE AND TAXATION.]

Notwithstanding the provisions of the city charter or any other law to the contrary, membership on the board of estimate and taxation previously held by the comptroller-treasurer shall be held by either the president of the city council or a citizen of the city, trained and experienced in finance or accounting, to be selected in the manner adopted by ordinance by the city council.

Sec. 4. [MAYOR'S VETO.]

Any ordinance passed pursuant to section 2 or 3 shall be subject to chapter 3, section 1, of the Minneapolis city charter.

Sec. 5. Minnesota Statutes 1982, section 422A.02, is amended to read:

422A.02 [RETIREMENT BOARD; MEMBERS.]

A retirement board of seven members is hereby constituted which shall consist of the following:

(1) Mayor, or a designee selected by the mayor;

(2) ~~The city comptroller-treasurer;~~

(3) One member of the city council selected by the council; and

~~(4) Four~~ (3) Five legally qualified voters to be chosen by the employees as defined in members of the retirement fund created by sections 422A.01 to 422A.25 who are contributors to the retirement fund created by sections 422A.01 to 422A.25 at least two of whom shall be retired members. The employees members may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to the association. The persons selected shall serve for staggered terms of ~~two~~ three years from the first of the next succeeding January after their election, and until their successors are duly elected. The selection shall be made by the employees members of the association during the first week of December of each year. Vacancies occurring by death, resignation, or removal of representatives shall be filled by representatives chosen by the employees members of the association.

Sec. 6. Minnesota Statutes 1982, section 422A.03, subdivision 3, is amended to read:

Subd. 3. At the regular meeting in January each year, the board shall elect from among its members a president, a vice president, and a ~~secretary~~ secretary-treasurer, who shall hold office for one year or until successors have been elected and qualified. ~~The city comptroller-treasurer shall serve as treasurer of the board.~~ The president shall preside at all meetings at which he is present. In the absence of the president the vice president shall preside and have all the powers of the president while acting as such. The recording secretary shall keep a record of all proceedings of the board, which shall be open to public inspection. At least one of the officers of the board shall be one of the representatives elected by the employees of the city to the

board.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after “Minneapolis” insert “; authorizing the reorganization, reallocation, consolidation, and delegation of the functions of the office; restructuring the board of estimate and taxation in the city of Minneapolis; changing the membership and terms of members of the retirement board; amending Minnesota Statutes 1982, sections 422A.02; and 422A.03, subdivision 3”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1109: A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 458.195, subdivision 5; and 473.556, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [BLOOMINGTON PORT AUTHORITY ACQUISITION AUTHORITY.]

The port authority of the city of Bloomington may purchase and accept conveyances of real property from all other public agencies, commissions, or other units of government, including the metropolitan sports facilities commission, if the real property can be properly utilized by the port authority to carry out the purposes of Laws 1957, chapter 812. The port authority may, with the approval of the city council, issue bonds as provided in section 458.193 for the purpose of paying the cost of purchasing the real property.

Sec. 2. Minnesota Statutes 1982, section 473.556, subdivision 6, is amended to read:

Subd. 6. [DISPOSITION OF PROPERTY.] (a) The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 473.551 to 473.595.

(b) Real property at the metropolitan sports area (not including the indoor public assembly facility and adjacent parking facilities) which is no longer needed for sports facilities shall be sold or leased for commercial or industrial development in accordance with the procedures in section 458.196 within two years to a private, for-profit entity, and thereafter the property shall be subject to all applicable taxes and assessments and all government laws, regulations and ordinances bearing on use and development as if the property were privately owned.

(c) *If the real property described in paragraph (b) is not sold or leased*

pursuant to the provisions of paragraph (b), the port authority or the city of Bloomington shall have the option to purchase or lease, in whole or in part, the real property at the metropolitan sports area not including the indoor public assembly facility and adjacent parking facilities on negotiated terms and conditions.

(d) Real property disposed of under this subdivision shall be subject to leases, agreements, or other written interests in force on the effective date of this act.

(e) The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt ~~service~~ retirement.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment. Section 2 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "permitting certain land acquisitions by the Bloomington port authority;"

Page 1, line 5, delete "458.195, subdivision 5; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 762: A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal facility.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete "on it" and insert "thereon"

Page 2, line 10, delete the second "a" and insert "the"

Page 2, line 22, after "When" insert "such"

Page 2, line 25, delete the period and insert "and"

Page 2, after line 32, insert:

"Sec. 4. [LEASES.]

If the city awards contracts for the purchase and installation of solid waste disposal equipment prior to August 1, 1983, in accordance with Minnesota Statutes, section 471.345, and subsequent to such award determines to acquire such equipment by lease as provided in Minnesota Statutes, section 465.71, such award shall be deemed to comply with the provisions of sections 465.71 and 471.345."

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 921: A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivision 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 23, insert:

“Sec. 2. Minnesota Statutes 1982, section 473.703, subdivision 1, is amended to read:

Subdivision 1. The district shall be operated by a commission which shall consist of ~~two members from each county within the district, except that each county within the district which has a seven member county board as provided in section 375.01, shall have one additional member on the commission.~~ If a county is only partly included in the district it shall have only one member *three members from Anoka County, one member from Carver County, three members from Dakota County, three members from Hennepin County, three members from Ramsey County, two members from Scott County, and two members from Washington County.* Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners.”

Page 3, after line 25, insert:

“Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete “subdivision 9” and insert “subdivisions 1 and 9”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 492: A bill for an act relating to financial institutions; regulating certain acquisitions by bank holding companies; defining terms; prescribing limitations; proposing new law coded in Minnesota Statutes, chapter 47.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 35, delete “(a)”

Page 3, line 1, delete everything after “bank”

Page 3, delete line 2

Page 3, line 3, delete "house,"

Page 3, after line 20, insert:

"No bank or bank holding company may establish or operate any additional office or branch separate from the main banking house."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 962: A bill for an act relating to education; providing for Indian scholarships; amending Minnesota Statutes 1982, section 124.48.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 25, insert:

"Sec. 2. [124.485] [INDIAN SCHOLARSHIP REPORT TO LEGISLATURE.]

By January 15 of each odd numbered year, the state board of education shall report to the education committees of the legislature about the status of tuition aid and need-based scholarships and the recipients."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 944: A bill for an act relating to education; establishing the basis upon which financial stipends for scholarships and grants-in-aid are determined; amending Minnesota Statutes 1982, section 136A.121.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, after "equivalent" insert ", or is 17 years of age or over,"

Page 3, after line 8, insert:

"The minimum financial stipend shall be \$100."

Page 3, after line 30, insert:

"The minimum financial stipend shall be \$100."

Page 3, line 36, delete "in the 1986-1987" and insert "July 1, 1985"

Page 4, line 1, delete "school year"

Page 4, line 5, delete "the 1986-1987 school year" and insert "July 1, 1985"

Page 5, after line 32, insert:

"Sec. 2. [AUTHORITY TO ADOPT TEMPORARY RULES.]

The board shall have the authority to adopt temporary rules pursuant to

Minnesota Statutes 1982, section 14.29, to implement the provisions of Minnesota Statutes, section 136A.121, for the 1983-1984 academic year."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing higher education coordinating board to adopt temporary rules;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 880: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to accept gifts; designating the commissioner as administrator of weatherization programs; providing for weatherization grants; regulating summer youth programs; amending Minnesota Statutes 1982, sections 268.011, subdivision 2; 268.34; and 268.37, subdivisions 2, 4, and 5; repealing Minnesota Statutes 1982, section 268.37, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 27, insert:

"Sec. 6. Minnesota Statutes 1982, section 268.52, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF FUNDS.] Funds appropriated for *Minnesota economic opportunity grants and community service block grants* for the purpose of subdivision 1 shall be allocated annually to community action agencies under either clause (a) or (b), whichever is more advantageous to the agency, to Indian reservations under clause (c) and to the Minnesota migrant council under clause (d).

If the appropriation is insufficient to fully fund each agency, for *Minnesota economic opportunity grants or community service block grants* is less than the previous fiscal year the insufficiency shall be prorated annually among the agencies.

(a) In proportion to the size of the poverty level population served by the agency when compared to the size of the poverty level population in the state; or

(b) Determined as follows:

If the appropriation of funds for community action agencies shall be equal to or more than that available in *the previous fiscal years 1979 and 1980 year*, there shall be in place a "hold-harmless" provision for the allocation of funds among community action agencies. For purposes of this section, "hold-harmless" for *the Minnesota Economic Opportunity Grant Program* is the amount of funding received by a community action agency under the Economic Opportunity Grant Program in the previous fiscal year ~~when calculating an agency's economic opportunity grant~~. When calculating an

agency's community services block grant, "hold-harmless" is the amount of funding received by a community action agency from the ~~local initiative~~ ~~or~~ community services block grant *act basic allotment* in the previous fiscal year.

(c) Allocation of funds to Indian reservations is based on the poverty level population of the reservation.

(d) Allocation of funds to the Minnesota migrant council shall not exceed three percent of the total funds available. The state office of economic opportunity shall negotiate the percentage allocation annually based on the most recent low income population figures."

Page 3, delete lines 28 to 30

Amend the title as follows:

Page 1, line 7, after "programs;" insert "providing financial assistance allocations for community action agencies;"

Page 1, line 8, delete "and"

Page 1, line 9, delete "repealing Minnesota Statutes" and insert "and 268.52, subdivision 2"

Page 1, line 10, delete everything before the period

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. 1012: A bill for an act relating to waste management; amending the Hazardous Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; amending Minnesota Statutes 1982, sections 115.071, subdivisions 2 and 3; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28, subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3; 116.06, subdivision 13; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding a subdivision; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1;

116.07, subdivision 4c; and 116.41, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Page 12, line 35, before the period, insert “;

(e) recommendations for the allocation of liability among the owners, operators, and users of a disposal facility established pursuant to sections 115A.18 to 115A.30 including any recommended legislative changes, taking into consideration the need for the facility, the state’s involvement in the facility, the need to protect the health, property and environment of the local community from injury and loss, and the need for incentives to encourage the development and use of alternatives to land disposal”

Page 13, line 7, after “and” insert “shall recommend and” and after “encourage” insert “methods and procedures that will insure”

Page 13, line 20, strike “not”

Page 13, line 21, after “14” insert “or provisions submitted for review and found satisfactory by the legislative commission on administrative rules”

Page 13, line 36, delete “The hearing”

Page 14, delete lines 1 to 3

Page 14, line 4, delete “hearing procedures of the board.”

Page 15, line 8, delete “project” and insert “plan”

Page 15, line 16, delete “must” and insert “are to”

Page 20, line 2, delete “13” and insert “12”

Page 21, line 33, after “upon” insert “agricultural land, and”

Page 22, lines 11 and 17, delete “25” and insert “31”

Page 22, line 21, delete “and”

Page 22, strike line 22

Page 22, line 23, strike the old language

Page 22, line 24, delete “32” and insert “31”

Page 23, line 19, delete “23” and insert “22”

Page 23, line 20, delete “24” and insert “23”

Page 24, line 14, delete “32” and insert “31”

Page 24, line 17, after “statement” insert “, except as the agency determines is necessary to examine the environmental effects of the permitting decisions”

Page 24, line 24, delete “32” and insert “31”

Page 26, line 23, delete “32” and insert “31”

Page 33, line 4, strike everything after the headnote

Page 33, strike lines 5 to 10, and insert "*The designation shall not apply to or include:*

(a) materials which are separated from solid waste and recovered for reuse in its original form or for use in manufacturing processes; or

(b) materials other than those described in clause (a) which are being delivered to another resource recovery facility"

Page 33, line 19, delete "*including sewage sludge.*"

Page 33, line 21, after "*or*" insert "*contained*"

Page 33, line 23, after "*its*" insert "*quantity, concentration, or*"

Page 33, line 23, delete "*biological properties*" and insert "*infectious characteristics*"

Page 33, line 27, reinstate the stricken "*or*" and delete the comma and strike "*other living organisms*"

Page 33, line 28, delete the comma at the end of the line

Page 33, line 29, delete "*or*"

Page 33, after line 35, insert:

"Sec. 37. Minnesota Statutes 1982, section 116.06, is amended by adding a subdivision to read:

Subd. 9i. "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air contaminant treatment facility, or any other waste having similar characteristics and effects."

Page 39, line 5, delete everything after "*and*"

Page 39, line 6, delete everything before "*the*"

Page 39, line 7, delete "*may*" and insert "*shall review the development schedule at least every two years and shall*"

Page 39, line 8, delete "*adopted county*" and insert "*progress made in the adoption and implementation of the council and county abatement*"

Page 43, line 36, strike everything after "*facilities*"

Page 44, line 1, strike "*disposal of demolition debris*"

Page 44, lines 13 and 14, delete the new language

Page 51, after line 5, insert "*A county shall not be required to develop a solid waste disposal facility in any municipality in which the county proposes to locate a resource recovery facility for mixed municipal solid waste if the council finds that the disposal capacity required by the development schedule adopted under section 473.149, subdivision 2c can be provided without development of the solid waste disposal facility.*"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "*Hazardous*"

Page 1, line 16, delete "subdivisions 2 and" and insert "subdivision"

Page 1, line 25, after "13" insert ", and by adding a 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. 755: A bill for an act relating to agriculture; making changes in the artificial dairy products act; amending Minnesota Statutes 1982, sections 32.53; 32.531; 32.5311; 32.532; 32.533; and proposing new law coded in Minnesota Statutes, chapter 32.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 2, delete "or" and insert "of"

Page 3, line 3, after "manufactured" insert "principally"

Page 4, line 24, after "name" insert ", but in no event smaller than one-quarter of an inch or 18 point type."

Page 4, line 30, delete "a filled or" and insert "an"

Page 4, line 32, delete "printed" and insert "principal"

Page 5, line 1, after "section" insert "or section 4"

Page 5, line 3, delete "A food product"

Page 5, line 4, delete "made to resemble a" and insert "An artificial"

Page 5, lines 6 and 8, delete "food" and insert "artificial dairy"

Page 5, line 13, delete "a food product made to resemble a" and insert "an artificial"

Page 5, line 15, delete "food" and insert "artificial dairy"

Page 5, line 17, delete "have" and insert "has"

Page 5, after line 17, insert:

"Subd. 3. [EXEMPTION.] This section does not apply to any package containing an individual serving of less than one-half ounce or one-half fluid ounce of an artificial dairy product for use in a restaurant, institution, or passenger carrier, and not otherwise packaged for sale at retail."

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. 745: A bill for an act relating to outdoor recreation; authorizing the issuance of state bonds and appropriating the proceeds for the acquisition and betterment of state trails; authorizing the sale of unneeded trail land; amending Minnesota Statutes 1982, section 85.015, by adding a sub-

division.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, delete "*such*" and insert "*of these*" and delete "*subdivision*" and insert "*subdivisions*"

Page 2, line 30, delete "*the sale*" and insert "*sales*" and delete "*or*" and insert "*and*"

Page 2, line 32, delete "*section 4f of the Federal Highway Act of 1968*" and insert "*United States Code, title 23, section 138, and title 49, section 1653(f)*"

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. 849: A bill for an act relating to taxation; eliminating the income tax credit for excise tax paid on gasoline bought and used for motorboats; amending Minnesota Statutes 1982, sections 290.06, subdivision 13; 296.18, subdivision 1; and 296.421, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 12, insert:

"Sec. 3. Minnesota Statutes 1982, section 296.421, subdivision 4, is amended to read:

Subd. 4. [DISTRIBUTION OF UNREFUNDED TAX FOR MOTOR BOAT PURPOSES.] The amount of ~~unrefunded~~ tax paid on gasoline used for motor boat purposes as computed in ~~Minnesota Statutes 1961, Section 296.421,~~ subdivision 5, shall be paid into the state treasury and 33 1/3 percent thereof shall be credited to the state park development account; 33 1/3 percent thereof shall be credited to the game and fish fund to be used to defray the cost and expense of the division of game and fish and the department of natural resources in the acquisition, improvement, development and maintenance of sites for public access to public waters of this state and for lake improvement; and the remaining 33 1/3 percent thereof shall be credited to the general fund for purposes of boat and water safety."

Page 2, line 16, strike "unrefunded"

Page 2, line 16, after "tax" insert "*paid on gasoline used for motorboat purposes*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "subdivision 5" and insert "subdivisions 4 and 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. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 803: A bill for an act relating to tax-forfeited land; authorizing the sale of a certain tract within the city of Orono.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after the period, insert "*If an owner of adjoining property purchases the tract, the price of the tract shall be at least the appraised value of the tract created by combining the tract sold under this section with the adjoining parcel owned by the buyer, less the appraised value of the adjoining parcel before the sale.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 79: A bill for an act relating to horse racing; creating a Minnesota racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, engage in certain occupations and conduct pari-mutuel betting on horse racing; prescribing taxes and license fees; establishing a Minnesota breeders fund; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 38.04; 609.75, subdivision 3; and 609.761; proposing new law coded as Minnesota Statutes, chapter 240.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

DEFINITIONS

Section 1. [299J.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. [HORSE RACING.] "Horse racing" means any form of horse racing in which horses carry a rider or pull a sulky.

Subd. 3. [PERSON.] "Person" means an individual, firm, association, partnership, corporation, trustee, or legal representative, and any licensee, participant, or patron.

Subd. 4. [COMMISSION.] "Commission" means the Minnesota racing commission.

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of public safety.

Subd. 6. [DIVISION.] "Division" means the division of pari-mutuel betting within the department of public safety.

Subd. 7. [PARI-MUTUEL BETTING.] "Pari-mutuel betting" means the system of betting on horse races where those who bet on horses that finish in the position or positions for which bets are taken share in the total amounts bet, less deductions required or permitted by law.

Subd. 8. [BREAKAGE.] "Breakage" means the odd cents of all money to be distributed based on each dollar bet exceeding a sum equal to the next lowest multiple of ten.

Subd. 9. [STRAIGHT POOLS AND BETS.] "Straight pool" means a licensed pari-mutuel pool in which each ticket represents a bet to win, place, or show. A "straight bet" means a bet in a straight pool.

Subd. 10. [MULTIPLE POOLS AND BETS.] "Multiple pool" means a licensed pari-mutuel pool other than a straight pool. A "multiple bet" means a bet in a multiple pool.

Subd. 11. [LICENSED RACETRACK.] "Licensed racetrack" means a racetrack at which horse racing is conducted on the premises and which holds a class A or class D license issued by the commission.

Subd. 12. [RACING DAY.] "Racing day" means a day assigned by the commission as a racing day, and on which racing is conducted.

Subd. 13. [RACING MEETING.] "Racing meeting" means a series of days in which racing days are not separated by more than five non-racing days.

ARTICLE 2

RACING COMMISSION

Section 1. [299J.02] [RACING COMMISSION.]

Subdivision 1. [COMMISSION CREATED.] A Minnesota racing commission is established with the powers and duties specified in article 2 of this act. The commission consists of nine members appointed by the governor with the advice and consent of the senate. Not more than five of the members may belong to the same political party. At least one member must be from each congressional district. The governor shall designate the chairman of the commission. Of the members first appointed, three are for terms expiring June 30, 1985, three are for terms expiring June 30, 1987, and three are for a term expiring June 30, 1989. After the expiration of the initial term, appointments are for terms of six years. An appointment to fill a vacancy in an unexpired term is for the remainder of the term and is with the advice and consent of the senate.

Subd. 2. [QUALIFICATIONS; BONDING; CONFLICT OF INTEREST.] (a) A member of the commission must have been a resident of Minnesota for at least five years before his appointment and must have a background and experience such as would qualify him for membership on the commission.

(b) A member must, before taking his place on the commission, file a bond in the principal sum of \$10,000 payable to the state and conditioned upon the faithful performance of his duties.

(c) No commission member, nor any member of his immediate family, may:

(1) hold a license issued by the commission or have a direct or indirect

financial interest in any corporation, association, or partnership which holds a license issued by the commission or holds a contract to supply goods or services to a licensee or at a licensed racetrack, including concessions contracts;

(2) own, wholly or in part, or have an interest in a horse which races at a licensed racetrack in Minnesota; or

(3) have a financial interest in or be employed in a profession or business which conflicts with the performance of his duties as a commission member.

Subd. 3. [COMPENSATION.] The compensation of commission members is \$50 per day spent on commission activities authorized by the commission plus expenses in the same manner and amount as received by state employees.

Subd. 4. [REMOVAL; VACANCIES.] The removal of commission members and the filling of vacancies is as provided in section 15.0575. A violation of subdivision 2, paragraph (c), is grounds for removal for cause under that section.

Subd. 5. [ACTIONS.] The commission may sue and be sued in its own name but no action may be brought against the commission or any of its members for actions taken in good faith in the performance of their duties. Suits and actions may be commenced against the commission in any court of competent jurisdiction in this state by the service on the secretary of state of any summons, process, or pleadings authorized by the laws of this state. If any summons, process, or pleadings is served upon the secretary of state, it must be by duplicate copies, one of which must be retained in the office of the secretary of state, and the other to be forwarded immediately by certified mail to the chairman of the commission at the current address of the commission. The executive secretary of the commission shall keep the secretary of state informed of the mailing address of the commission and any changes thereto. The attorney general is the legal counsel for the commission.

Subd. 6. [MEETINGS.] All meetings conducted by the commission must be open to the public as provided under section 471.705.

Subd. 7. [HEARINGS.] All hearings conducted by the commission must be conducted in accordance with chapter 14, the Administrative Procedure Act.

Subd. 8. [ANNUAL REPORT.] The commission shall once each year report to the governor and legislature on its activities, receipts and disbursements, and recommendations for changes in the laws relating to racing and pari-mutuel betting.

Sec. 2. [299J.03] [EMPLOYEES; ASSISTANCE; CONFLICT OF INTEREST.]

Subdivision 1. [EXECUTIVE SECRETARY.] The commission shall appoint an executive secretary who is the chief administrative officer of the commission and who shall serve in the unclassified service and at the commission's pleasure. He shall devote full time to his duties, which are:

(a) to take and preserve records of all proceedings before the commission, maintain its books, documents, and records, and make them available for public inspection as the commission directs;

(b) *if so designated by the commission, to act as a hearing officer to conduct hearings, receive testimony and exhibits, and certify the record of proceedings to the commission;*

(c) *to supervise the employment, conduct, duties, and discipline of employees assigned to the commission under subdivision 2; and*

(d) *to perform other duties as directed by the commission.*

Subd. 2. [ASSISTANCE.] The commissioner shall provide the commission with office space, administrative services, and all necessary support personnel. The commission may also request assistance from any other department or agency of the state in fulfilling its duties and shall make appropriate reimbursement for all such assistance.

Subd. 3. [COMPENSATION.] The salaries of all commission employees must be determined as provided under chapter 43A.

Subd. 4. [CONFLICT OF INTEREST.] (a) The executive secretary and any employee assigned by the commissioner to provide assistance to the commission, as provided under subdivision 2, may not:

(1) hold a license issued by the commission or have a direct or indirect financial interest in any corporation, association, or partnership which holds a license issued by the commission or which holds a contract to supply goods or services to a licensee or at a licensed racetrack, including concessions contracts;

(2) own, wholly or in part, or have an interest in a horse which races at a licensed racetrack in Minnesota; or

(3) have a financial interest in or be employed in a profession or business which conflicts with the performance of his duties as an employee of or assigned to the commission.

(b) A violation of paragraph (a) by the executive secretary is grounds for termination of employment. A violation of paragraph (a) by any employee assigned to the commission who serves in the classified service is grounds for reassignment to another position within the department of public safety, excluding a position with the division of pari-mutuel betting and subject to available openings.

Sec. 3. [299J.04] [COMMISSION POWERS AND DUTIES.]

The commission has the following powers and duties:

(1) to issue, suspend, or revoke licenses as provided in this act;

(2) to determine the number of racing dates to be held in the state and at each track;

(3) to conduct hearings, investigations, and inquiries and compel the submission of information, documents, and records necessary to carry out its duties;

(4) to employ and supervise personnel, as provided under article 2, section 2, and contract for services necessary to carry out its duties; and

(5) to promulgate rules necessary to carry out the other powers and duties enumerated in this section.

Sec. 4. [299J.05] [LICENSES; IN GENERAL.]

Subdivision 1. [POLICY.] It is the intent of the legislature that authority granted by law to the commission to issue licenses not be construed as requiring the commission to issue any license.

Subd. 2. [CLASSES OF LICENSES.] (a) The commission may issue four classes of licenses:

(1) class A licenses, for the ownership and operation of a racetrack with horse racing on which pari-mutuel betting is conducted;

(2) class B licenses, for the sponsorship and management of horse racing on which pari-mutuel betting is conducted;

(3) class C licenses, for the privilege of engaging in certain occupations related to horse racing; and

(4) class D licenses, for the conduct of pari-mutuel horse racing by county agricultural societies or associations.

(b) No person may engage in any of the above activities without first having obtained the appropriate license from the commission.

Subd. 3. [APPLICATION FORMS; CONSENT TO INSPECTION.] All application forms for licenses must contain a statement to the effect that by accepting a license from the commission a licensee consents to having his property or person subject to inspection at any time by the chief of racing security or by security officers designated by the commissioner as provided under article 3, section 3, subdivision 3, of this act.

Subd. 4. [LICENSE FEES.] (a) The fee for a class A license is \$10,000 per year. The fee for a class B license is \$100 for each assigned racing day on which racing is actually conducted. The fee for a class C license for each occupation licensed under article 2, section 7, subdivision 1, must be established by the commission by rule except that no annual fee for a class C license may exceed \$100. The fee for a class D license is \$50 for each assigned racing day on which racing is actively conducted.

(b) License fees must be paid to the commission and forwarded by it to the state treasurer for deposit in the general fund. Fees imposed on class B and D licenses must be paid to the commission at a time and in a manner as provided by rule by the commission.

(c) The commission may by rule charge a fee for the registration of each class C occupation license issued in another jurisdiction and recognized in this state under a mutual recognition agreement authorized under article 2, section 7, subdivision 6.

Subd. 5. [LICENSES NONTRANSFERABLE.] A license issued under this act may not be transferred.

Sec. 5. [299J.06] [RACETRACK LICENSES.]

Subdivision 1. [APPLICATION.] The commission may issue one or more class A licenses but not more than one to any one person. An application for a class A license must be on a form prescribed by the commission and must be accompanied by detailed plans and specifications of the track, buildings, fences, and other improvements. The application must contain:

(a) *the name and address of the applicant and, if it is a corporation or association, the names of all officers, directors, and stockholders, including those of any of its holding companies;*

(b) *if required by the commission, the names of any person or persons holding directly, indirectly, or beneficially an interest of any kind in the applicant or any of its holding companies, whether the interest is financial, administrative, policy-making, or supervisory;*

(c) *a statement of the assets and liabilities of the applicant;*

(d) *a sworn statement executed by the applicant setting forth that no officer, director, or other person with a present or future direct or indirect financial or management interest in the racetrack, to the best of the applicant's knowledge:*

(1) *is in default in the payment of an obligation or debt to the state under this act;*

(2) *has ever been convicted of a felony in a state or federal court or has a state or federal felony charge pending;*

(3) *is or has been connected with or engaged in any illegal business;*

(4) *has ever been found guilty of fraud or misrepresentation in connection with racing or breeding;*

(5) *has ever been found guilty of a violation of a law or rule in any racing jurisdiction for which a license revocation has been or could have been imposed; or*

(6) *has ever knowingly violated a rule or order of the commission or commissioner or a law of Minnesota relating to racing; and*

(e) *an irrevocable consent statement, to be signed by the applicant, which states that suits and actions may be commenced against the applicant in any court of competent jurisdiction in this state by the service on the secretary of state of any summons, process, or pleadings authorized by the laws of this state. This consent must also stipulate that, if the applicant is a nonresident, the service of such process or pleadings on the secretary of state shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant in this state. If any summons, process, or pleadings is served upon the secretary of state, it must be by duplicate copies, one of which must be retained in the office of the secretary of state, and the other to be forwarded immediately by certified mail to the address of the applicant, as shown by the records of the secretary of state.*

Subd. 2. [HEARINGS.] Before granting an initial class A license, the commission shall hold one or more public hearings in the area where the racetrack is or will be located. The commission shall also request comments on the application from the city council of the city where the track is or will be located, or from the county board if it is to be located outside a municipality, and from the appropriate regional development commission or the metropolitan council, as the case may be.

Subd. 3. [INVESTIGATION.] Before granting an initial class A license, the commission shall conduct , or request the bureau of criminal apprehension to conduct, a comprehensive background and financial investigation of

the applicant and sources of financing. The commission shall by rule define the scope of preliminary and comprehensive investigations. The commission may charge an applicant an investigation fee to cover the cost of the investigation and shall from this fee reimburse the bureau for its share of the cost of the investigation. The bureau of criminal apprehension shall give the commission access to all criminal history data compiled by the bureau on class A licensees and applicants.

Subd. 4. [LICENSE ISSUANCE.] If after considering the information received at the hearing or hearings and from investigations, and after considering the comments requested under subdivision 2, the commission determines that the license will not adversely affect the public health, welfare, and safety, that the racetrack will be operated in accordance with all applicable laws and rules, that the license will not create a competitive situation that will adversely affect racing and the public interest, and that the applicant is financially able to operate a licensed racetrack, it may issue a class A license to the applicant. The license is effective until revoked or suspended by the commission or relinquished by the licensee.

Subd. 5. [PROHIBITED LOCATIONS.] A class A license may not be issued to any location where the operation of a racetrack is prohibited by a valid local zoning ordinance. Not more than one class A license may be issued by the commission within the seven-county metropolitan area.

Subd. 6. [CHANGES IN OWNERSHIP OR MANAGEMENT.] If a change in the officers, directors, or other persons with a present or future direct or indirect financial or management interest in the licensee, or a change of ownership of more than five percent of the licensee's stock is made after the initial application or license issuance, the applicant or licensee shall notify the commission of the changes within five days of their occurrence and provide the affidavit required by subdivision 1, clause (d).

Subd. 7. [LICENSE SUSPENSION AND REVOCATION.] (a) The commission may revoke a class A license for a violation of law, order, or rule which in the commission's opinion adversely affects the integrity of horse racing in Minnesota, or for an intentional false statement made in a license application, or for a willful failure to pay any money required to be paid by this act.

(b) The commission may suspend a class A license for up to one year for a violation of law, order, or rule, and may suspend a class A license indefinitely if it determines that the licensee has as an officer, director, stockholder, or other person who has a direct, indirect, or beneficial interest with a person who is in the commission's opinion inimical to the integrity of horse racing in Minnesota or who cannot be certified under subdivision 1, clause (d).

(c) A license revocation or suspension under this subdivision, or a refusal to renew a class A license, is a contested case under sections 14.57 to 14.70 of the Administrative Procedure Act and is in addition to criminal penalties imposed for a violation of law or rule.

Subd. 8. [LOCAL APPROVAL.] (a) An initial issuance of a class A license for a location in a city is not effective until it has been approved by a majority vote of the city council. Failure to act on a license within 30 days of its

referral to a city council by the commission constitutes approval.

(b) An initial issuance of a class A license for a location in a town is not effective until it has been approved by a majority vote of the town board. Failure to act on a license within 30 days of its referral to the town board by the commission constitutes approval.

(c) An initial issuance of a class A license for a location in unorganized territory is not effective until it has been approved by a majority vote of the county board. Failure to act on a license within 30 days of its referral to the county board by the commission constitutes approval.

(d) An initial issuance of a class A license for a location at the state fairgrounds is not effective until it has been approved by a majority vote of the city council of all contiguous cities to the state fairgrounds. Failure to act on a license within 30 days of its referral to a city council by the commission constitutes approval by that council.

Sec. 6. [299J.07] [RACING LICENSES.]

Subdivision 1. [APPLICATION.] The commission may issue one or more class B licenses for the sponsorship and management of horse racing at licensed racetracks. An application for a class B license must be on a form prescribed by the commission and must be accompanied by a bond in the principal amount of \$500,000 payable to the state of Minnesota and conditioned on the licensee's payment of all fees, taxes, and other money due and payable under this act, including horse owner's purses and payouts on winning pari-mutuel tickets. The application must contain:

(a) the name and address of the applicant and, if it is a corporation or association, the names of all officers, directors, and stockholders, including those of any of its holding companies;

(b) if required by the commission, the names of any person or persons holding, directly, indirectly, or beneficially, an interest of any kind in the applicant or any of its holding companies, whether the interest is financial, administrative, policy-making, or supervisory;

(c) a statement of the assets and liabilities of the applicant;

(d) a sworn statement of the type described in article 2, section 5, subdivision 1, clause (d); and

(e) an irrevocable consent statement, to be signed by the applicant, which states that suits and actions may be commenced against the applicant in any court of competent jurisdiction in this state by the service on the secretary of state of any summons, process, or pleadings authorized by the laws of this state. This consent must also stipulate that, if the applicant is a nonresident, the service of such process or pleadings on the secretary of state shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant in this state. If any summons, process, or pleadings is served upon the secretary of state, it must be by duplicate copies, one of which must be retained in the office of the secretary of state, and the other to be forwarded immediately by certified mail to the address of the applicant, as shown by the records of the secretary of state.

Subd. 2. [HEARINGS; INVESTIGATIONS.] Before granting an initial

class B license, the commission shall hold at least one public hearing on the license. Comprehensive investigations must be conducted and their costs paid in the manner prescribed by article 2, section 5, subdivision 3. The bureau of criminal apprehension shall give the commission access to all criminal history data compiled by the bureau on class B licensees and applicants.

Subd. 3. [LICENSE ISSUANCE.] If after considering the information received at the hearing and from investigations, the commission determines that the license will not adversely affect the public health, welfare, and safety, that the racetrack will be operated in accordance with all applicable laws and rules, that the license will not create a competitive situation that will adversely affect racing and the public interest, and that the applicant is fit to sponsor and manage racing, the commission may issue a class B license. The license is for a period of one year.

Subd. 4. [RENEWAL.] The commission may renew a class B license without a hearing unless it determines a hearing to be necessary.

Subd. 5. [CHANGES IN OWNERSHIP.] If a change in the officers, directors, or other persons with a present or future direct or indirect financial or management interest in the licensee, or a change of ownership of more than five percent of the licensee's stock is made after the initial application or license issuance, the applicant or licensee shall notify the commission of the changes within five days of their occurrence and provide the affidavit required in subdivision 1, clause (d).

Subd. 6. [LICENSE SUSPENSION AND REVOCATION.] Suspension, revocation, and refusal to renew a class B license is as provided in article 2, section 5, subdivision 7.

Subd. 7. [MULTIPLE LICENSES.] A person may simultaneously hold one class A and one class B license.

Sec. 7. [299J.08] [OCCUPATION LICENSES.]

Subdivision 1. [AUTHORITY.] The commission may issue class C occupational licenses to persons who wish to be employed in horse racing where pari-mutuel betting is conducted as:

- (a) horse owners or lessees;*
- (b) jockeys or drivers;*
- (c) exercise workers;*
- (d) grooms;*
- (e) trainers and their assistants;*
- (f) pari-mutuel personnel;*
- (g) security officers;*

(h) other occupations the commission by rule determines require licensing to insure the integrity of horse racing in Minnesota.

Subd. 2. [APPLICATION.] (a) An application for a class C license must be on a form prescribed by the commission and must be accompanied by an affidavit of qualification that the applicant:

(1) is not in default in the payment of an obligation or debt to the state under this act;

(2) has never been convicted of a felony in a state or federal court and does not have a state or federal felony charge pending;

(3) is not and never has been connected with or engaged in an illegal business;

(4) has never been found guilty of fraud or misrepresentation in connection with racing or breeding;

(5) has never been found guilty of a violation of law or rule in any racing jurisdiction for which a license revocation has been or could have been imposed; and

(6) has never knowingly violated a rule or order of the commission or commissioner or a law of Minnesota relating to racing.

(b) The application must also contain an irrevocable consent statement, to be signed by the applicant, which states that suits and actions may be commenced against the applicant in any court of competent jurisdiction in this state by the service on the secretary of state of any summons, process, or pleadings authorized by the laws of this state. This consent must also stipulate that, if the applicant is a nonresident, the service of such process or pleadings on the secretary of state shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant in this state. If any summons, process, or pleadings is served upon the secretary of state, it must be by duplicate copies, one of which must be retained in the office of the secretary of state, and the other to be forwarded immediately by certified mail to the address of the applicant, as shown by the records of the secretary of state.

Subd. 3. [INVESTIGATIONS.] The commission shall investigate each applicant for a class C license to the extent it considers necessary and may request the assistance of and may reimburse the bureau of criminal apprehension in investigating applicants. The commission may by rule require that an applicant be fingerprinted or furnish his fingerprints. Investigations must be conducted and their costs paid in the manner prescribed by article 2, section 5, subdivision 3. The commission may cooperate with national and international organizations and agencies in conducting investigations. The commission may by rule provide for examining the qualifications of an applicant for the license for which he is applying. The bureau of criminal apprehension shall give the commission access to all criminal history data compiled by the bureau on class C applicants and licensees.

Subd. 4. [LICENSE ISSUANCE AND RENEWAL.] If the commission determines that the applicant has sufficient qualifications for the occupation for which licensing is sought and will not adversely affect the public health, welfare, and safety or the integrity of racing in Minnesota, it may issue a class C license to the applicant. If it makes a similar finding for a renewal of a class C license it may renew the license. Class C licenses are effective for a period of one year.

Subd. 5. [REVOCAION AND SUSPENSION.] (a) The commission may revoke a class C license for a violation of a law, order, or rule which in the

commission's opinion adversely affects the integrity of horse racing in Minnesota, or for an intentional false statement made in a license application.

(b) The commission may suspend a class C license for up to one year for a violation of law, order, or rule. The commission may delegate to its designated agents the authority to impose suspensions of class C licenses and such a suspension may be appealed to the commission according to its rules.

(c) A license revocation or suspension is a contested case under sections 14.57 to 14.70 of the Administrative Procedure Act and is in addition to criminal penalties imposed for a violation of law or rule.

Subd. 6. [MUTUAL RECOGNITION AGREEMENTS.] The commission may enter into agreements with comparable bodies in other racing jurisdictions for the mutual recognition of occupational licenses issued by each body.

Sec. 8. [299J.09] [COUNTY FAIR LICENSES.]

Subdivision 1. [APPLICATION.] The commission may issue class D licenses to county agricultural societies or associations incorporated under chapter 38 to conduct and manage, on their own fairgrounds, horse racing on which pari-mutuel betting is conducted. An application for a class D license must be on a form prescribed by the commission and must be accompanied by a certified copy of a resolution of the county board of the county where racing is to be conducted stating that it has reviewed the license application and does not object to it. An application for a class D license must be accompanied by detailed plans and specifications of the track, buildings, fences and other improvements.

Subd. 2. [OCCUPATIONAL LICENSES.] A person who participates in the management or conduct of horse racing or pari-mutuel betting for a county fair holding a class C license who is in an occupation listed in article 2, section 7, subdivision 1, must have a class C license from the commission except for active members as defined in section 349.12 of nonprofit organizations who act without compensation as concession workers or pari-mutuel clerks.

Subd. 3. [HEARING.] Before granting an initial application for a class D license, the commission shall hold at least one public hearing in the county where the license is to be issued and if the racetrack to be licensed is within a city, it shall also request comments on the application from the city council.

Subd. 4. [ISSUANCE.] If after considering the information received at the hearing or hearings, and after considering the comments requested under subdivision 3, the commission determines that the license will not adversely affect the public health, welfare, and safety and that the racing to be licensed will be conducted in accordance with all applicable laws and rules, it may issue a class D license to the applicant. The license is for a period of one year.

Subd. 5. [RENEWAL.] The commission may renew a class D license without a hearing unless it determines a hearing to be necessary.

Subd. 6. [REVOCATION AND SUSPENSION.] Revocation and suspension of class D licenses, and refusals to renew class D licenses, are as provided in article 2, section 5, subdivision 7.

Sec. 9. [299J.10] [RACING DAYS.]

Subdivision 1. [ASSIGNMENT OF RACING DAYS.] (a) The commission shall assign racing days to each racetrack licensee authorized to conduct racing with pari-mutuel betting. A licensee may conduct racing with pari-mutuel betting only on a racing day assigned by the commission. The commission may assign racing days for up to three years beyond the year in which the assignment is made. Assignments of racing days in any year must be made by July 1 of that year, except as provided in paragraph (b) and except that it may assign dates after that date to a licensee whose license is issued after that date.

(b) Notwithstanding the provisions of paragraph (a), the commission may assign racing days for the year in which this act is effective at any time during the year. The provisions of subdivisions 2 to 4 apply to racing days assigned under this subdivision.

Subd. 2. [HEARING.] (a) A public hearing is required before the commission may:

(1) make an assignment of racing days;

(2) revises the assignment during the year; or

(3) assigns racing days to a licensee whose license is issued after the initial assignment.

(b) The commission may without a hearing assign one additional racing day to a licensee for each originally assigned racing day during the same racing meeting on which racing was not conducted for reasons beyond the licensee's control.

Subd. 3. [COUNTY FAIR RACING DAYS.] The commission may assign to a class D licensee only those racing days which coincide with the days on which the licensee's county fair is running.

Subd. 4. [RESCINDING OF RACING DAYS.] The commission may after a public hearing rescind one or more racing days assigned to a licensee if it determines that the licensee has not met or will not meet the terms of his license. A day or days so rescinded may be reassigned to another licensee.

Sec. 10. [299J.11] [APPEALS.]

Appeals from a decision or order of the commission shall be made in the manner prescribed by sections 14.63 to 14.68.

Sec. 11. [299J.12] [RIGHT OF INSPECTION.]

The commission and its representatives have the right to inspect the licensed premises of a licensee and to examine his books and other records at any time without a search warrant if necessary to a determination of whether or not to suspend or revoke the licensee's license.

ARTICLE 3

DIVISION OF PARI-MUTUEL BETTING

Section 1. [299J.13] [DIVISION ESTABLISHED.]

A division in the department of public safety to be known as the division of

pari-mutuel betting is established. The division shall be headed by a director who shall be appointed, serve, and perform duties as provided under article 3, section 3, subdivision 1.

Sec. 2. [299J.14] [POWERS AND DUTIES OF THE COMMISSIONER.]

The commissioner has the following powers and duties:

(1) to regulate horse racing in Minnesota to ensure that it is conducted in the public interest;

(2) to enforce all laws and rules governing horse racing;

(3) to collect and distribute all taxes provided for in this act;

(4) to conduct hearings, investigations, and inquiries and compel the submission of information, documents, and records necessary to carry out its duties;

(5) to supervise the conduct of pari-mutuel betting on horse racing;

(6) to employ and supervise personnel under this act; and

(7) to take all necessary steps to insure the integrity of racing in Minnesota.

Sec. 3. [299J.15] [DIVISION EMPLOYEES.]

Subdivision 1. [DIRECTOR.] The commissioner shall appoint a division director who shall serve in the unclassified service and at the commissioner's pleasure. He shall devote full time to his duties, which are:

(a) to take and preserve records of all proceedings before the division, maintain division documents and records, and make them available for public inspection as the commissioner directs;

(b) if so designated by the commissioner, to act as a hearing officer to conduct hearings, receive testimony and exhibits, and certify the record of proceedings before the division to the commissioner ;

(c) to supervise the employment, conduct, duties, and discipline of division employees; and

(d) to perform other duties as directed by the commissioner.

Subd. 2. [INSPECTOR OF PARI-MUTUELS.] The commissioner shall appoint an inspector of pari-mutuels who shall serve in the unclassified service and at the commissioner's pleasure. He shall, while employed by the division, devote full time to his duties, which are:

(a) to supervise all forms of pari-mutuel betting on horse racing in the state;

(b) to inspect all machinery;

(c) to make reports on pari-mutuel betting as the commissioner directs;

(d) subject to the commissioner's approval, to appoint deputy inspectors on a seasonal or part-time basis to perform duties the commissioner designates; and

(e) to perform other duties as directed by the commissioner.

Subd. 3. [CHIEF OF SECURITY.] The commissioner shall appoint a chief of racing security to serve in the unclassified service and at the commissioner's pleasure. He shall, while employed by the commissioner, devote full time to his duties. The chief of racing security is responsible for enforcing all laws and rules promulgated under this act relating to the security and integrity of racing. He and all other persons designated by the commissioner as security officers have free and open access to all areas of all facilities the commission licenses and may search without a search warrant any part of a licensed racetrack and the person of any licensee, licensed by the commission under article 2, on the premises. The chief of security may order a licensee to take, at the licensee's expense, security measures he considers necessary to protect the integrity of racing, but such an order may be appealed to the commissioner. Nothing in this act prohibits law enforcement authorities and agents from entering, in the performance of their duties, a premises licensed under this act.

Subd. 4. [MEDICAL OFFICER.] (a) The commissioner may appoint a medical officer who shall serve in the unclassified service and at the commissioner's pleasure. The medical officer must be a doctor of veterinary medicine. He shall, while employed by the commission, devote full time to his duties, which are:

(1) to supervise the formulation, administration, and evaluation of all medical tests that rules promulgated under this act require or authorize;

(2) to advise the commissioner on all aspects of veterinary medicine relating to its powers and duties; and

(3) to supervise all personnel involved in medical testing, subject to the supervision of the director.

(b) If no medical officer is appointed, his duties may be assigned to the director.

Subd. 5. [STEWARDS.] The commissioner shall appoint stewards with powers and duties as provided under article 3, section 4.

Subd. 6. [OTHER EMPLOYEES.] The commissioner may employ and assign duties to other employees and agents necessary to discharge his duties. They shall serve in the classified service.

Subd. 7. [COMPENSATION.] The salaries of all division employees must be determined as provided under chapter 43A.

Subd. 8. [ASSISTANCE.] The commissioner may request assistance from any other department or agency of the state in fulfilling his duties and shall make appropriate reimbursement for all such assistance.

Subd. 9. [CONFLICT OF INTEREST.] (a) No division employee may:

(1) hold a license issued by the commission or have a direct or indirect financial interest in any corporation, association, or partnership which holds a license issued by the commission or which holds a contract to supply goods or services to a licensee or at a licensed racetrack, including concessions contracts;

(2) own, wholly or in part, or have an interest in a horse which races at a licensed racetrack in Minnesota; or

(3) have a financial interest in or be employed in a profession or business which conflicts with the performance of his duties as an employee of the division.

(b) A violation of paragraph (a) by an unclassified employee of the division is grounds for termination of employment. A violation of paragraph (a) by a classified employee of the division is grounds for reassignment to another division within the department of public safety, subject to available openings.

Sec. 4. [299J.16] [STEWARDS.]

Subdivision 1. [POWERS AND DUTIES.] The commissioner shall appoint a board of three stewards for each licensed racetrack to preside over all races run at that track. The commissioner shall designate one steward as chairman. At least two stewards for all races must be employees of the division. The commissioner may delegate the following duties and powers to a board of stewards:

(a) to insure that races are run in accordance with the rules promulgated by the commissioner;

(b) to supervise the conduct of racing to insure the integrity of the sport;

(c) to settle disputes arising from the running of horse races, and to certify official results;

(d) to impose on licensees, for violation of law or rules promulgated under this act, fines not exceeding \$500;

(e) to recommend to the commissioner where warranted penalties in excess of those in clause (d);

(f) to otherwise enforce the laws and rules of racing; and

(g) to perform other duties and have other powers assigned by the commissioner.

Subd. 2. [APPEALS.] A ruling of a board of stewards may be appealed to the commissioner or be reviewed by him on his own initiative.

Subd. 3. [PROCEDURAL POWERS.] A board of stewards has the authority to administer oaths, issue subpoenas, order the production of documents and other evidence, and regulate the course of hearings before it, according to the rules promulgated by the commissioner. Hearings held by a board of stewards are not subject to the provisions of the Administrative Procedure Act except those provisions which the commissioner by rule makes applicable.

Subd. 4. [RULES.] In addition to rules under subdivision 3, the commissioner may promulgate rules governing the qualifications, appointment, approval, authority, removal, and compensation of stewards.

Subd. 5. [COSTS.] The commissioner may require that a licensee reimburse the division for the costs of providing two state-paid stewards to supervise racing at the licensee's racetrack.

Sec. 5. [299J.17] [PARI-MUTUEL BETTING.]

Subdivision 1. [BETTING AUTHORIZED.] Class B and D licensees are

authorized to conduct pari-mutuel betting on the results of races run at a licensed racetrack and on other races authorized by the commissioner under subdivision 6.

Subd. 2. [EQUIPMENT REQUIREMENTS.] A licensee conducting pari-mutuel betting at the licensed track must provide at that track:

(a) the necessary equipment for issuing pari-mutuel tickets; and

(b) mechanical or electronic equipment or devices, approved by the commissioner, for displaying information as required by the commissioner.

Subd. 3. [TYPES OF BETTING.] The commissioner shall by rule designate those types of pari-mutuel pools which are permitted at licensed racetracks. No licensee may conduct any type of pari-mutuel pool which has not been so designated.

Subd. 4. [TAKEOUT; DISTRIBUTION OF WINNINGS.] A licensee conducting pari-mutuel betting shall deduct from a straight pari-mutuel pool, before payments to holders of winning tickets, an amount equal to 19 percent of the total money in that pool. The licensee shall deduct from a multiple pari-mutuel pool, before payments to the holders of winning tickets, an amount equal to 22 percent of the total money in that pool. The remaining money in each pool must be distributed among the holders of winning tickets in a manner the commissioner by rule prescribes for each type of pool. Breakage must be computed on the basis of payoffs rounded down to the next lowest increment of twenty cents, with a minimum payoff of \$2.20 on a \$2 ticket; except that, the licensee may reduce the minimum payoff to \$2.10 on a \$2 ticket if there is not a sufficient amount in a pool to make a minimum payoff of \$2.20.

Subd. 5. [PURSES.] From the amounts deducted from all pari-mutuel pools by a licensee, an amount equal to five percent of all money in all pools must be set aside by the licensee and used for purses for races conducted by him. The commissioner may by rule provide for the administration and enforcement of this subdivision.

Subd. 6. [TELEVISED RACES.] (a) The commissioner may by rule permit a class B or D licensee to conduct on the premises of the licensed racetrack pari-mutuel betting on horse races run in other states and broadcast by television on the premises. All provisions of law governing pari-mutuel betting apply to pari-mutuel betting on televised races except as otherwise provided in this subdivision or in rules promulgated by the commissioner. In addition, all televised races under this subdivision must comply with the Interstate Horse Racing Act of 1978, United States Code, title 15, sections 3001 et seq.

(b) Pari-mutuel betting on a televised race may be conducted only on a racing day assigned by the commission.

(c) Pari-mutuel pools conducted on televised races authorized under paragraph (a) may consist only of money bet on the premises and may not be commingled with any other pool off the premises, except that:

(1) the licensee may pay a fee to the person or entity conducting the race for the privilege of conducting pari-mutuel betting on the race; and

(2) the licensee may pay the costs of transmitting the broadcast of the race.

(d) The takeout and taxes on pari-mutuel pools on televised races are as provided for other pari-mutuel pools.

Subd. 7. [TIME LIMIT FOR PAYMENTS.] The licensee shall pay off on an uncashed ticket presented for payment within 90 days of the end of the racing meeting during which it was issued. A ticket not presented for payment within that period is an unredeemed ticket and must be reported to the commissioner as provided in article 3, section 6, subdivision 5.

Subd. 8. [PROHIBITED ACTS.] A licensee may not accept a bet from any person under the age of 18 years; and a licensee may not accept a bet of less than \$2.

Sec. 6. [299J.18] [TAXES; PAYMENTS TO STATE.]

Subdivision 1. [TAXES IMPOSED.]

(a) There is imposed on the total amount bet on all pari-mutuel pools on each racing day a tax at the following rates:

(1) For each racing day in a calendar year on which the total amount bet together with the total amount bet at the same licensed racetrack in all previous racing days in the same calendar year does not exceed \$48,000,000, one and three-quarters percent of the total amount bet in all pari-mutuel pools.

(2) For each racing day in a calendar year after the racing day on which the total amount bet in all pari-mutuel pools at the same licensed racetrack in the same calendar year exceeds \$48,000,000, six percent of the total amount bet in all pari-mutuel pools.

(b) In addition to the above tax, the licensee shall designate and pay to the commissioner a tax for deposit in the Minnesota breeders fund, established under article 4, at the following rates:

(1) For racing days under paragraph (a), clause (1), on which the state tax is one and three-quarters percent, one-half percent of the total amount bet in all pari-mutuel pools.

(2) For racing days under paragraph (b), clause (2), on which the state tax is six percent, one percent of the total amount bet in all pari-mutuel pools.

The taxes imposed under this paragraph must be paid from the amounts permitted to be withheld by a licensee under article 3, section 5, subdivision 4.

(c) The commission shall impose on each paid admission to each licensed racetrack on a racing day a tax of 40 cents.

Subd. 2. [PAYMENT.] The licensee shall remit the tax to the commissioner within seven days of the day on which it was collected. In addition to the tax and at that time, the licensee shall pay to the commissioner a sum equal to one-half the total breakage for each racing day during the period for which the tax is paid. The payments must be accompanied by a detailed statement of the remittance on a form prescribed by the commissioner. The commissioner may by rule provide for the direct deposit of required payments in a division account in a financial institution within the state and for determining the time of applicability of different tax rates under subdivision 1.

Subd. 3. [TAX EXCLUSIVE.] The tax imposed by subdivision 1 is in lieu of any license fee imposed by a political subdivision and in lieu of any other sales or excise tax imposed by the state on pari-mutuel pools or pari-mutuel ticket sales.

Subd. 4. [REPORTS.] Within 100 days of the end of a racing meeting, a licensee subject to the tax imposed by subdivision 1 shall file with the commissioner a certified statement of receipts from all sources during the racing meeting and of expenses and disbursements, itemized on a form prescribed by the commissioner after consultation with the state auditor, showing the licensee's net revenues from all sources. The statement must be prepared by a certified public accountant in accordance with generally accepted auditing standards.

Subd. 5. [UNREDEEMED TICKETS.] Not later than 100 days after the end of a racing meeting, a licensee who sells pari-mutuel tickets shall remit to the commissioner an amount equal to the total value of unredeemed tickets from the racing meeting. The remittance must be accompanied by a detailed statement of the money on a form prescribed by the commissioner.

Subd. 6. [DISPOSITION OF PROCEEDS.] The commissioner shall distribute all money received under this section, and all money received from license fees and fines it collects, as follows:

(a) All money designated for deposit in the Minnesota breeders fund shall be paid into that fund for distribution as provided under article 4; and

(b) All other revenues received under this section by the commissioner must be forwarded to the state treasurer for deposit in the general fund.

Sec. 7. [299J.19] [CONTRACTS FOR GOODS OR SERVICES.]

The commissioner shall by rule require that all contracts entered into by a class A, B, or D licensee for the provision of goods or services, including concessions contracts, be subject to commissioner approval. The commissioner may require a contract holder to make available documents and records the commissioner considers necessary to evaluate the contract.

Sec. 8. [299J.20] [MEDICATION AND MEDICAL TESTING.]

Subdivision 1. [RULES.] The commissioner shall make and enforce rules governing medication and medical testing for horses running at licensed racetracks. The rules must provide that no medication, including anti-inflammatory analgesics and synthetic corticosteroids and as the commissioner further defines that term by rule, may be administered to a horse within 72 hours of a race it runs at a licensed racetrack. The commissioner shall by rule establish the qualifications for laboratories used by it as testing laboratories to enforce its rules under this section.

Subd. 2. [CONTRACTS FOR MEDICAL SERVICES.] The commissioner may contract for medical services with an institution which teaches animal health sciences within the state for the purpose of enforcement under subdivision 1 and for any other purpose he considers necessary to implement the provisions of this act.

Sec. 9. [299J.21] [SCHEDULED RACES FOR MINNESOTA-BRED OR MINNESOTA-OWNED HORSES.]

Each holder of a class B or D license shall declare and schedule on each racing day it conducts at least one race limited to horses which are Minnesota-bred or Minnesota-owned as those terms are defined in rules promulgated by the commissioner; except that, if there is not a sufficient number of such horses entered in the declared race to make up an adequate slate of entries another race may be substituted.

Sec. 10. [299J.22] [EXCLUSION OF CERTAIN PERSONS.]

Subdivision 1. [PERSONS EXCLUDED.] The commissioner may exclude from any and all licensed racetracks in the state a person who:

(a) has been convicted of a felony under the laws of any state or the United States; or

(b) has had a license suspended, revoked, or denied by the commission or by the racing authority of any other jurisdiction; or

(c) is determined by the commissioner, on the basis of evidence presented to him, to be a threat to the integrity of racing in Minnesota.

Subd. 2. [HEARING; APPEAL.] An order to exclude a person from any or all licensed racetracks in the state must be made by the commissioner at a public hearing of which the person to be excluded must have at least five days notice. If the person is present at the hearing he must be permitted to show cause why he should not be excluded. An appeal of the order may be made in the same manner as other appeals under article 3, section 13.

Subd. 3. [NOTICE TO RACETRACKS.] Upon issuing an order excluding a person from any or all licensed racetracks, the commissioner shall send a copy of the order to the excluded person and to all racetracks named in it, along with such other information as he considers necessary to permit compliance with the order.

Subd. 4. [PROHIBITIONS.] It is a gross misdemeanor for a person named in an exclusion order to enter, attempt to enter, or be on the premises of a racetrack named in the order while it is in effect, and for a person licensed to conduct racing or operate a racetrack knowingly to permit an excluded person to enter or be on the premises.

Subd. 5. [EXCLUSIONS BY RACETRACK.] The holder of a license to conduct racing may eject and exclude from its premises any licensee or any other person who is in violation of any state law or rule or order promulgated or issued under this act, or who is a threat to racing integrity or the public safety. A person so excluded from racetrack premises may appeal his exclusion to the commissioner and must be given a public hearing on his appeal if he so requests. At the hearing he must be given the opportunity to show cause why he should not be so excluded. If the commissioner, after the hearing, finds that the integrity of racing and the public safety do not justify the exclusion, he shall order the racetrack making the exclusion to reinstate or readmit the person. An appeal of a commissioner order upholding the exclusion is governed by article 3, section 13.

Sec. 11. [299J.23] [WORK AREAS.]

A class A licensee shall provide at no cost to the division suitable work areas for the commissioner and division employees or agents who are

directed by the commissioner to supervise and control racing at the licensed racetrack.

Sec. 12. [299J.24] [HEARINGS.]

All hearings conducted by the commissioner, or by the director if so designated by the commissioner, shall be conducted in accordance with chapter 14, the Administrative Procedure Act.

Sec. 13. [299J.25] [APPEALS.]

Appeals from a decision of the commissioner must be made in the manner prescribed by sections 14.63 to 14.68.

Sec. 14. [299J.26] [RIGHT OF INSPECTION.]

The commissioner and his representatives have the right to inspect the licensed premises of a licensee and to examine his books and other records at any time without a search warrant.

Sec. 15. [299J.27] [FINES.]

The commissioner shall by rule establish a graduated schedule of fines for violations of rules promulgated under this act or of laws relating to horse racing. The schedule must be based on and reflect the culpability, frequency, and severity of the violator's actions. The commissioner may impose a fine from this schedule on a licensee for a violation of those rules or laws relating to horse racing. The fine is in addition to any criminal penalty imposed for the same violation. Fines imposed by the commissioner shall be paid and forwarded to the state treasurer for deposit in the general fund. A fine is a contested case under sections 14.57 to 14.70 or the Administrative Procedure Act.

Sec. 16. [299J.28] [RULE-MAKING AUTHORITY.]

Subdivision 1. [ADDITIONAL AUTHORITY.] The commissioner has the authority, in addition to all other rule-making authority granted under this article, to promulgate rules governing:

(a) the conduct of horse races held at licensed racetracks in Minnesota including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results;

(b) wire communications between the premises of a licensed racetrack and any place outside the premises;

(c) information on horse races which is sold on the premises of a licensed racetrack;

(d) liability insurance which the commissioner may require of all class A, B, and D licensees;

(e) the auditing of the books and records of a licensee by an auditor employed or appointed by the commissioner;

(f) emergency action plans maintained by licensed racetracks, and their periodic review;

(g) safety, security, and sanitation of stabling facilities at licensed race-

tracks;

(h) entry fees and other funds received by a licensee in the course of conducting racing which the commissioner determines must be placed in escrow accounts; and

(i) any other aspect of horse racing or pari-mutuel betting which in the commissioner's opinion affects the integrity of racing or the public health, welfare, or safety.

Subd. 2. [TEMPORARY RULES.] The commissioner may promulgate temporary rules encompassing all rule-making authority granted elsewhere in this act. Temporary rules are not subject to chapter 14, the Administrative Procedure Act, and may be adopted without a hearing. Temporary rules are effective 15 days after adoption by the commissioner and remain in effect only until February 15 of the year following the year in which this act first becomes effective. Temporary rules may be filed pursuant to section 14.38.

Subd. 3. [RULES SUBJECT TO ADMINISTRATIVE PROCEDURE ACT; EXCEPTION.] Except as provided in subdivision 2, rules of the commissioner are subject to chapter 14, the Administrative Procedure Act.

ARTICLE 4

BREEDERS FUND

Section 1. [BREEDERS FUND.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a Minnesota breeders fund with the money paid to the state under article 3, section 6, subdivision 1, paragraph (b).

Subd. 2. [DISTRIBUTION.] The commissioner, after paying the costs of administering the fund, shall distribute the net proceeds as follows:

(a) 20 percent must be expended as grants for equine research at public institutions of post-secondary learning within the state;

(b) 80 percent must be apportioned into categories corresponding with the various breeds of horses which raced at licensed Minnesota racetracks in the previous year, in proportion to each category's contribution to the fund, and may be expended by the commissioner to:

(1) supplement purses for races held exclusively for Minnesota-bred or Minnesota-owned horses, as those terms are defined by the commissioner;

(2) pay breeders or owners awards to the breeders or owners of Minnesota-bred horses which win money at licensed racetracks in the state; and

(3) provide other financial incentives to encourage the horse breeding industry in Minnesota.

Subd. 3. [RULES.] The commissioner shall adopt rules governing the distribution of the fund. The commissioner may establish advisory committees to advise it on the distribution of money under this section provided that the members of an advisory committee shall serve without compensation.

ARTICLE 5

PROHIBITED ACTS; PENALTIES

Section 1. [299J.29] [PROHIBITED ACTS.]

Subdivision 1. [ILLEGAL BETS.] No person may accept a bet as defined in section 609.75 on or off the premises of a licensed racetrack other than a bet made within a licensed pari-mutuel system.

Subd. 2. [OFF-TRACK BETS.] No person may, as part of an organized commercial activity, accept a bet off the premises of a licensed racetrack for delivery to a licensed racetrack.

Subd. 3. [INFLUENCING RACES.] No person may influence or attempt to influence a horse race by:

(a) making threats;

(b) offering anything of value to a person involved in the conduct of a race in return for that person's committing an illegal act or failing to perform a duty; or

(c) conniving with or seeking or having an understanding or agreement with an owner, jockey, driver, trainer, groom, valet, agent, or other person associated with or interested in a horse or stable of horses.

Subd. 4. [TAMPERING WITH HORSES.] No person may:

(a) on the premises of a licensed racetrack use, have in his possession with intent to use, or knowingly assist another person in using a battery or buzzer, electrical or mechanical, or other device or appliance, which can be used to affect a horse's racing condition or performance, other than an ordinary whip;

(b) affect or attempt to affect the racing condition or performance of a horse at a race or workout through the use of a drug or medication in violation of the rules promulgated by the commissioner; or

(c) use any method, injurious or otherwise, to affect a horse's racing condition or performance at a race or workout in violation of rules promulgated by the commissioner.

Subd. 5. [REPORTING OF INFORMATION.] A person licensed by the commission who has information regarding a violation provision of this section shall report that information promptly to the commissioner.

Subd. 6. [FALSE STATEMENT.] No person may knowingly make a false statement in a document or application required to be submitted to the commission or commissioner, or in a sworn statement or testimony before the commission or commissioner or director.

Subd. 7. [ALTERED TICKETS.] No person may knowingly offer for payment any pari-mutuel ticket which has been altered, or any counterfeit or forged pari-mutuel ticket.

Subd. 8. [PENALTIES.] A violation of subdivision 1, 2, 3, 4 or 7 is a felony. A violation of subdivision 5 or 6 is a gross misdemeanor. A violation of any other provision of this act or of a rule or order of the commission or commissioner for which another penalty is not provided is a misdemeanor.

Sec. 2. [299J.30] [BETTING PROHIBITED BY MEMBERS, EMPLOYEES, AND LICENSEES.]

Subdivision 1. [BETTING.] No commission member or employee of the commission or division may bet or cause a bet to be made on a race at a licensed racetrack while serving on or being employed by the commission or division. No person appointed or approved by the commissioner as a steward may bet or cause a bet to be made at a licensed racetrack during a racing meeting at which he is serving as a steward. The commissioner shall by rule prescribe such restrictions on betting by licensees as he considers necessary to protect the integrity of racing.

Subd. 2. [VIOLATION.] A violation of subdivision 1 is grounds for removal from the commission or termination of employment. A bet made directly or indirectly by a steward in violation of subdivision 1 or by a licensee in violation of a rule promulgated by the commissioner under subdivision 1 is grounds for suspension or revocation of the license by the commission.

ARTICLE 6

TREATMENT PROGRAMS FOR COMPULSIVE GAMBLERS

Section 1. [LEGISLATION ESTABLISHING TREATMENT PROGRAMS FOR COMPULSIVE GAMBLERS.]

The commissioner of public welfare, after consulting with the commissioner of health and other persons knowledgeable in the assessment and treatment of compulsive gamblers, shall present to the legislature, no later than January 30, 1984, legislation establishing treatment programs for the rehabilitation of compulsive gamblers. In developing the legislation, the commissioner of public welfare shall include, among other things, consideration of the following issues:

(1) The nature of compulsive gambling, and current practices in diagnosing and treating it;

(2) The extent of compulsive gambling in this state and the effect of current and proposed forms of legalized gambling on the incidence of compulsive gambling;

(3) Existing programs in this state to deal with compulsive gambling;

(4) Proposals for additional efforts to deal with compulsive gambling by both public and private agencies;

(5) Coverage of compulsive gambling under existing health insurance policies and proposals to change that coverage; and

(6) Recommendations for a coordinated program of public and private action to deal with compulsive gambling by means of both treatment and public information, with recommended funding levels and implementation strategy.

At a minimum, the legislation must include provisions establishing residential and outpatient treatment programs which address the unique needs of compulsive or pathological gamblers and which allow participants to return to normal lifestyles which do not include gambling. The legislation must also authorize the commissioner of public welfare to provide educational materials to the public regarding the detrimental effects of compulsive gambling on the economic and emotional health and welfare of the family unit.

Sec. 2. [COST OF PROGRAMS; LIMIT.]

If the legislature adopts implementing legislation pursuant to section 2, the annual cost of the treatment programs may not exceed five percent of the money collected by the commissioner for that year under article 3, section 6, and deposited in the general fund.

ARTICLE 7

MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1982, section 10A.09, subdivision 1, is amended to read:

Subdivision 1. Except for a candidate for elective office in the judicial branch, an individual shall file a statement of economic interest with the board:

- (a) Within 60 days of accepting employment as a public official; ~~or~~
- (b) Within 14 days after filing an affidavit of candidacy or petition to appear on the ballot for an elective public office; ~~or~~
- (c) In the case of a public official requiring the advice and consent of the senate, prior to the submission of his name to the senate, and in any event, within 60 days after he undertakes the duties of his office; *or*
- (d) *In the case of any classified or unclassified employee of the state who is involved directly or indirectly with pari-mutuel operations of related activities and any member of the Minnesota racing commission established under article 2, section 1, its agents, or employees, within 60 days of accepting or assuming duties.*

Sec. 2. Minnesota Statutes 1982, section 10A.09, subdivision 5, is amended to read:

Subd. 5. A statement of economic interest required by this section shall be on a form prescribed by the board. The individual filing shall provide the following information:

- (a) His name, address, occupation and principal place of business;
- (b) The name of each business with which he is associated and the nature of that association;
- (c) A listing of all real property within the state, excluding homestead property, in which he holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500; or (ii) an option to buy, which property has a fair market value of \$50,000 or more; ~~and~~
- (d) A listing of all real property within the state in which a partnership of which he is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if his share of the partnership interest is valued in excess of \$2,500 or (ii) an option to buy, which property has a fair market value of \$50,000 or more. Any listing under clause (c) or (d) shall indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county wherein the property is located; *and*
- (e) *A listing of any investments, ownership, or interests in property con-*

nected with pari-mutuel horse racing in the United States and Canada, including a racing horse, in which he directly or indirectly holds a partial or full interest or an immediate family member holds a partial or full interest.

Sec. 3. Minnesota Statutes 1982, section 38.04, is amended to read:

38.04 [ANNUAL MEETINGS; REPORTS.]

Every county agricultural society shall hold an annual meeting for the election of officers and the transaction of other business on or before the third Tuesday in November, each year, at which time its secretary shall make a report of its proceedings for the preceding year; this report shall contain a statement of all transactions at its fairs, the numbers of entries, the amount and source of all moneys received, and the amount paid out for premiums and other purposes, and show in detail its entire receipts and expenditures during the year. *The report must contain a separate accounting of any income received from the operation of horse racing on which pari-mutuel betting is conducted, and of the disposition of that income.*

The treasurer shall make a comprehensive report of the funds received, paid out, and on hand, and upon whose order paid. Each secretary shall cause a certified copy of his annual report to be filed with the county recorder of the county and the commissioner of agriculture on or before the first day of November, each year.

Sec. 4. Minnesota Statutes 1982, section 290.09, subdivision 5, is amended to read:

Subd. 5. [LOSSES.] (a) [GENERAL RULE.] There shall be allowed as a deduction any loss sustained during the taxable year and not compensated for by insurance or otherwise.

(b) [AMOUNT OF DEDUCTION.] For purposes of paragraph (a), the basis for determining the amount of the deduction for any loss shall be the adjusted basis provided in this chapter for determining the loss from the sale or other disposition of property.

(c) [LIMITATION OF LOSSES OF INDIVIDUALS.] In the case of an individual, the deduction under paragraph (a) shall be limited to

(1) Losses incurred in a trade or business;

(2) Losses incurred in any transaction entered into for profit, though not connected with a trade or business; and

(3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft to the extent they are deductible pursuant to the provisions of section 165 (c) (3) of the Internal Revenue Code of 1954, as amended through December 31, 1981. No loss described in this paragraph shall be allowed if, at the time of the filing of the return, such loss has been claimed for inheritance or estate tax purposes.

(d) [WAGERING LOSSES.] Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions *and provided that before this clause is applied, no loss from pari-mutuel betting under this act shall be allowed except to the extent of verified receipts or the sworn testimony of at least one witness who is not the taxpayer or his spouse.*

(e) [THEFT LOSSES.] For purposes of paragraph (a), any loss arising from theft shall be treated as sustained during the taxable year in which the taxpayer discovers such loss.

(f) [CAPITAL LOSSES.] Losses from sales or exchanges of capital assets shall be allowed only to the extent allowed in section 290.16.

(g) [WORTHLESS SECURITIES.] (1) [GENERAL RULE.] If any security which is a capital asset becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this chapter, be treated as a loss from the sale or exchange, on the last day of the taxable year, of a capital asset.

(2) [SECURITY DEFINED.] For purposes of this paragraph, the term "security" means:

(A) A share of stock in a corporation;

(B) A right to subscribe for, or to receive, a share of stock in a corporation;
or

(C) A bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form.

(3) [SECURITIES IN AFFILIATED CORPORATION.] For purposes of paragraph (1), any security in a corporation affiliated with a taxpayer which is a domestic corporation shall not be treated as a capital asset. For purposes of the preceding sentence, a corporation shall be treated as affiliated with the taxpayer only if:

(A) At least 80 percent of each class of its stock is owned directly by the taxpayer, and

(B) More than 90 percent of the aggregate of its gross receipts for all taxable years has been from sources other than royalties, rents (except rents derived from rental from properties to employees of the corporation in the ordinary course of its operating business), dividends, interest (except interest received on deferred purchase price of operating assets sold), annuities, and gains from sales or exchanges of stocks and securities. In computing gross receipts for purposes of the preceding sentence, gross receipts from sales or exchanges of stock and securities shall be taken into account only to the extent of gains therefrom.

(h) [DISASTER LOSSES.] (1) Notwithstanding the provisions of (a), any loss

(A) attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

(B) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the provisions of the Federal Disaster Relief Act of 1974, at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such election may be made only if a similar election has been made under the provisions of Section 165(h) of

the Internal Revenue Code of 1954, as amended through December 31, 1981 for federal income tax purposes. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this paragraph, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

(2) The commissioner is authorized to prescribe regulations providing the time and manner of making an election to claim a disaster loss under this clause.

(i) [ELECTION.] In lieu of the deduction allowed by (a) or (h) any loss not compensated for by insurance or otherwise:

(1) Attributable to storm or other natural causes or fire, may, at the election of the taxpayer, be claimed as a deduction in the taxable year in which said loss is sustained or in the preceding taxable year.

(2) In the event that under the provisions of this paragraph, a taxpayer claims the same disaster loss deduction or a net operating loss deduction resulting from the inclusion of a casualty loss in the calculation of such deduction in different taxable years for state and federal purposes, appropriate modifications shall be allowed or required for taxable years affected in order to prevent duplication or omission of such deduction.

(3) The commissioner is authorized to prescribe regulations providing the time and manner to make an election to claim a loss under the provisions of this paragraph and for the filing of an amended return or claim for refund.

Sec. 5. Minnesota Statutes 1982, section 290.09, subdivision 29, is amended to read:

Subd. 29. [DEDUCTIONS ATTRIBUTABLE TO FARMING.] (a) [DEFINITIONS.] For purposes of this subdivision, income and gains and expenses and losses shall be considered as "arising from a farm" if such items are received or incurred in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, *including horses for horse racing*, bees, poultry, and fur-bearing animals and wildlife, and all operations incident thereto, including but not limited to the common use of "hedging".

(b) [DEDUCTIONS LIMITED.] Except as provided in this subdivision, expenses and losses, except for interest and taxes, arising from a farm shall not be allowed as deductions in excess of income and gains arising from a farm.

(c) [DEDUCTIONS ALLOWED; CARRYOVER DEDUCTIONS.] Expenses and losses arising from a farm or farms shall be allowed as deductions up to the amount of the income and gains arising from a farm or farms in any taxable year, plus the first \$15,000 of non-farm gross income, or non-farm taxable net income in the case of a corporation, provided however that in any case where non-farm income exceeds \$15,000, the maximum allowable amount of \$15,000 shall be reduced by twice the amount by which the non-farm income exceeds the amount of \$15,000. For this purpose and for the purpose of applying the limitation in the following para-

graph regarding the application of any carryback or carryforward, the term gross income shall include the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, as amended through December 31, 1981, and no deduction shall be allowed for two-earner married couples as provided in section 221 of the Internal Revenue Code of 1954, as amended through December 31, 1981. Any remaining balance of the deductions shall be carried back three years and carried forward five years, in chronological order, provided, however, that in any case in which any individual, estate or trust which elects a net operating loss carryforward under section 172(b)(3)(C) of the Internal Revenue Code of 1954, as amended through December 31, 1981, such losses shall not be carried back but shall only be carried forward.

Current expenses and losses shall be utilized as deductions in any taxable year, to the extent herein allowable, prior to the application of any carryback or carryover deductions. In any event, the combined amounts of such current expenses and losses and carryback or carryover deductions shall be allowed as deductions up to the amount of the income and gains arising from a farm or farms in any taxable year, plus the first \$15,000 of non-farm gross income, or non-farm taxable net income in the case of a corporation, provided however that in any case where non-farm income exceeds \$15,000, the maximum allowable amount of \$15,000 shall be reduced by twice the amount by which the non-farm income exceeds the amount of \$15,000.

(d) [SHAREHOLDERS SEPARATE ENTITIES.] For purposes of this subdivision, individual shareholders of an electing small business corporation shall be considered separate entities.

(e) [SPECIAL PERIOD OF LIMITATION WITH RESPECT TO FARM LOSS LIMITATION CARRYBACKS.] For the purposes of sections 290.46 and 290.50, if the claim for refund relates to an overpayment attributable to a farm loss limitation carryback under this subdivision, in lieu of the period of limitation prescribed in sections 290.46 and 290.50, the period of limitation shall be that period which ends with the expiration of the 15th day of the 46th month (or the 45th month, in the case of a corporation) following the end of the taxable year of the farm loss which results in the carryback.

(f) [INTEREST ON CLAIMS.] In any case in which a taxpayer is entitled to a refund in a carryback year due to the carryback of a farm loss, interest shall be computed only from the end of the taxable year in which the loss occurs.

(g) [ORDER OF APPLICATION.] The application of this subdivision shall be made after applying any limitation to out of state losses contained in section 290.17.

Sec. 6. Minnesota Statutes 1982, section 290.17, subdivision 2, is amended to read:

Subd. 2. [OTHER TAXPAYERS.] In the case of taxpayers not subject to the provisions of subdivision 1, items of gross income shall be assigned to this state or other states or countries in accordance with the following principles:

(1) (a) The entire income of all resident or domestic taxpayers from compensation for labor or personal services, or from a business consisting prin-

cially of the performance of personal or professional services, shall be assigned to this state, and the income of nonresident taxpayers from such sources shall be assigned to this state if, and to the extent that, the labor or services are performed within it; all other income from such sources shall be treated as income from sources without this state.

(b) In the case of an individual who is a nonresident of Minnesota and who is an athlete or entertainer, income from compensation for labor or personal services performed within this state shall be determined in the following manner.

(i) The amount of income to be assigned to Minnesota for an individual who is a nonresident salaried athletic team employee shall be determined by using a fraction in which the denominator contains the total number of days in which the individual is under a duty to perform for the employer, and the numerator is the total number of those days spent in Minnesota. In order to eliminate the need to file state or provincial income tax returns in several states or provinces, Minnesota will exclude from income any income assigned to Minnesota under the provisions of this clause for a nonresident athlete who is employed by an athletic team whose operations are not based in this state if the state or province in which the athletic team is based provides a similar income exclusion. If the state or province in which the athletic team's operations are based does not have an income tax on an individual's personal service income, it will be deemed that that state or province has a similar income exclusion. As used in the preceding sentence, the term "province" means a province of Canada.

(ii) The amount of income to be assigned to Minnesota for an individual who is a nonresident, and who is an athlete not listed in clause (i), or who is an entertainer, for that person's athletic or entertainment performance in Minnesota shall be determined by assigning to this state all income from performances or athletic contests in this state.

(2) Income from the operation of a farm shall be assigned to this state if the farm is located within this state and to other states only if the farm is not located in this state. *Income from winnings on Minnesota pari-mutuel betting tickets shall be assigned to this state.* Income and gains received from tangible property not employed in the business of the recipient of such income or gains, and from tangible property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, shall be assigned to this state if such property has a situs within it, and to other states only if it has no situs in this state. Income or gains from intangible personal property not employed in the business of the recipient of such income or gains, and from intangible personal property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, wherever held, whether in trust, or otherwise, shall be assigned to this state if the recipient thereof is domiciled within this state; income or gains from intangible personal property wherever held, whether in trust or otherwise shall be assigned to this state if the recipient of such income or gains is domiciled within this state, or if the grantor of any trust is domiciled within this state and such income or gains would be taxable to such grantor under section 290.28 or 290.29;

(3) Income derived from carrying on a trade or business, including in the

case of a business owned by natural persons the income imputable to the owner for his services and the use of his property therein, shall be assigned to this state if the trade or business is conducted wholly within this state, and to other states if conducted wholly without this state. This provision shall not apply to business income subject to the provisions of clause (1);

(4) When a trade or business is carried on partly within and partly without this state, the entire income derived from such trade or business, including income from intangible property employed in such business and including, in the case of a business owned by natural persons, the income imputable to the owner for his services and the use of his property therein, shall be governed, except as otherwise provided in sections 290.35 and 290.36, by the provisions of section 290.19, notwithstanding any provisions of this section to the contrary. This shall not apply to business income subject to the provisions of clause (1), nor shall it apply to income from the operation of a farm which is subject to the provisions of clause (2). For the purposes of this clause, a trade or business located in Minnesota is carried on partly within and partly without this state if tangible personal property is sold by such trade or business and delivered or shipped to a purchaser located outside the state of Minnesota.

If the trade or business carried on wholly or partly in Minnesota is part of a unitary business, the entire income of that unitary business shall be subject to apportionment under section 290.19. The term "unitary business" shall mean a number of business activities or operations which are of mutual benefit, dependent upon, or contributory to one another, individually or as a group. Unity shall be presumed whenever there is unity of ownership, operation, and use, evidenced by centralized management or executive force, centralized purchasing, advertising, accounting, or other controlled interaction. Unity of ownership will not be deemed to exist unless the corporation owns more than 50 percent of the voting stock of the other corporation.

The entire income of a unitary business, including all income from each activity, operation or division, shall be subject to apportionment as provided in section 290.19. None of the income of a unitary business shall be considered as derived from any particular source and none shall be allocated to any particular place except as provided by the applicable apportionment formula.

In determining whether or not intangible property is employed in a unitary business carried on partly within and partly without this state so that income derived therefrom is subject to apportionment under section 290.19 the following rules and guidelines shall apply.

(a) Intangible property is employed in a business if the business entity owning intangible property holds it as a means of furthering the business operation of which a part is located within the territorial confines of this state.

(b) Where a business operation conducted in Minnesota, is owned by a business entity which carries on business activity outside of the state different in kind from that conducted within this state, and such other business is conducted entirely outside the state, it will be presumed that the two business operations are unitary in nature, interrelated, connected and in-

terdependent unless it can be shown to the contrary.

(5) In the case of a nonresident who is liable for payment of a penalty for having withdrawn funds from an individual housing account established pursuant to section 290.08, subdivision 25, the amount so withdrawn and for which a deduction was allowed shall be an item of income assignable to this state, and the penalty tax of ten percent shall remain an additional liability of that taxpayer.

(6) For purposes of this section, amounts received by a non-resident from the United States, its agencies or instrumentalities, the Federal Reserve Bank, the state of Minnesota or any of its political or governmental subdivisions, or a Minnesota volunteer fireman's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or 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, as amended through December 31, 1981, are not considered income derived from carrying on a trade or business or from performing personal or professional services in Minnesota, and are not taxable under this chapter.

(7) All other items of gross income shall be assigned to the taxpayer's domicile.

Sec. 7. Minnesota Statutes 1982, section 290.92, is amended by adding a subdivision to read:

Subd. 26. Any holder of a class A, B, or D license issued by the commission under article 2 of this act, who makes a payment or payments for winnings on a pari-mutuel betting ticket or tickets in an amount of \$200 or more to the same individual shall deduct from the payment or payments and withhold 11 percent of the amount as Minnesota withholding tax. For purposes of this subdivision, winnings from a pari-mutuel betting ticket must be determined by reducing the amount received by the amount paid for the ticket, and payments for winning on a pari-mutuel betting ticket which are not money must be taken into account at their fair market value. For purposes of the provisions of this section, a payment to any person of winnings which are subject to withholding must be treated as if the payment was a wage paid by an employer to an employee. Every individual who is to receive a payment of winnings which are subject to withholding shall furnish the license holder with a statement, made under the penalties of perjury, containing the name, address, and social security account number of the person receiving the payment and of each person entitled to any portion of such payment. The license holder is liable for the payment of the tax required to be withheld under this subdivision and subdivision 27 but is not liable to any person for the amount of the payment.

Sec. 8. Minnesota Statutes 1982, section 290.92, is amended by adding a subdivision to read:

Subd. 27. Any holder of a class A or B license issued by the commission under article 2 of this act who makes a payment to a holder of a class C license issued by the commission under article 2, section 7, of this act, or who pays an amount as a purse, shall deduct from the payment and withhold 11 percent of the amount as Minnesota withholding tax when the amount paid

to that individual during the calendar year exceeds \$200. For purposes of the provisions of this section, a payment to any person which is subject to withholding under this subdivision must be treated as if the payment was a wage paid by an employer to an employee. Every individual who is to receive a payment which is subject to withholding under this subdivision shall furnish the license holder with a statement, made under the penalties of perjury, containing the name, address, and social security account number of the person receiving the payment. No withholding is required if the individual presents a signed certificate from his employer which states that the individual is an employee of that employer. A nonresident individual who holds a class C license must be treated as an athlete for purposes of applying the provisions of sections 290.17, subdivision 2(1)(b)(ii) and 290.92, subdivision 4a.

Sec. 9. Minnesota Statutes 1982, section 609.75, subdivision 1, is amended to read:

Subdivision 1. [LOTTERY.] (a) A lottery is a plan which provides for the distribution of money, property or other reward or benefit to persons selected by chance from among participants some or all of whom have given a consideration for the chance of being selected.

(b) An in-package chance promotion is not a lottery if all of the following are met:

(1) participation is available, free and without purchase of the package, from the retailer or by mail or toll-free telephone request to the sponsor for entry or for a game piece;

(2) the label of the promotional package and any related advertising clearly states any method of participation and the scheduled termination date of the promotion;

(3) the sponsor on request provides a retailer with a supply of entry forms or game pieces adequate to permit free participation in the promotion by the retailer's customers;

(4) the sponsor does not misrepresent a participant's chances of winning any prize;

(5) The sponsor randomly distributes all game pieces and maintains records of random distribution for at least one year after the termination date of the promotion;

(6) all prizes are randomly awarded if game pieces are not used in the promotion; and

(7) the sponsor provides on request of a state agency a record of the names and addresses of all winners of prizes valued at \$100 or more, if the request is made within one year after the termination date of the promotion.

(c) Except as provided by section 349.40, acts in this state in furtherance of a lottery conducted outside of this state are included notwithstanding its validity where conducted.

Sec. 10. Minnesota Statutes 1982, section 609.75, subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) The operation of a gambling device or the conduct of a raffle as defined in section 349.26, by an organization licensed for such operation by a local unit of government pursuant to section 349.26.

(7) *Pari-mutuel betting on horse racing when conducted under articles 2 to 5.*

Sec. 11. Minnesota Statutes 1982, chapter 609.75, is amended by adding a subdivision to read:

Subd. 7. [SPORTS BOOKMAKING.] Sports bookmaking is the activity of intentionally receiving, recording, or forwarding bets or offers to bet in amounts exceeding an accumulation of \$300 on the outcome of an organized sporting event.

Sec. 12. Minnesota Statutes 1982, chapter 609.76, is amended to read:

609.76 [OTHER ACTS RELATING TO GAMBLING.]

Subdivision 1. [GROSS MISDEMEANORS.] Whoever does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

(1) Maintains or operates a gambling place or operates a bucket shop; or

(2) Intentionally participates in the income of a gambling place or bucket shop; or

(3) Conducts a lottery, or, with intent to conduct a lottery, possesses facilities for doing so; or

(4) Sets up for use for the purpose of gambling, or collects the proceeds of, any gambling device or bucket shop; or

(5) With intent that it shall be so used, manufactures, sells or offers for sale, in whole or any part thereof, any gambling device including those defined in section 349.30, subdivision 2, and any facility for conducting a lottery, except as provided by section 349.40; or

(6) Receives, records, or forwards bets or offers to bet or, with intent to receive, record, or forward bets or offers to bet, possesses facilities to do so.

Subd. 2. [FELONY GAMBLING.] Whoever engages in sports bookmaking

is guilty of a felony.

Sec. 13. Minnesota Statutes 1982, section 609.761, is amended to read:

609.761 [OPERATION PERMITTED.]

Notwithstanding sections 609.755 and 609.76, a fraternal, religious, veterans or other nonprofit organization may set up or operate a gambling device or conduct a raffle as defined in section 349.26, if licensed by the local unit of government and conducted ~~pursuant to~~ *under* section 349.26, and a person may manufacture, sell or offer for sale a gambling device to the organization, *and pari-mutuel betting on horse racing may be conducted under chapter ...*

Sec. 14. [609.762] [FORFEITURE OF GAMBLING DEVICES, PRIZES, AND PROCEEDS.]

Subdivision 1. [FORFEITURE.] The following are subject to forfeiture:

(a) Devices used or intended for use, including those defined in section 349.30, subdivision 2, as a gambling device;

(b) All moneys, materials, and other property used or intended for use as payment to participate in gambling or a prize or receipt for gambling; and

(c) Books, records, and research products and materials, including formulas, microfilm, tapes, and data used or intended for use in gambling.

Subd. 2. [SEIZURE.] Property subject to forfeiture under subdivision 1 may be seized by any law enforcement agency upon process issued by any court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or

(c) The law enforcement agency has probable cause to believe that the property was used or is intended to be used in a gambling violation and the delay occasioned by the necessity to obtain process would result in the removal, loss, or destruction of the property.

Subd. 3. [NOT SUBJECT TO REPLEVIN.] Property taken or detained under subdivision 2 is not subject to a replevin action, but is considered to be in the custody of the law enforcement agency subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings.

Subd. 4. [PROCEDURES.] Property must be forfeited after a conviction for a gambling violation according to the following procedure:

(a) A separate complaint must be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use;

(b) If the person charged with a gambling offense is acquitted, the court shall dismiss the complaint and order the property returned to the persons legally entitled to it; and

(c) If after conviction the court finds the property, or any part of it, was

used in violation as specified in the complaint, it shall order that the property be sold or retained by the law enforcement agency for official use. Proceeds from the sale of forfeited property may be retained for official use and shared equally between the law enforcement agency investigating the offense involved in the forfeiture and the prosecuting agency that prosecuted the offense involved in the forfeiture and handled the forfeiture proceedings.

Sec. 15. [APPROPRIATION.]

There is appropriated from the general fund to the commission the sum of \$....., or so much thereof as is necessary for the commission to carry out the purposes of this act. There is appropriated from the general fund to the commissioner the sum of \$....., or so much thereof as is necessary for the commissioner to carry out the purposes of this act. Notwithstanding the provisions of section 16A.28, the appropriation is available until expended.

Sec. 16. [NONAPPLICABILITY.]

The provisions of this act except article 5, section 1, subdivisions 3 and 4, the corresponding penalties provided for those subdivisions under subdivision 8, and article 7, sections 11, 12, and 14, do not apply to horse racing on which pari-mutuel betting is not conducted.

Sec. 17. [EFFECTIVE DATE.]

This act is effective the day following final enactment.’’

Delete the title and insert:

“A bill for an act relating to horse racing; defining certain terms; establishing a racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate racetracks, conduct horse racing, and engage in certain occupations; prescribing license fees; authorizing the assigning of racing days; establishing a division of pari-mutuel betting in the department of public safety and providing for the powers and duties of the commissioner; authorizing pari-mutuel betting on horse racing and prescribing taxes thereon; providing for the regulation of horse racing and establishing fines; establishing a breeders fund; prohibiting certain acts relating to horse racing and establishing penalties; providing for the recommendation of legislation establishing treatment programs for compulsive gamblers; amending miscellaneous statutes to include pari-mutuel related provisions; providing a withholding tax on certain pari-mutuel winnings and on occupation license holders; clarifying what is not a lottery; defining sports bookmaking and making it a felony; providing for the forfeiture of certain gambling devices, prizes, and proceeds; appropriating money; amending Minnesota Statutes 1982, sections 10A.09, subdivisions 1 and 5; 38.04; 290.09, subdivisions 5 and 29; 290.17, subdivision 2; 290.92, by adding subdivisions; 609.75, subdivisions 1 and 3, and by adding a subdivision; 609.76; 609.761; proposing new law coded as Minnesota Statutes, chapter 299J, proposing new law coded in Minnesota Statutes, chapter 609.’’

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to

which was referred

H.F. No. 581 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.
				581	546

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 581 be amended as follows:

Page 1, line 23, after "*recorder*" insert a comma

And when so amended H.F. No. 581 will be identical to S.F. No. 546, and further recommends that H.F. No. 581 be given its second reading and substituted for S.F. No. 546, 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. 482 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.
				482	495

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 482 be amended as follows:

Page 1, line 22, after "*as*" insert "*not public.*"

Page 1, delete lines 23 through 25

And when so amended H.F. No. 482 will be identical to S.F. No. 495, and further recommends that H.F. No. 482 be given its second reading and substituted for S.F. No. 495, 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. 508 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.
				508	714

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 508 be amended as follows:

Amend the title as follows:

Page 1, line 2, delete everything after the first semicolon

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "requiring all notices of cancellation of homeowner's policies to be written in language that is easy to read and understandable"

And when so amended H.F. No. 508 will be identical to S.F. No. 714, and further recommends that H.F. No. 508 be given its second reading and substituted for S.F. No. 714, 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. 553 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.
553	446				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 553 be amended as follows:

Page 2, line 8, delete "... None"

Page 2, lines 11 to 20, reinstate the old language and delete the new language

Page 3, after line 17, insert:

"Sec. 4. [203B.085] [COUNTY AUDITOR'S OFFICE TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

The county auditor's office in each county must be open for acceptance of absentee ballot applications and casting of absentee ballots between the hours of 1:00 to 3:00 p.m. on Saturday and Sunday and 5:00 to 7:00 p.m. on Monday immediately preceding a primary or general election."

Page 5, line 33 to page 6, line 1, delete section 11

Page 8, lines 2 to 7, reinstate the old language and delete the new language

Page 8, line 8, delete “*other*”

Page 9, line 26, after “*and 7;*” insert “*and*”

Page 9, line 26, delete “*; and 204B.36, subdivision 5*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 9 and 10, delete “204C.03, by adding a subdivision;”

Page 1, line 14, after “subdivision 4;” insert “proposing new law coded in Minnesota Statutes, chapter 203B;”

Page 1, line 15, after “subdivisions 6 and 7;” insert “and”

Page 1, line 16, delete “; and 204B.36, subdivision 5”

And when so amended H.F. No. 553 will be identical to S.F. No. 446, and further recommends that H.F. No. 553 be given its second reading and substituted for S.F. No. 446, 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. 511 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.
511	392				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 511 be amended as follows:

Page 1, line 12, delete “*pertinent*” and insert “*appurtenant*”

And when so amended H.F. No. 511 will be identical to S.F. No. 392, and further recommends that H.F. No. 511 be given its second reading and substituted for S.F. No. 392, 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. 189 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.
189	411				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 189 be amended as follows:

Page 3, line 36, delete "*reasonable extent*" and insert "*extent reasonable*"

Page 5, line 11, after "biomass" insert a comma

Page 5, line 11, delete "*such*" and insert "*the*"

Page 6, line 4, strike "order" and insert "*orders*"

Page 6, line 16, delete the comma after "*programs*"

Page 6, line 21, insert "*two*" after "*previous*"

Page 6, line 33, delete the comma

Page 6, delete line 34

Page 6, line 35, delete the new language

And when so amended H.F. No. 189 will be identical to S.F. No. 411, and further recommends that H.F. No. 189 be given its second reading and substituted for S.F. No. 411, 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. 314 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.
314	368				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 314 be amended as follows:

Page 11, line 17, delete "60A.17" and insert "62A.17"

Page 11, line 18, delete "subdivisions" and insert "a subdivision"

Page 11, line 21, delete "*shall*" and insert "*must*" and after "*a*" insert "*business*"

Page 11, line 23, delete "*such*" and insert "*the*"

Page 11, after line 24, insert:

“Sec. 5. Minnesota Statutes 1982, section 60A.17, is amended by adding a subdivision to read:”

Page 12, after line 14, insert:

“(c) No agent or person acting for an agent shall make any communication to a potential buyer that indicates or gives the impression that the agent is acting on behalf of a government agency.

Sec. 6. Minnesota Statutes 1982, section 60A.17, is amended by adding a subdivision to read:

Subd. 19. [PRIVACY OF CLIENT.] Except as otherwise provided by law, no insurance agent may disclose nor cause to be disclosed to any other person the identity of a person insured through the agent without the consent of the insured.”

Page 12, line 16, after “policy” insert “, except mass marketed life insurance as defined in section 72A.13, subdivision 2,”

Page 14, line 35, delete the headnote and insert “[DUPLICATE COVERAGE PROHIBITED.]”

Page 15, lines 1 and 2, delete “two or more such plans in effect” and insert “one plan in effect; however, an agent may sell a replacement plan in accordance with section 62A.40, provided that the second plan is not made effective any sooner than necessary to provide continuous benefits for preexisting conditions”

Page 15, lines 8 and 9, delete “two or more such policies then in effect” and insert “one plan then in effect, except as permitted in subdivision 1,”

Page 15, lines 13 and 14, delete “two or more plans,” and insert “one plan, except as permitted in subdivision 1,”

Page 15, line 22, insert a comma after “plan”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “requiring insurance agents to maintain trust accounts;”

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete “of premiums;”

Page 1, line 16, before “62A.31,” insert “62A.17, by adding a subdivision;”

And when so amended H.F. No. 314 will be identical to S.F. No. 368, and further recommends that H.F. No. 314 be given its second reading and substituted for S.F. No. 368, 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. Chmielewski from the Committee on Employment, to which was re-

ferred the following appointment as reported in the Journal for January 31, 1983:

**BUREAU OF MEDIATION SERVICES
DIRECTOR**

Paul Goldberg

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. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for March 7, 1983:

OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

Kenneth L. Sovereign

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. 289, 616, 180, 538, 904, 711, 927, 1082, 601, 721, 934, 799, 969, 892, 996, 1106, 1052, 679, 607, 156, 824, 1109, 762, 921, 492, 1012, 755 and 803 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 653, 581, 482, 508, 553, 511, 189 and 314 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Pehler be added as a co-author to S.F. No. 6. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Dahl be added as a co-author to S.F. No. 497. The motion prevailed.

Mr. Novak moved that the names of Ms. Peterson, D.C. and Mr. Vega be added as co-authors to S.F. No. 610. The motion prevailed.

Mr. Peterson, C.C. moved that his name be stricken as a co-author to S.F. No. 738. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Pehler be added as a co-author to S.F. No. 1011. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1141. The motion prevailed.

Mr. Frank introduced—

Senate Resolution No. 48: A Senate resolution congratulating the Hylanders hockey team from Columbia Heights High School for winning fourth place in the 1983 State High School Hockey Tournament.

Referred to the Committee on Rules and Administration.

Mr. Frank introduced—

Senate Resolution No. 49: A Senate resolution congratulating the Panthers girl's basketball team from Spring Lake Park High School for participating in the 1983 Class AA State High School Girl's Basketball Championship.

Referred to the Committee on Rules and Administration.

Ms. Reichgott introduced—

Senate Resolution No. 50: A Senate resolution congratulating Carolyn Mattson for winning the 1983 Miss Minnesota-U.S.A. Pageant.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S.F. No. 34: A bill for an act relating to elections; requiring representation of unorganized townships in appointment of election judges by certain county boards; amending Minnesota Statutes 1982, section 204B.21.

Mr. Dieterich moved to amend S.F. No. 34 as follows:

Page 2, line 7, after "precinct" insert ", except precincts in Ramsey County,"

The motion prevailed. So the amendment was adopted.

S.F. No. 34 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Sieloff
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Solon
Belanger	Frank	Laidig	Peterson, D.C.	Spear
Benson	Frederickson	Langseth	Peterson, D.L.	Stumpf
Berg	Freeman	Lantry	Peterson, R.W.	Taylor
Berglin	Isackson	Lessard	Petty	Ulland
Bertram	Johnson, D.E.	Luther	Pogemiller	Waldorf
Brataas	Johnson, D.J.	McQuaid	Purfeerst	Wegscheid
Chmielewski	Jude	Mehrkens	Ramstad	Willet
Dahl	Kamrath	Merriam	Reichgott	
Davis	Knaak	Moe, R. D.	Renneke	
DeCramer	Knutson	Nelson	Schmitz	

So the bill, as amended, passed and its title was agreed to.

H.F. No. 706: A bill for an act relating to retirement; public employees

retirement association; providing for refund of contributions after a layoff of 120 calendar days; amending Minnesota Statutes 1982, section 353.34, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederickson	Langseth	Peterson, C.C.	Solon
Berg	Freeman	Lantry	Peterson, D.C.	Spear
Berglin	Isackson	Lessard	Peterson, D.L.	Stumpf
Bertram	Johnson, D.E.	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.J.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkins	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 597: A bill for an act relating to retirement; adding a correctional employees plan member to the state retirement system board; consolidating and eliminating obsolete language; amending Minnesota Statutes 1982, sections 352.03, subdivision 1; and 352B.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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Frank	Laidig	Peterson, D.C.	Stumpf
Benson	Frederickson	Langseth	Peterson, D.L.	Taylor
Berg	Freeman	Lantry	Peterson, R.W.	Ulland
Berglin	Isackson	Lessard	Petty	Waldorf
Bertram	Johnson, D.E.	Luther	Pogemiller	Wegscheid
Brataas	Johnson, D.J.	McQuaid	Purfeerst	Willet
Chmielewski	Jude	Merriam	Ramstad	
Dahl	Kamrath	Moe, R.D.	Reichgott	
Davis	Knaak	Nelson	Renneke	
DeCramer	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 396: A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

Was read the third time 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:

Adkins	Diessner	Knutson	Nelson	Reichgott
Anderson	Dieterich	Kroening	Novak	Renneke
Belanger	Frank	Kronebusch	Olson	Schmitz
Benson	Frederick	Laidig	Pehler	Sieloff
Berg	Frederickson	Langseth	Peterson, C.C.	Solon
Berglin	Freeman	Lantry	Peterson, D.C.	Spear
Bertram	Isackson	Lessard	Peterson, D.L.	Stumpf
Brataas	Johnson, D.E.	Luther	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.J.	McQuaid	Petty	Ulland
Dahl	Jude	Mehrkens	Pogemiller	Waldorf
Davis	Kamrath	Merriam	Purfeerst	Wegscheid
DeCramer	Knaak	Moe, R. D.	Ramstad	Willet

So the bill passed and its title was agreed to.

H.F. No. 573: A bill for an act relating to retirement; Brooklyn Park volunteer firefighters relief association; repealing Laws 1975, chapter 237, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Kronebusch	Olson	Schmitz
Belanger	Frederick	Laidig	Pehler	Sieloff
Benson	Frederickson	Langseth	Peterson, C.C.	Solon
Berglin	Freeman	Lantry	Peterson, D.C.	Spear
Bertram	Isackson	Lessard	Peterson, D.L.	Stumpf
Brataas	Johnson, D.E.	Luther	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.J.	McQuaid	Petty	Ulland
Dahl	Jude	Mehrkens	Pogemiller	Waldorf
Davis	Kamrath	Merriam	Purfeerst	Wegscheid
DeCramer	Knaak	Moe, R. D.	Ramstad	Willet
Diessner	Knutson	Nelson	Reichgott	
Dieterich	Kroening	Novak	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 430: A bill for an act relating to retirement; authorizing the purchase of annuity contracts for retiring Tracy firefighters.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 833: A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 659: A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 767: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the Minnesota state retirement system by certain employees or former employees of the legislature or joint legislative agencies or commissions; proposing new law coded in Minnesota Statutes, chapter 352D.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Schmitz
Anderson	Dieterich	Kronebusch	Olson	Sieloff
Belanger	Frank	Laidig	Pehler	Solon
Benson	Frederick	Langseth	Peterson, D.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Ulland
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Jude	Mehrkens	Purfeerst	Wegscheid
Dahl	Kamrath	Merriam	Ramstad	Willet
Davis	Knaak	Moe, R. D.	Reichgott	
DeCramer	Knutson	Nelson	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 827: A bill for an act relating to retirement; public employees retirement association; removing a waiting period prior to the effect of an optional annuity for disabilitants; amending Minnesota Statutes 1982, sections 353.33, subdivision 3a; and 353.656, subdivision 1a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 660: A bill for an act relating to retirement; public plans generally; providing for the fiduciary obligation of trustees; providing that moneys of public pension plans are for the exclusive benefit of eligible employees and their beneficiaries; amending Minnesota Statutes 1982, section 354A.021, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 356.

Mr. Peterson, C.C. moved that S.F. No. 660, No. 21 on the Consent Calendar, be stricken and placed at the bottom of General Orders. The motion prevailed.

S.F. No. 147: A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C. C.	Solon
Berg	Frederickson	Lantry	Peterson, D. C.	Spear
Berglin	Freeman	Lessard	Peterson, D. L.	Stumpf
Bertram	Isackson	Luther	Peterson, R. W.	Taylor
Brataas	Johnson, D. E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willett
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 936: A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D. L.	Taylor
Berglin	Freeman	Luther	Peterson, R. W.	Ulland
Bertram	Isackson	McQuaid	Petty	Waldorf
Brataas	Johnson, D. E.	Mehrkens	Pogemiller	Wegscheid
Chmielewski	Jude	Merriam	Purfeerst	Willett
Dahl	Kamrath	Moe, R. D.	Ramstad	
Davis	Knaak	Nelson	Reichgott	
DeCramer	Knutson	Novak	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 855: A bill for an act relating to motor vehicles; exempting certain vehicles from license fees; authorizing the use of certain state department vehicles without uniform coloring or marking; amending Minnesota Statutes 1982, sections 16.75, subdivision 7; and 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R.D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1104: A bill for an act relating to motor vehicles; clarifying requirements for issuance of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Petty moved that S.F. No. 523, No. 73 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

H.F. No. 406: A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, section 549.04.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C. C.	Solon
Berg	Frederickson	Lantry	Peterson, D. C.	Spear
Berglin	Freeman	Lessard	Peterson, D. L.	Stumpf
Bertram	Isackson	Luther	Peterson, R. W.	Taylor
Brataas	Johnson, D. E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 381: A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 7, as amended, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding a subdivision; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9 and 10; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, sections 290.01, subdivision 28; and 290.93, subdivision 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 37 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Lessard	Peterson, D. C.	Spear
Berglin	Frank	Luther	Peterson, R. W.	Stumpf
Bertram	Freeman	Merriam	Petty	Waldorf
Chmielewski	Jude	Moe, R. D.	Pogemiller	Wegscheid
Dahl	Kroening	Nelson	Purfeerst	Willet
Davis	Kronebusch	Novak	Reichgott	
DeCramer	Langseth	Pehler	Schmitz	
Diessner	Lantry	Peterson, C. C.	Solon	

Those who voted in the negative were:

Anderson	Frederick	Knaak	Olson	Taylor
Belanger	Frederickson	Knutson	Peterson, D. L.	Ulland
Benson	Isackson	Laidig	Ramstad	
Berg	Johnson, D. E.	McQuaid	Renneke	
Brataas	Kamrath	Mehrkens	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 234: A bill for an act relating to the town of Windemere; permit-

ting the town to have the powers of a metropolitan area town.

Was read the third time 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:

Adkins	Dieterich	Kronebusch	Olson	Sieloff
Anderson	Frank	Laidig	Pehler	Solon
Belanger	Frederick	Langseth	Peterson, C.C.	Spear
Benson	Frederickson	Lantry	Peterson, D.C.	Stumpf
Berg	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Isackson	Luther	Petty	Ulland
Bertram	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Jude	Mehrkens	Purfeerst	Wegscheid
Dahl	Kamrath	Merriam	Ramstad	Willet
Davis	Knaak	Moe, R.D.	Reichgott	
DeCramer	Knutson	Nelson	Renneke	
Diessner	Kroening	Novak	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 416: A bill for an act relating to certain towns in Goodhue County; authorizing the town board to set the hours the polling places will be open in town elections.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Olson	Samuelson
Anderson	Frank	Laidig	Pehler	Schmitz
Belanger	Frederick	Langseth	Peterson, C.C.	Sieloff
Benson	Frederickson	Lantry	Peterson, D.C.	Solon
Berg	Freeman	Lessard	Peterson, D.L.	Spear
Berglin	Isackson	Luther	Peterson, R.W.	Stumpf
Bertram	Johnson, D.E.	McQuaid	Petty	Taylor
Brataas	Jude	Mehrkens	Pogemiller	Ulland
Chmielewski	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R. D.	Ramstad	Wegscheid
DeCramer	Knutson	Nelson	Reichgott	Willet
Diessner	Kroening	Novak	Renneke	

Mr. Dahl voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 92: A bill for an act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

Was read the third time 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:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Samuelson
Belanger	Frank	Laidig	Pehler	Schmitz
Benson	Frederick	Langseth	Peterson, C. C.	Sieloff
Berg	Frederickson	Lantry	Peterson, D. C.	Solon
Berglin	Freeman	Lessard	Peterson, D. L.	Spear
Bertram	Isackson	Luther	Peterson, R. W.	Stumpf
Brataas	Johnson, D. E.	McQuaid	Petty	Taylor
Chmielewski	Jude	Mehrkens	Pogemiller	Ulland
Dahl	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R. D.	Ramstad	Wegscheid
DeCramer	Knutson	Nelson	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 403: A bill for an act relating to agriculture; making certain changes in the family farm security loan program; amending Minnesota Statutes 1982, sections 15.38, by adding a subdivision; 16.02, subdivision 14; 41.52, by adding a subdivision; 41.53, subdivision 2; 41.54, subdivision 2; 41.55; 41.56, subdivisions 4, 5, and by adding subdivisions; 41.57, subdivision 2, and by adding a subdivision; 41.58, subdivision 1; 41.59, subdivisions 1, 2, and 3; and 41.61, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Samuelson
Anderson	Dieterich	Kronebusch	Pehler	Schmitz
Belanger	Frank	Laidig	Peterson, C. C.	Sieloff
Benson	Frederick	Langseth	Peterson, D. C.	Solon
Berg	Frederickson	Lantry	Peterson, D. L.	Spear
Berglin	Freeman	Lessard	Peterson, R. W.	Stumpf
Bertram	Isackson	Luther	Petty	Taylor
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Ulland
Chmielewski	Jude	Mehrkens	Purfeerst	Waldorf
Dahl	Kamrath	Merriam	Ramstad	Wegscheid
Davis	Knaak	Moe, R. D.	Reichgott	Willet
DeCramer	Knutson	Nelson	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 633: A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1982, sections 336.9-301; 336.9-302; 336.9-306; and 336.9-312.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Olson	Samuelson
Anderson	Frank	Laidig	Pehler	Schmitz
Belanger	Frederick	Langseth	Peterson,C.C.	Sieloff
Benson	Frederickson	Lantry	Peterson,D.C.	Solon
Berg	Freeman	Lessard	Peterson,D.L.	Spear
Bertram	Isackson	Luther	Peterson,R.W.	Stumpf
Brataas	Johnson, D.E.	McQuaid	Petty	Taylor
Chmielewski	Jude	Mehrkens	Pogemiller	Ulland
Dahl	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R. D.	Ramstad	Wegscheid
DeCramer	Knutson	Nelson	Reichgott	Willet
Diessner	Kroening	Novak	Renneke	

Ms. Berglin voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 611: A bill for an act relating to occupations and professions; limiting municipal regulation of tow truck operators; limiting removal by tow trucks from private property; proposing new law coded in Minnesota Statutes, chapter 465.

With the unanimous consent of the Senate, Mr. Novak moved to amend S. F. No. 611 as follows:

Page 2, line 2, after "*property*" insert "*except*" and delete "*neither*"

Page 2, line 3, delete "*nor*" and insert "*or*"

Page 2, line 4, delete "*except in compliance with local ordinances*" and insert "*, or the owner or agent of the owner of the private property*"

The motion prevailed. So the amendment was adopted.

S.F. No. 611 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Samuelson
Belanger	Frank	Laidig	Pehler	Schmitz
Benson	Frederick	Langseth	Peterson,C.C.	Sieloff
Berg	Frederickson	Lantry	Peterson,D.C.	Solon
Berglin	Freeman	Lessard	Peterson,D.L.	Spear
Bertram	Isackson	Luther	Peterson,R.W.	Stumpf
Brataas	Johnson, D.E.	McQuaid	Petty	Taylor
Chmielewski	Jude	Mehrkens	Pogemiller	Ulland
Dahl	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R. D.	Ramstad	Wegscheid
DeCramer	Knutson	Nelson	Reichgott	Willet

So the bill, as amended, passed and its title was agreed to.

S.F. No. 238: A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota

Statutes, chapter 93.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Samuelson
Belanger	Frank	Laidig	Pehler	Schmitz
Benson	Frederick	Langseth	Peterson, C.C.	Sieloff
Berg	Frederickson	Lantry	Peterson, D.C.	Solon
Berglin	Freeman	Lessard	Peterson, D.L.	Spear
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R.D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

Mr. Stumpf voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 132: A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne 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 58 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Pehler	Schmitz
Anderson	Frederick	Langseth	Peterson, C.C.	Sieloff
Belanger	Frederickson	Lantry	Peterson, D.C.	Solon
Benson	Freeman	Lessard	Peterson, D.L.	Spear
Berg	Isackson	Luther	Peterson, R.W.	Stumpf
Berglin	Johnson, D.E.	McQuaid	Petty	Taylor
Bertram	Jude	Mehrkens	Pogemiller	Ulland
Brataas	Kamrath	Merriam	Purfeerst	Waldorf
Chmielewski	Knaak	Moe, R. D.	Ramstad	Wegscheid
Dahl	Knutson	Nelson	Reichgott	Willet
Davis	Kroening	Novak	Renneke	
DeCramer	Kronebusch	Olson	Samuelson	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 844: A bill for an act relating to crimes; changing the penalty for the theft of controlled substances; amending Minnesota Statutes 1982, section 609.52, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Olson	Samuelson
Anderson	Frank	Laidig	Pehler	Schmitz
Belanger	Frederick	Langseth	Peterson, C. C.	Sieloff
Benson	Frederickson	Lantry	Peterson, D. C.	Solon
Berg	Freeman	Lessard	Peterson, D. L.	Spear
Berglin	Isackson	Luther	Peterson, R. W.	Stumpf
Bertram	Johnson, D. E.	McQuaid	Petty	Taylor
Brataas	Jude	Mehrkens	Pogemiller	Ulland
Chmielewski	Kamrath	Merriam	Purfeerst	Waldorf
Dahl	Knaak	Moe, R. D.	Ramstad	Wegscheid
Davis	Knutson	Nelson	Reichgott	Willet
DeCramer	Kroening	Novak	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 204: A bill for an act relating to taxation; defining "isolated or occasional sales" for purposes of the sales tax exemption; amending Minnesota Statutes 1982, section 297A.25, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Samuelson
Belanger	Frank	Laidig	Pehler	Schmitz
Benson	Frederick	Langseth	Peterson, C. C.	Sieloff
Berg	Frederickson	Lantry	Peterson, D. C.	Solon
Berglin	Freeman	Lessard	Peterson, D. L.	Spear
Bertram	Isackson	Luther	Peterson, R. W.	Stumpf
Brataas	Johnson, D. E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Merriam	Purfeerst	Wegscheid
Davis	Knaak	Moe, R. D.	Ramstad	Willet
DeCramer	Knutson	Nelson	Reichgott	

So the bill passed and the title was agreed to.

S.F. No. 684: A bill for an act relating to mortgage registry tax; providing for a valid and recordable security in a variable debt instrument; waiving mortgage registry tax for marriage dissolution instruments; amending Minnesota Statutes 1982, sections 287.01, subdivision 3; 287.03; and 287.04.

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 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Samuelson
Belanger	Frank	Laidig	Pehler	Schmitz
Benson	Frederick	Langseth	Peterson, C. C.	Sieloff
Berg	Frederickson	Lantry	Peterson, D. C.	Solon
Berglin	Freeman	Lessard	Peterson, D. L.	Spear
Bertram	Isackson	Luther	Peterson, R. W.	Stumpf
Brataas	Johnson, D. E.	McQuaid	Petty	Taylor
Chmielewski	Jude	Mehrkens	Pogemiller	Ulland
Dahl	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R. D.	Ramstad	Wegscheid
DeCramer	Knutson	Nelson	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 746: A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Samuelson
Anderson	Frank	Laidig	Pehler	Schmitz
Belanger	Frederick	Langseth	Peterson, C.C.	Sieloff
Benson	Frederickson	Lantry	Peterson, D.C.	Solon
Berg	Freeman	Lessard	Peterson, D.L.	Spear
Berglin	Isackson	Luther	Peterson, R.W.	Stumpf
Bertram	Johnson, D.E.	McQuaid	Petty	Taylor
Brataas	Jude	Mehrkens	Pogemiller	Ulland
Chmielewski	Kamrath	Merriam	Purteerst	Waldorf
Dahl	Knaak	Moe, R.D.	Ramstad	Wegscheid
Davis	Knutson	Nelson	Reichgott	Willet
DeCramer	Kroening	Novak	Renneke	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 591: A bill for an act relating to insurance; health and accident; prohibiting provider discrimination in insurance policies covering mental health services; amending Minnesota Statutes 1982, section 62A.152, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Olson	Samuelson
Anderson	Frank	Laidig	Pehler	Schmitz
Belanger	Frederick	Langseth	Peterson, C.C.	Sieloff
Benson	Frederickson	Lantry	Peterson, D.C.	Solon
Berg	Freeman	Lessard	Peterson, D.L.	Spear
Berglin	Isackson	Luther	Peterson, R.W.	Stumpf
Bertram	Johnson, D.E.	McQuaid	Petty	Taylor
Brataas	Jude	Mehrkens	Pogemiller	Ulland
Chmielewski	Kamrath	Merriam	Purfeerst	Waldorf
Dahl	Knaak	Moe, R. D.	Ramstad	Wegscheid
Davis	Knutson	Nelson	Reichgott	Willet
Diessner	Kroening	Novak	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 263: A bill for an act relating to insurance; health and accident; providing reimbursement for the services of certain licensed and certified registered nurses on an equal basis with other licensed health professional services; amending Minnesota Statutes 1982, sections 62A.03, subdivision 1; and 62A.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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Samuelson
Belanger	Frank	Laidig	Pehler	Schmitz
Benson	Frederick	Langseth	Peterson, C. C.	Sieloff
Berg	Frederickson	Lantry	Peterson, D. C.	Solon
Berglin	Freeman	Lessard	Peterson, D. L.	Spear
Bertram	Isackson	Luther	Peterson, R. W.	Stumpf
Brataas	Johnson, D. E.	McQuaid	Petty	Taylor
Chmielewski	Jude	Mehrkens	Pogemiller	Ulland
Dahl	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R. D.	Ramstad	Wegscheid
DeCramer	Knutson	Nelson	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 346: A bill for an act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry; adjusting fees for inspection of warehouses; directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen; amending Minnesota Statutes 1982, sections 17.101; 17B.15, subdivision 1; 28A.03; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; 231.11; 231.12; 231.16; 232.22, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401 to 31.406; 32.472; and 32.473.

Was read the third time 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:

Adkins	Diessner	Kroening	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Samuelson
Belanger	Frank	Laidig	Pehler	Schmitz
Benson	Frederick	Langseth	Peterson, C. C.	Sieloff
Berg	Frederickson	Lantry	Peterson, D. C.	Solon
Berglin	Freeman	Lessard	Peterson, D. L.	Spear
Bertram	Isackson	Luther	Peterson, R. W.	Stumpf
Brataas	Johnson, D. E.	McQuaid	Petty	Taylor
Chmielewski	Jude	Mehrkens	Pogemiller	Ulland
Dahl	Kamrath	Merriam	Purfeerst	Waldorf
Davis	Knaak	Moe, R. D.	Ramstad	Wegscheid
DeCramer	Knutson	Nelson	Reichgott	Willet

So the bill passed and its title was agreed to.

S.F. No. 402: A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Samuelson
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Steloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Isackson	Luther	Petty	Taylor
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Ulland
Chmielewski	Jude	Mehrkens	Purfeerst	Waldorf
Dahl	Kamrath	Merriam	Ramstad	Wegscheid
Davis	Knaak	Moe, R.D.	Reichgott	Willet
DeCramer	Knutson	Nelson	Renneke	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Solon moved that the report from the Committee on Economic Development and Commerce, reported April 7, 1983, 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 Economic Development, reported April 7, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

IRON RANGE RESOURCES AND REHABILITATION COMMISSIONER

Gary Lamppa, Mountain Iron, St. Louis County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

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. 164: Messrs. Moe, D.M.; Merriam and Ulland.

H.F. No. 26: Mr. Dahl, Mses. Reichgott and Olson.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 681 a Special Order to be heard immediately.

S.F. No. 681: A bill for an act relating to taxation; increasing the fee for issuance of a petroleum products distributors license; increasing the fee for issuance of special fuel dealers or bulk purchasers licenses; increasing the fee for issuance of a motor carrier license; increasing the fee for issuance of a temporary trip permit; amending Minnesota Statutes 1982, sections 296.06, subdivision 2; 296.12, subdivisions 1 and 2; and 296.17, subdivisions 10 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 43 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Nelson	Schmitz
Belanger	Diessner	Laidig	Novak	Sieloff
Berg	Dieterich	Langseth	Pehler	Spear
Berglin	Frank	Lantry	Peterson,C.C.	Stumpf
Bertram	Frederickson	Luther	Peterson,R.W.	Taylor
Chmielewski	Freeman	McQuaid	Petty	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Davis	Johnson, D.J.	Merriam	Reichgott	
DeCramer	Jude	Moe, R. D.	Samuelson	

Those who voted in the negative were:

Anderson	Frederick	Knaak	Olson	Renneke
Benson	Isackson	Knutson	Peterson,D.L.	Ulland
Brataas	Kamrath	Kronebusch	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 967 Special Order to be heard immediately.

S.F. No. 967: A bill for an act relating to real property; requiring 60 days notice of default on a farm real estate mortgage, notice of termination of a farm real estate contract for deed, and notice of commencement of a sale and foreclosure proceeding; providing that a mortgage on farm real estate is reinstated during the redemption period upon payment of installments in

default and due during the period of redemption; authorizing farm working capital loan guarantees until June 1, 1983; amending Minnesota Statutes 1982, sections 47.20, subdivision 8; 550.18; 559.21, subdivisions 1, 1a, and 2; 580.09; 580.23, subdivision 1; 580.30; and 581.10.

Mr. Peterson, C.C. moved to amend S.F. No. 967 as follows:

Page 12, line 24, after the period, insert "*Sections 1 to 9 are repealed July 1, 1985. Notwithstanding the provisions of section 645.34, the repeal of sections 1 to 9 shall revive the corresponding provision or section of the original law.*"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C.C. then moved to amend S.F. No. 967 as follows:

Page 12, line 7, delete "\$2,500,000" and insert "\$2,000,000"

Page 12, line 14, delete "\$2,500,000" and insert "\$2,000,000"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 967 as follows:

Page 10, line 24, delete "*working capital*" and insert "*seed, chemicals, fertilizer, and fuel*"

The motion did not prevail. So the amendment was not adopted.

S.F. No. 967 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 55 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Reichgott
Anderson	Diessner	Kroening	Novak	Renneke
Benson	Dieterich	Kronebusch	Olson	Samuelson
Berg	Frank	Laidig	Pehler	Schmitz
Berglin	Frederick	Langseth	Peterson, C. C.	Sieloff
Bertram	Frederickson	Lantry	Peterson, D. C.	Solon
Brataas	Freeman	Lessard	Peterson, D. L.	Spear
Chmielewski	Isackson	Luther	Peterson, R. W.	Stumpf
Dahl	Johnson, D. E.	McQuaid	Petty	Taylor
Davis	Johnson, D. J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

Messrs. Belanger, Knaak and Waldorf voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 653 a Special Order to be heard immediately.

S.F. No. 653: A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Olson	Schmitz
Anderson	Frank	Kronebusch	Pehler	Sieloff
Belanger	Frederick	Laidig	Peterson, C.C.	Solon
Benson	Frederickson	Langseth	Peterson, D.C.	Spear
Berg	Freeman	Lantry	Peterson, D.L.	Stumpf
Berglin	Isackson	Lessard	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	Luther	Petty	Ulland
Brataas	Johnson, D.J.	McQuaid	Purfleerst	Waldorf
Chmielewski	Jude	Mehrkens	Ramstad	Wegscheid
Dahl	Kamrath	Merriam	Reichgott	Willet
Davis	Knaak	Moe, R. D.	Renneke	
Diessner	Knutson	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 606 a Special Order to be heard immediately.

S.F. No. 606: A bill for an act relating to retirement; public employees funds generally; increasing interest rates paid on refunds and rates required for repayment of refunds and other payments to the funds; amending Minnesota Statutes 1982, sections 3A.03, subdivision 2; 352.029, subdivision 4; 352.04, subdivision 8; 352.12, subdivision 1; 352.22, subdivision 2; 352.23; 352.27; 352.271; 352B.11, subdivisions 1, 3, and 4; 352C.09, subdivision 2; 353.01, subdivision 16; 353.27, subdivision 12; 353.28, subdivision 5; 353.32, subdivision 1; 353.34, subdivision 2; 353.35; 353.36, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354.50, subdivision 2; 354.51, subdivisions 4 and 5; 354.52, subdivision 4; 354.53, subdivision 1; 354.532, subdivision 3; 354A.093; 354A.32; 354A.35, subdivisions 1 and 2; 354A.37, subdivisions 3 and 4; 354A.38, subdivision 3; 422A.09, subdivision 3; 422A.11, subdivision 2; 422A.16, subdivision 5; 422A.22, subdivisions 1, 4 and 5; 422A.221, subdivision 2; and 490.124, subdivision 12; repealing Minnesota Statutes 1982, section 354.49, subdivision 3.

Mr. Spear moved to amend S.F. No. 606 as follows:

Page 8, line 2, after "subdivision 1" insert "*, who applies for a refund of contributions after July 1, 1983, and*"

The motion prevailed. So the amendment was adopted.

S.F. No. 606 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Reichgott
Anderson	Diessner	Knutson	Novak	Renneke
Belanger	Dieterich	Kroening	Olson	Samuelson
Benson	Frank	Kronebusch	Pehler	Schmitz
Berg	Frederick	Laidig	Peterson, C. C.	Sieloff
Berglin	Frederickson	Langseth	Peterson, D. C.	Solon
Bertram	Freeman	Lantry	Peterson, D. L.	Spear
Brataas	Isackson	Lessard	Peterson, R. W.	Stumpf
Chmielewski	Johnson, D. E.	Luther	Petty	Taylor
Dahl	Johnson, D. J.	McQuaid	Pogemiller	Uiland
Davis	Jude	Mehrrens	Purfeerst	Waldorf
DeCramer	Kamrath	Merriam	Ramstad	Willet

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 1009 a Special Order to be heard immediately.

S.F. No. 1009: A bill for an act relating to transportation; defining certain terms relating to motor vehicle carriers; delineating exemptions; prescribing rules for operation of carriers; providing for investigation of carriers; providing for regulation of carriers of hazardous materials; providing for granting of certificates for operation; setting procedures for establishing rate schedules; providing for fees; providing for annual registration; requiring certificates of insurance; allowing permits to be assigned or transferred under certain conditions; providing hearing procedures regarding rate schedules; requiring shipping documents; providing for regulation of interstate carriers; authorizing suspension of operating authority under certain conditions; requiring refunds for overcharges; providing enforcement powers; providing penalties; providing for annual renewal of identification stamps; regulating local cartage carriers; assigning duties, functions, and powers to the public utilities commission until the transportation regulation board is established and appointed; amending Minnesota Statutes 1982, sections 168.013, subdivision 1e; 174.22, subdivision 2; 221.011, subdivisions 3, 9, 11, 12, 14, 15, 16, 19, 21, and 24, and by adding subdivisions: 221.021; 221.031; 221.041; 221.071; 221.111; 221.121; 221.131; 221.141, subdivision 1, and by adding a subdivision; 221.151; 221.161; 221.171; 221.181; 221.221; 221.251; 221.291; 221.296, subdivisions 2, 3, and 4; and 221.64; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, sections 221.011, subdivisions 4 and 22; 221.032; 221.141, subdivision 2; 221.292; 221.294; and 221.296, subdivision 1.

Mr. Novak moved to amend S. F. No. 1009 as follows:

Page 6, line 20, delete the new language

Page 9, line 7, after "*freight*" insert "*, other than household goods and petroleum products,*"

Page 13, delete line 6

Page 13, line 7, delete "*57,000 pounds*" and insert "*operated in an area having a 150-mile radius from that person's home post office, implements of*

husbandry”

Page 34, line 21, delete “gross”

Page 34, line 22, delete “\$600” and insert “the maximum fine which may be imposed for a misdemeanor”

Page 34, line 26, delete “gross”

Page 34, line 27, delete “\$600” and insert “the maximum fine which may be imposed for a misdemeanor”

The motion prevailed. So the amendment was adopted.

S.F. No. 1009 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Renneke
Anderson	Dieterich	Kroening	Olson	Samuelson
Belanger	Frank	Kronebusch	Pehler	Schmitz
Benson	Frederick	Laidig	Peterson,C.C.	Sieloff
Berg	Frederickson	Lantry	Peterson,D.C.	Spear
Berglin	Freeman	Lessard	Peterson,D.L.	Stumpf
Bertram	Isackson	Luther	Peterson,R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Dahl	Jude	Merriam	Purfeerst	Wegscheid
Davis	Kamrath	Moe, R. D.	Ramstad	Willet
DeCramer	Knaak	Nelson	Reichgott	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated H.F. No. 609 a Special Order to be heard immediately.

H.F. No. 609: A bill for an act relating to commerce; motor vehicle sales and distribution; requiring certain payments to be made upon termination of motor vehicle franchises; amending Minnesota Statutes 1982, section 80E.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 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Reichgott
Anderson	Diessner	Kroening	Novak	Renneke
Belanger	Dieterich	Kronebusch	Olson	Samuelson
Benson	Frank	Laidig	Pehler	Schmitz
Berg	Frederick	Langseth	Peterson,C.C.	Sieloff
Berglin	Frederickson	Lantry	Peterson,D.C.	Spear
Bertram	Freeman	Lessard	Peterson,D.L.	Stumpf
Brataas	Isackson	Luther	Peterson,R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Petty	Ulland
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Davis	Jude	Merriam	Purfeerst	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Ramstad	Willet

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 597 a Special Order to be heard immediately.

S.F. No. 597: A bill for an act relating to financial institutions; credit unions; requiring applicants to form a credit union to submit certain information to the commissioner of banks; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, sections 52.01; 52.05; and 168.67.

Was read the third time 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 2, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Schmitz
Anderson	Dieterich	Kroening	Pehler	Sieloff
Belanger	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bertram	Freeman	Lessard	Peterson, R.W.	Taylor
Brataas	Isackson	Luther	Petty	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

Mr. Benson and Mrs. Kronebusch voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 891 a Special Order to be heard immediately.

S.F. No. 891: A bill for an act relating to transportation; permitting the use of state vehicles in ridesharing arrangements; providing for a unique registration category and special license plates for commuter vans; defining ridesharing arrangement and other terms; clarifying taxation, licensing, and vehicle use requirements in ridesharing arrangements; excluding certain ridesharing arrangements from the provisions of chapter 176 governing workers' compensation; clarifying employers' liability under workers' compensation for a ridesharing arrangement; excluding participation in a ridesharing arrangement from overtime compensation and the payment of minimum wages as defined in chapter 177; excluding payments other than salary to drivers in ridesharing arrangements from the definition of gross income; excluding motor vehicles participating in ridesharing arrangements from the definition of commercial motor vehicle; deleting the requirement to transfer rideshare

program development from the commissioner of transportation; amending Minnesota Statutes 1982, sections 16.753, subdivision 3; 169.01, by adding a subdivision; 174.257, by adding subdivisions; 176.041; 176.051, by adding subdivisions; 290.08, by adding a subdivision; 296.17; and Laws 1981, chapter 363, section 55, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 168 and 177.

Mrs. Adkins moved to amend S. F. No. 891 as follows:

Page 3, line 15, after "*persons*" insert "*, for a fee or otherwise,*"

Page 3, lines 25 and 26, delete "*may pay a fee to*"

Page 3, lines 32 and 33, delete "*may pay a fee to*"

Page 4, line 4, delete "*may pay a fee to*"

Page 4, line 34, before "*insured*" insert "*assistance in obtaining*"

Page 7, line 21, reinstate the stricken "*, who is a worker on*" and delete "*of*" in both places

Page 7, line 22, reinstate the stricken "*worker,*"

Page 8, line 15, after the comma insert "*the benefits provided under chapter 65B are the primary coverage for*"

Page 8, line 18, delete "*is not a personal injury*"

Page 8, delete line 19

Page 8, line 20, delete everything before the period

Page 10, line 19, after "*and*" delete "*section*" and insert "*sections 12 and*"

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend S.F. No. 891 as follows:

Page 9, after line 33, insert:

"(f) "*governor*" means a state official who is not allowed to designate the placement, maintenance or monies spent on any highways."

The motion did not prevail. So the amendment was not adopted.

S.F. No. 891 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Novak	Renneke
Anderson	Frank	Kronebusch	Olson	Schmitz
Benson	Frederick	Laidig	Pehler	Sieloff
Berglin	Frederickson	Langseth	Peterson,C.C.	Solon
Bertram	Freeman	Lantry	Peterson,D.C.	Spear
Brataas	Isackson	Lessard	Peterson,D.L.	Storm
Chmielewski	Johnson, D.E.	Luther	Peterson,R.W.	Stumpf
Dahl	Johnson, D.J.	McQuaid	Petty	Taylor
Davis	Jude	Mehrkens	Pogemiller	Ulland
DeCramer	Kamrath	Merriam	Purfeerst	Waldorf
Dicklich	Knaak	Moe, R. D.	Ramstad	Wegscheid
Diessner	Knutson	Nelson	Reichgott	Willet

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 529 a Special Order to be heard immediately.

S.F. No. 529: A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivision 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

Mr. Spear moved to amend S.F. No. 529 as follows:

Page 4, line 7, delete "and"

Page 4, line 8, after "*abilities*" insert a semicolon and after "*and*" insert "*(c) that the examination, unless limited to determining whether the person's disability would prevent performance of the job,*"

Page 4, line 16, delete "(a)"

Page 4, line 17, after "*tests*" insert "(a)" and delete "and" and insert "(b)"

Page 4, line 19, after "*disability*" insert "*unless limited to determining whether the person's disability would prevent performance of the job*"

Page 4, line 19, delete "(b) that they" and insert "(c)"

Page 7, line 3, delete "100" and insert "50" and after "*more*" insert "*permanent, full-time*"

Page 7, line 16, after "*aides*" insert "*on a temporary or periodic basis*"

Page 7, line 24, after "*force*" insert ", and the number of employees at the location where the employment would occur"

Page 7, line 30, after "*person*" insert "*or with knowledgeable disabled persons or organizations*"

Page 7, delete lines 31 and 32 and insert:

"In the case of an accommodation for a job applicant, any cost in excess of \$50 imposed on the prospective employer shall be deemed an undue hardship if no alternative costing \$50 or less exists. A prospective employer need not pay for an accommodation for a job applicant which costs \$50 or less if it is available from an alternative source without cost to the employer or applicant."

The motion prevailed. So the amendment was adopted.

S.F. No. 529 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Renneke
Anderson	Dieterich	Kroening	Olson	Schmitz
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Laidig	Peterson, C.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.C.	Storm
Bertram	Freeman	Lantry	Peterson, D.L.	Stumpf
Brataas	Isackson	Lessard	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.E.	Luther	Petty	Ulland
Dahl	Johnson, D.J.	McQuaid	Pogemiller	Waldorf
Davis	Jude	Mehrkens	Purfeerst	Wegscheid
DeCramer	Kamrath	Merriam	Ramstad	Willet
Dicklich	Knaak	Moe, R. D.	Reichgott	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 603 a Special Order to be heard immediately.

S.F. No. 603: A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1982, section 201.091, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Benson	Frank	Laidig	Peterson, C.C.	Spear
Berg	Frederick	Langseth	Peterson, D.C.	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bertram	Freeman	Lessard	Peterson, R.W.	Taylor
Brataas	Isackson	Luther	Petty	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knutson	Novak	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 705 a Special Order to be heard immediately.

S.F. No. 705: A bill for an act relating to Blue Earth County; providing for the taxation of the Rapidan Dam power generating 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Renneke
Anderson	Dieterich	Kroening	Olson	Schmitz
Benson	Frank	Kronebusch	Pehler	Sieloff
Berg	Frederick	Laidig	Peterson, C.C.	Solon
Berglin	Frederickson	Langseth	Peterson, D.C.	Spear
Bertram	Freeman	Lantry	Peterson, D.L.	Storm
Brataas	Isackson	Lessard	Peterson, R.W.	Stumpf
Chmielewski	Johnson, D.E.	Luther	Petty	Taylor
Dahl	Johnson, D.J.	McQuaid	Pogemiller	Ulland
Davis	Jude	Mehrkens	Purfeerst	Waldorf
DeCramer	Kamrath	Merriam	Ramstad	Wegscheid
Dicklich	Knaak	Moe, R.D.	Reichgott	Wiljet

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 175 a Special Order to be heard immediately.

S.F. No. 175: A bill for an act relating to elections; including certain transportation expenses in the list of noncampaign disbursements; amending Minnesota Statutes 1982, section 10A.01, subdivision 10c.

Mr. Ulland moved to amend S.F. No. 175 as follows:

Page 2, line 8, delete “80 percent of”

The motion prevailed. So the amendment was adopted.

S.F. No. 175 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Renneke
Anderson	Dieterich	Kroening	Olson	Schmitz
Benson	Frank	Kronebusch	Pehler	Sieloff
Berg	Frederick	Laidig	Peterson, C.C.	Solon
Berglin	Frederickson	Langseth	Peterson, D.C.	Spear
Bertram	Freeman	Lantry	Peterson, D.L.	Storm
Brataas	Isackson	Lessard	Peterson, R.W.	Stumpf
Chmielewski	Johnson, D.E.	Luther	Petty	Taylor
Dahl	Johnson, D.J.	McQuaid	Pogemiller	Ulland
Davis	Jude	Mehrkens	Purfeerst	Waldorf
DeCramer	Kamrath	Merriam	Ramstad	Wegscheid
Dicklich	Knaak	Moe, R.D.	Reichgott	Wiljet

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 972 a Special Order to be heard immediately.

S.F. No. 972: A bill for an act relating to natural resources; authorizing the

commissioner of natural resources to sell certain lands in St. Louis County; 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 55 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Olson	Samuelson
Anderson	Diessner	Kroening	Pehler	Schmitz
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Sieloff
Benson	Frank	Laidig	Peterson, D.L.	Spear
Berg	Frederick	Langseth	Peterson, R.W.	Storm
Bertram	Frederickson	Lantry	Petty	Stumpf
Brataas	Freeman	Luther	Pogemiller	Taylor
Chmielewski	Isackson	McQuaid	Purfeerst	Ulland
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Waldorf
Davis	Johnson, D.J.	Merriam	Reichgott	Wegscheid
DeCramer	Jude	Moe, R.D.	Renneke	Willet

Messrs. Knaak, Knutson and Lessard voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 952 a Special Order to be heard immediately.

S.F. No. 952: A bill for an act relating to occupations and professions; regulating the period of time between professional boxing contests, matches, or exhibitions; amending Minnesota Statutes 1982, section 341.115.

Mr. Chmielewski moved to amend S.F. No. 952 as follows:

Page 1, after line 7, insert:

“Section 1. [341.045] [DEFINITION.]

For the purposes of this chapter, the terms “boxing and sparring” shall include full contact karate and kick boxing.”

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert “; proposing new law coded in Minnesota Statutes, chapter 341”

The motion prevailed. So the amendment was adopted.

S.F. No. 952 was then progressed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 551 a Special Order to be heard im-

mediately.

S.F. No. 551: A bill for an act relating to waters; requiring legislative approval for diversion of water outside the state; amending Minnesota Statutes 1982, section 105.405, 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:

Adkins	Diessner	Kroening	Pehler	Sieloff
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Solon
Belanger	Frank	Laidig	Peterson, D.C.	Spear
Benson	Frederick	Langseth	Peterson, D.L.	Storm
Berg	Frederickson	Lantry	Peterson, R.W.	Stumpf
Berglin	Freeman	Lessard	Petty	Taylor
Bertram	Isackson	Luther	Pogemiller	Ulland
Brataas	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, R.D.	Reichgott	Willet
Davis	Kamrath	Nelson	Renneke	
DeCramer	Knaak	Novak	Samuelson	
Dicklich	Knutson	Olson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 948 a Special Order to be heard immediately.

S.F. No. 948: A bill for an act relating to metropolitan government; providing for the term of the chairman of the metropolitan airports commission; amending Minnesota Statutes 1982, section 473.604, 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Renneke
Anderson	Dieterich	Kroening	Olson	Samuelson
Belanger	Frank	Kronebusch	Pehler	Schmitz
Benson	Frederick	Laidig	Peterson, C.C.	Solon
Berg	Frederickson	Langseth	Peterson, D.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.L.	Storm
Bertram	Isackson	Luther	Peterson, R.W.	Stumpf
Chmielewski	Johnson, D.E.	McQuaid	Petty	Taylor
Dahl	Johnson, D.J.	Mehrrens	Pogemiller	Ulland
Davis	Jude	Merriam	Purfeerst	Waldorf
DeCramer	Kamrath	Moe, R.D.	Ramstad	Wegscheid
Dicklich	Knaak	Nelson	Reichgott	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on

Bill Scheduling, designated S.F. No. 1083 a Special Order to be heard immediately.

S.F. No. 1083: A bill for an act relating to transportation; authorizing placement of vending machines in highway rest areas, tourist information centers, and weigh stations; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; and 160.28.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Sieloff
Belanger	Frank	Laidig	Peterson, C.C.	Solon
Benson	Frederick	Langseth	Peterson, D.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.L.	Storm
Berglin	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Isackson	Luther	Petty	Taylor
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, R.D.	Reichgott	Willet
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 784 a Special Order to be heard immediately.

S.F. No. 784: A bill for an act relating to public welfare; setting eligibility criteria for community social services; requiring information from users to be included in the planning process; prescribing duties of the commissioner; amending Minnesota Statutes 1982, sections 256E.03, subdivision 2; 256E.05, subdivision 3; and 256E.09, subdivisions 2 and 3.

Ms. Berglin moved to amend S.F. No. 784 as follows:

Page 1, line 13, after "2." insert "[COMMUNITY SOCIAL SERVICES.]"

Page 4, line 14, after the semicolon insert "and"

Page 4, line 28, delete "*Minnesota Statutes*."

The motion prevailed. So the amendment was adopted.

S.F. No. 784 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:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, R.W.	Stumpf
Berglin	Freeman	Lessard	Petty	Taylor
Bertram	Isackson	Luther	Pogemiller	Ulland
Brataas	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Dahl	Jude	Merriam	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S.F. No. 734 a Special Order to be heard immediately.

S.F. No. 734: A bill for an act relating to public welfare; modifying the procedure by which a vendor of care in the medical assistance program may seek review of proposed action on the part of the commissioner to make monetary recoveries or impose sanctions; providing for the establishment of a rate schedule for inpatient and outpatient hospital services reimbursement under the medical assistance program; permitting the commissioner to limit or suspend the eligibility of persons for medical assistance upon conviction of a criminal offense; allowing the commissioner access to medical records of medical assistance recipients without written authorization; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256B.061; and 256B.27, subdivisions 3 and 4.

Ms. Berglin moved to amend S.F. No. 734 as follows:

Page 1, line 29, delete everything after the comma

Page 1, delete line 30

Amend the title as follows:

Page 1, line 6, delete everything after the semicolon

Page 1, delete lines 7 and 8

Page 1, line 9, delete "program;"

The motion prevailed. So the amendment was adopted.

S.F. No. 734 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 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Petty	Taylor
Bertram	Isackson	Luther	Pogemiller	Ulland
Brataas	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Dahl	Jude	Merriam	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

Mr. Peterson, R.W. voted in the negative.

So the bill, as amended, passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mrs. Adkins moved that the name of Mr. Dahl be added as a co-author to S.F. No. 891. The motion prevailed.

Ms. Reichgott moved that H.F. No. 157 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 156, now on the Consent Calendar. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Peterson, D.C. and Mr. Dieterich introduced—

S.F. No. 1153: A bill for an act relating to insurance; providing the right to convert from group dental insurance to individual dental insurance under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 62A.

Referred to the Committee on Economic Development and Commerce.

Messrs. Sieloff, Berg, Knaak and Bernhagen introduced—

S.F. No. 1154: A bill for an act relating to taxation; reducing the estate tax to the amount of the federal credit for state death taxes; amending Minnesota Statutes 1982, sections 291.005, subdivision 1; 291.03, subdivision 1; 291.075; 291.09, subdivisions 1a and 3a; 291.11, subdivision 1; 291.132, subdivision 1; 291.215, subdivisions 1 and 3; repealing Minnesota Statutes 1982, sections 270.75, subdivision 7; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; 291.132, subdivisions 2, 3, and 4; and 291.15, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Ramstad introduced—

S.F. No. 1155: A bill for an act relating to elections; changing certain election campaign committee reporting requirements in Hennepin County; amending Laws 1980, chapter 362, sections 3, subdivision 2; 8, subdivision 1, and by adding a subdivision; and 14, subdivision 5.

Referred to the Committee on Elections and Ethics.

Mr. Samuelson introduced—

S.F. No. 1156: A bill for an act relating to state hospitals; authorizing limited shared services agreements; providing for retention of receipts by the state hospital; appropriating money; amending Minnesota Statutes 1982, section 246.57, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 1157: A bill for an act relating to taxation; clarifying the income tax treatment of certain debt obligations of state and local governments; amending Minnesota Statutes 1982, sections 80A.09, subdivision 1; 115A.69, subdivision 6; 116A.25; 116J.89, subdivision 6; 136.32; 136A.179; 136A.39; 193.146, subdivision 4; 272.02, subdivision 1; 362A.07; 447.35; 447.49; 458A.05, subdivision 6; 462.551; 462A.19, subdivision 1; 472.09, subdivision 4; 473.448; and 473.545; repealing Minnesota Statutes 1982, sections 116J.89, subdivision 7; 462A.19, subdivision 2; and 474.12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J. and Purfeerst introduced—

S.F. No. 1158: A bill for an act relating to appropriations; changing membership in the transportation regulation board and public utilities commission; appropriating money; amending Minnesota Statutes 1982, sections 174A.01, subdivision 2; and 216A.03, subdivision 1.

Referred to the Committee on Transportation. Mr. Dieterich questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Lessard introduced—

S.F. No. 1159: A bill for an act relating to public utilities; establishing local prepay, coin-operated telephone systems; amending Minnesota Statutes 1982, sections 237.01, by adding a subdivision; and 237.075, by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Novak; Johnson, D.J.; Purfeerst; Solon and Frederick introduced—

S.F. No. 1160: A bill for an act relating to taxation; allowing certain

dealers to be licensed as distributors for purpose of payment of the gasoline excise tax; amending Minnesota Statutes 1982, section 296.06, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Laidig, Merriam, Diessner and Mrs. Lantry introduced—

S.F. No. 1161: A bill for an act relating to local government; permitting Ramsey and Washington counties to provide interim and long term financing of solid waste and related facilities; providing for a waste management district.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Adkins introduced—

S.F. No. 1162: A bill for an act relating to drivers licenses; requiring a licensee to add birth date to the signature; amending Minnesota Statutes 1982, section 171.07, subdivision 1.

Referred to the Committee on Transportation.

MEMBERS EXCUSED

Messrs. Bernhagen; Hughes; Moe, D.M. and Vega were excused from the Session of today. Mr. Dicklich was excused from the Session of today until 9:00 p.m. Mr. Johnson, D.J. was excused from the Session of today from 8:00 to 8:50 p.m. Mr. Storm was excused from the Session of today until 9:30 p.m. Mr. Samuelson was excused from the Session of today until 8:30 p.m. Mr. Belanger was excused from the Session of today from 10:00 to 10:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 14, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 14, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Pogemiller imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Senator Dean Johnson.

The roll was called, and the following Senators answered to their names:

Adkins	Dicklich	Knaak	Merriam	Samuelson
Anderson	Diessner	Knutson	Moe, R.D.	Schmitz
Benson	Dieterich	Kroening	Nelson	Solon
Berg	Frank	Kronebusch	Pehler	Spear
Berglin	Frederick	Laidig	Peterson, C.C.	Storm
Bertram	Frederickson	Langseth	Peterson, D.C.	Stumpf
Brataas	Isackson	Lantry	Peterson, D.L.	Taylor
Chmielewski	Johnson, D.E.	Lessard	Petty	Ulland
Dahl	Johnson, D.J.	Luther	Pogemiller	Waldorf
Davis	Jude	McQuaid	Ramstad	Willet
DeCramer	Kamrath	Mehrkens	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 462: A bill for an act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, subdivision 2.

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 re-referred

S.F. No. 772: A bill for an act relating to taxation; liquor excise; providing

a reduced tax on liquor made in Minnesota from Minnesota products; amending Minnesota Statutes 1982, section 340.47, subdivisions 1, 1a, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, delete "*made*" and insert "*distilled*" and delete "*from*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

Page 2, line 6, delete "*Minnesota-grown products*"

Page 2, line 9, delete "*made*" and insert "*distilled*"

Page 2, line 10, delete "*from Minnesota-grown products*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

Page 2, line 17, delete "*made*" and insert "*distilled*"

Page 2, line 18, delete "*from Minnesota-grown products*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

Page 3, line 7, delete "*made*" and insert "*distilled*" and delete "*from*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

Page 3, line 8, delete "*Minnesota-grown products*"

Page 3, line 11, delete "*made*" and insert "*distilled*"

Page 3, line 12, delete "*from Minnesota-grown products*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

Page 3, line 19, delete "*made*" and insert "*distilled*" and delete "*from Minnesota-grown products*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

Page 3, line 25, delete "*Minnesota-grown products*" and insert "*ingredients grown or produced in Minnesota*"

Page 4, delete lines 1 and 2

Page 4, line 3, delete everything before "*distilled*"

Page 4, line 5, delete "*manufactured*" and insert "*distilled*" and delete "*from*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

Page 4, line 6, delete "*Minnesota-grown products*"

Amend the title as follows:

Page 1, line 3, delete "*made*" and insert "*distilled*"

Page 1, line 3, delete "*from Minnesota*"

Page 1, line 4, delete "*products*" and insert "*with a majority of the ingredients grown or produced in Minnesota*"

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. 694: A bill for an act relating to open space and recreation;

authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "\$....." and insert "\$34,995,000"

Page 1, line 19, delete "\$....." and insert "\$17,325,000"

Page 2, line 6, delete "\$....." 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* \$2,500,000
- (2) *For betterment of state parks and recreation areas, as listed and described in Minnesota Statutes, sections 85.012 and 85.013* \$3,450,000
- (3) *For betterment of state trails and trails within state parks, and other units of the outdoor recreation system as defined in Minnesota Statutes, section 86A.05* \$1,725,000
- (4) *For acquisition of state forests listed and described in Minnesota Statutes, section 89.021* \$ 470,000
- (5) *For betterment of R. J. Dorer memorial forest described in Minnesota Statutes, section 89.021, subdivision 33* \$ 230,000
- (6) *For betterment of state forest recreation listed and described in Minnesota Statutes, section 89.021* \$ 380,000
- (7) *For betterment of state forest roads and bridges* ... \$1,150,000
- (8) *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* \$ 240,000
- (9) *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* \$4,090,000
- (10) *For betterment of wildlife management areas, acquired pursuant to Minnesota Statutes, sections 97.48, subdivision 13, and 97.481* \$ 575,000

<i>(11) For acquisition of natural and scientific areas designated pursuant to Minnesota Statutes, section 84.033</i>	\$ 400,000
<i>(12) For betterment of natural and scientific areas designated pursuant to Minnesota Statutes, section 84.033</i>	\$ 60,000
<i>(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</i>	\$ 250,000
<i>(14) for betterment of canoe and boating routes, portages, and camp sites as listed and described in Minnesota Statutes, section 85.32</i>	\$ 50,000
<i>(15) For betterment of public accesses to public waters pursuant to Minnesota Statutes, section 97.48, subdivision 15</i>	\$ 920,000
<i>(16) For acquisition of public accesses to public waters pursuant to Minnesota Statutes, section 97.48, subdivision 15</i>	\$1,180,000

Not more than 15 percent of the amount appropriated for any line item contained in this section shall be expended for staff and independent professional services in connection with that acquisition or betterment.

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 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 4 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. Minnesota Statutes 1982, section 473.147, subdivision 1, is amended to read:

Subdivision 1. The metropolitan council after consultation with the parks and open space commission, municipalities, park districts and counties in the metropolitan area, and after appropriate public hearings, shall prepare and adopt a long-range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan shall substantially conform to all policy statements, purposes, goals, standards, and maps in development guide sections and comprehensive plans as developed and adopted by the council pursuant to the chapters of the Minnesota Statutes directly relating to the council. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county

and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development. *The legislature in each bonding measure shall designate an anticipated level of funding for such acquisition and development for each of the two succeeding biennia.*"

Page 2, line 11, delete "\$...." and insert "\$35,000"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "relating to" insert "parks,"

Page 1, line 6, after the semicolon, insert "authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, natural and scientific areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; requiring the legislature to designate anticipated funding levels for park acquisition and development in the metropolitan area;"

Page 1, line 7, before the period, insert "; amending Minnesota Statutes 1982, section 473.147, subdivision 1"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 689: A bill for an act relating to the town of St. Cloud; permitting its division into urban and rural service districts.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 823: A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

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. 628: A bill for an act relating to agriculture; providing for the prevention of economic waste in the marketing of certain agricultural crops produced in Minnesota by establishing minimum prices; providing for supply management and orderly marketing, administration, and enforcement; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete "10" and insert "9"

Page 2, line 27, delete "10" and insert "9"

Page 2, line 32, delete "8" and insert "7"

Page 3, delete lines 19 to 21 and insert:

"Subd. 7. [PRODUCER.] "Producer" means any person who owns or operates an agricultural producing or growing facility for an agricultural commodity and shares in the profits and risk of loss from the operation, and who grows, raises, or produces the agricultural commodity in Minnesota during the current or preceding market year."

Page 4, delete lines 2 to 6 and insert:

"Subd. 2. [MINIMUM PRICE TRIGGER.] The minimum price of an agricultural commodity, except sunflowers, shall be effective when a minimum price equal to the minimum price established under this section has been established for at least 60 percent of the previous year's United States production of that commodity. The minimum price for sunflowers shall be effective when a minimum price equal to the minimum price established under this section has been established for at least 60 percent of the previous year's United States production of sunflowers and when the minimum price of soybeans is effective. Notice that a minimum price established by the commissioner has become effective shall be published in the state register."

Page 4, line 12, delete the second comma and insert a period

Page 4, line 17, delete "the product of"

Page 4, line 18, delete "divided by the statewide"

Page 4, line 19, delete "average county loan rate" and after "by" insert "the ratio of"

Page 4, line 20, after "question" insert "to the statewide average county loan rate"

Pages 4 and 5, delete subdivisions 5 and 6 and insert:

"Subd. 5. [PROCEDURE FOR ESTABLISHMENT OF MINIMUM PRICE.] As soon as practicable after February 1 of each year, the commissioner shall establish the minimum price for any commodity based on the parity price in effect on February 1 of that year. The commissioner shall adopt temporary rules establishing the minimum price in the manner provided under chapter 14. The rule shall be effective for one year from the time of its adoption unless a shorter time is provided by the rule. The commissioner shall retain all data used in establishing a minimum price. Any person aggrieved by a minimum price established under this subdivision may petition for judicial review as provided in section 14.44 within 30 days of the effective date of the rule. The data retained by the commissioner shall constitute the record for review by the court."

Page 5, after line 34, insert:

"The production which is subject to adjustment under this subdivision is the total production of the commodity for all purposes, including amounts of the commodity used by the producer in his own operations. In adopting supply management or orderly marketing procedures for a commodity, the commissioner shall consider the impact of federal programs and other fac-

tors affecting the production and supply of the commodity. In determining the magnitude of any pro rata production adjustment or market share, the commissioner shall take into account any adjustment in production made by producers under any federal program."

Page 6, line 7, delete "both"

Page 6, delete lines 8 to 11

Page 6, line 12, delete everything before "or" and insert "*the procedures are disapproved or different procedures are adopted by an act of the legislature;*"

Page 6, line 12, delete "25" and insert "ten"

Page 6, line 36, delete "8" and insert "7"

Page 7, line 1, delete "shall" and insert "may"

Page 7, line 8, delete everything after "register"

Page 7, delete lines 9 and 10

Page 7, line 11, delete "subdivision 6" and insert "*at the same time that notice of the effectiveness of a minimum price is published under section 3, subdivision 2. The check-off procedure is effective upon approval by a majority of the producers voting in a referendum held by the commissioner in the manner provided for a promotional order under section 17.56, subdivision 3. If a referendum is conducted and the proposed check-off fee is not approved, the commissioner shall not conduct another referendum on any check-off fee for the same commodity until one year has elapsed. Establishment of the check-off procedure is not subject to the administrative procedure act under chapter 14. An outline of the proposed check-off procedure shall be published in the state register with the temporary rule establishing the minimum price for a commodity under section 3, subdivision 5"*

Page 7, after line 15, insert:

"The commissioner shall retain all data used to establish the check-off procedure. Any person aggrieved by the procedure may petition the district court of Ramsey County for judicial review. The data retained by the commissioner shall be the record for judicial review."

Page 7, lines 18 and 21, delete "8" and insert "7"

Page 7, line 23, delete "8" and insert "7, and to repay any appropriation from the general fund"

Page 7, line 28, delete "commisioner" and insert "commissioner"

Page 7, line 29, after the period, insert "*During biennial budget hearings in each odd numbered year, the commissioner shall report the projected administrative costs for the next biennium under sections 2 to 7 to the standing legislative committees on finance and appropriations."*

Pages 7 and 8, delete section 6

Page 8, line 12, delete "[17.708]" and insert "[17.707]"

Page 8, line 13, delete "8" and insert "7"

Page 8, line 16, delete "[17.709]" and insert "[17.708]" and after "PENALTIES" insert "; ENFORCEMENT"

Page 8, line 17, delete "A person may not sell to another and" and insert "*Subdivision 1. [PENALTIES.]*"

Page 8, line 19, delete "*most recently set by the commissioner*" and insert "*which is effective at the time of purchase*"

Page 8, line 20, after "*is*" insert a colon and delete "*fine*" and insert "*civil penalty*"

Page 8, line 24, after the period, insert "*The attorney general may bring an action in district court to impose a penalty provided under this section.*"

Subd. 2. [INVESTIGATION; SETTLEMENT.] The commissioner shall investigate any reported violation of this section. If the commissioner determines that a violation has occurred, the commissioner may negotiate a settlement with the offending party, including payment of a penalty in an amount not less than the difference between the lower price and the established minimum price for the commodity involved. If a settlement cannot be reached within 60 days, the commissioner shall request the attorney general to take other appropriate legal action.

Subd. 3. [RESTRAINING ORDER.] The commissioner may seek a temporary restraining order to restrain a violation of subdivision 1 in the district court of Ramsey County. The court shall grant a temporary restraining order for ten working days upon a showing by the commissioner that there is reason to believe, based on specific evidence, that an ongoing violation of subdivision 1 is occurring or that a violation may occur."

Page 8, delete section 9

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 525: A bill for an act relating to marriage dissolution; providing a summary dissolution procedure; proposing new law coded in Minnesota Statutes, chapter 518.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [518.134] [SUMMARY DISSOLUTION.]

Subdivision 1. [AVAILABILITY.] A marriage may be dissolved using the summary procedure in this section if:

(a) at least one party to the marriage fulfills the residence requirements in section 518.07;

(b) there has been an irretrievable breakdown in the marriage;

(c) a petition for dissolution has been filed; and

(d) the parties have executed a verified, written stipulation which purports to settle all matters relating to the dissolution.

Subd. 2. [SETTLEMENT STIPULATION.] The stipulation required in subdivision 1, clause (d) must include:

(a) a waiver by both parties to a hearing on the decree of dissolution;

(b) a statement that each party has consulted with an attorney prior to executing the stipulation;

(c) a statement that each party believes the stipulation to be fair and reasonable;

(d) findings of fact sufficient to support all required allegations in the petition for dissolution; and

(e) a statement by the attorneys for each party that they have reviewed the stipulation and counseled their respective clients concerning its terms prior to the parties' execution of the stipulation.

When the moving party requests that a decree of dissolution be made and entered without a hearing, and a stipulation described in this section has been filed with and reviewed by the court, unless the court, in its discretion, requires a hearing on the decree of dissolution, the court may make its findings of fact, conclusions of law, order for payment and judgment, and decree based on the stipulation without a hearing. The verified statement set forth in the stipulation constitutes sufficient evidence for it.

Sec. 2. Minnesota Statutes 1982, 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. When a stipulation meeting the requirement of section 1 has been filed with the court, the decree of dissolution may incorporate the stipulation by reference and the court may adopt the terms of the stipulation as its findings of fact, conclusions of law, 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. 3. [EFFECTIVE DATE.]

This act is effective for decrees of dissolution made after the date of final enactment.

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1982, section 518.145;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 549: A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "such" and insert "the"

Page 1, line 17, before the period, insert "unless the elements of both law and fact are identical"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 702: A bill for an act relating to human rights; requiring employers to grant personal leave to adopting parents on the same basis as they allow personal leave for biological parents; 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 9, delete "[363.031] [PERSONAL LEAVE FOR ADOPTING]" and insert "[181.92] [LEAVES FOR ADOPTIVE]"

Page 1, line 11, delete "*personal leave*" and insert "*time off*"

Page 1, line 12, delete "*personal*" and insert "*time off*"

Page 1, line 13, delete "*leave*"

Page 1, line 14, delete everything after the period and insert "*An employer shall not penalize an employee for requesting or obtaining time off according to this section.*"

Page 1, delete line 15

Delete the title and insert:

"A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 393: A bill for an act relating to marriage dissolution; including nonvested pension rights in the definition of marital property; amending Minnesota Statutes 1982, sections 518.54, subdivision 5; and 518.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "*and*"

Page 1, line 12, delete "*nonvested*"

Page 1, line 12, after "*rights*" insert "*and employee contributions to public pension plans in which the employee's pension benefits or rights have not vested plus accrued interest*"

Page 1, line 24, reinstate the stricken word "*ownership*" and delete "*interest*"

Page 1, line 25, reinstate the stricken words "*that vests*" and delete "*acquired*"

Page 2, line 2, reinstate the stricken word "*vested*"

Pages 2 and 3, delete section 2 and insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on August 1, 1983, and applies to all dissolution actions commenced on or after that date."

Amend the title as follows:

Page 1, line 4, delete "sections" and insert "section"

Page 1, line 5, delete "; and 518.58"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 731: A bill for an act relating to liens; right of possession and liens on fabrication molds and patterns; amending Minnesota Statutes 1982, section 514.19.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, strike "Such" and insert "A" and strike "shall exist" and insert "exists"

Page 1, line 17, strike "thereof" and strike "the same"

Page 1, lines 18 to 20, delete the new language and insert "*The use and storage of molds and patterns in the possession of the fabricator belonging to the customer for the balance due from the customer for fabrication work;*"

Page 1, line 22, strike "thereon" and insert "*on it*"

Page 1, line 23, strike "Such" and insert "*The*" and strike "shall"

Page 1, lines 23, 24, and 25, strike "such" and insert "*the*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 856: A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, subdivisions 2 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, strike line 16

Page 2, line 17, strike everything before "which"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 684: A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of

statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 558: A bill for an act relating to administrative rulemaking; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after "*businesses*" insert "*as defined by this section*"

Page 2, after line 9, insert:

"In its statement of need and reasonableness, the agency shall document how it has considered these methods and the results."

Page 2, line 21, delete "*may*" and insert "*will*"

Page 2, line 22, delete the semicolon and insert "*which shall include a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons; or*"

Page 2, line 25, after the semicolon, insert "*or*"

Page 2, line 27, after the semicolon, insert "*or*"

Page 2, line 29, delete "*; and*" and insert a period

Page 2, delete lines 30 to 32

Page 2, after line 32, insert:

"Subd. 5. [COMPLIANCE.] If a hearing examiner or the attorney general finds that an agency has failed to comply with subdivisions 1 to 4 of this section the rules shall not be adopted."

Page 3, line 4, after the period, insert "*This subdivision shall not apply to rules governing licensure of occupations listed in section 116J.70, subdivision 2a, clause (3), paragraphs (a) through (pp).*"

Page 3, delete line 7

Page 3, line 10, delete the period and insert a semicolon

Page 3, after line 10, insert:

"(c) service businesses regulated by government bodies, for standards and costs, such as nursing homes, long-term care facilities, hospitals, providers of medical care, day care centers, group homes, and residential care facilities; and

(d) agency rules adopted under section 16.085."

Page 3, line 12, delete "*supervise*" and insert "*review*"

Renumber the subdivisions in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 140: A bill for an act relating to public utilities; requiring public utilities to consider customer schedule needs when reading nonaccessible meters; 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 16, delete "*weekend*" and insert "*Saturday or Sunday*"

Page 1, line 18, after the period, insert "*Utilities may refuse to read a customer's meter during non-daylight hours if such activity could threaten the safety of the utility meter-reading employee.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 656: A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

S.F. No. 123: A bill for an act relating to cities; directing the department of energy, planning and development to identify border city equalization zones; providing disparity relief measures; providing development powers to cities; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; 273.1312, subdivision 4; 273.75, subdivision 1; 290.06, by adding a subdivision; and 290.08, by adding a subdivision; and proposing new law coded in Minnesota Statutes, chapter 459.

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 1982, section 273.13, subdivision 9, is amended to read:

Subd. 9. [CLASS 4A, 4B, 4C, AND 4D.] (1) All property not included in the preceding classes shall constitute class 4a and shall be valued and assessed at 43 percent of the market value thereof, except as otherwise provided in this subdivision.

(2) Real property which is not improved with a structure and which is not

utilized as part of a commercial or industrial activity shall constitute class 4b and shall be valued and assessed at 40 percent of market value.

(3) Commercial and industrial property, except as provided in this subdivision, shall constitute class 4c and shall be valued and assessed at 40 percent of the first \$50,000 of market value and 43 percent of the remainder, provided that in the case of state-assessed commercial or industrial property owned by one person or entity, only one parcel shall qualify for the 40 percent assessment, and in the case of other commercial or industrial property owned by one person or entity, only one parcel in each county shall qualify for the 40 percent assessment.

(4) ~~Industrial~~ Employment property defined in section 273.1313, during the period provided in section 273.1313, shall constitute class 4d and shall be valued and assessed at 20 percent of the first \$50,000 of market value and 21.5 percent of the remainder.

Sec. 2. Minnesota Statutes 1982, section 273.1312, subdivision 2, is amended to read:

Subd. 2. [DESIGNATION.] The commissioner shall designate an area as an enterprise zone if ~~(i)~~ (1) an application is made in the form and manner and containing the information as prescribed by the ~~commissioner's rules~~ commissioner; ~~(ii)~~ (2) the application is made ~~or approved~~ by the governing body of the area; ~~and (iii)~~ (3) the area is determined by the commissioner to be eligible for designation under subdivision 4; ~~and (4) the zone is selected pursuant to the process provided by section 10.~~

Sec. 3. Minnesota Statutes 1982, section 273.1312, subdivision 3, is amended to read:

Subd. 3. [DURATION.] The designation of an area as an enterprise zone shall be effective ~~from for seven years after the date of designation to 12 years thereafter.~~

Sec. 4. Minnesota Statutes 1982, section 273.1312, subdivision 4, is amended to read:

Subd. 4. [ELIGIBILITY REQUIREMENTS.] An area is eligible for designation if *the following requirements are met:*

~~(1)~~ (a) Its boundary is continuous and includes, ~~if feasible, proximately located~~ vacant or underutilized lands or buildings ~~conveniently accessible to residents of the area.~~

~~(2)~~ (b) Its population as determined under the most recent federal decennial census is at least ~~(i) 4,000 if any of the area is located within an SMSA with a population of 50,000 or more, or (ii) 2,500 in any other case unless the area is an Indian reservation, for which no minimum population is required. The area of the zone is less than 400 acres and the total market value of the taxable property contained in the zone at the time of application is less than \$100,000 per acre, except that these restrictions shall not apply to areas designated pursuant to paragraph (c), subparagraph (2) or (3).~~

~~(3)~~ (a) (c)(1) The proposed zone is located within an economic hardship area, as established by meeting ~~three~~ two or more of the following criteria:

~~(1)~~ (A) the ~~percentage~~ number of ~~total~~ residential housing units within the

zone which was constructed prior to 1950 is 70 are substandard is 15 percent or greater under criteria prescribed by the commissioner using data collected by the bureau of the census;

(2) (B) the percentage of households within the zone that fall below the poverty level, as determined by the United States census bureau, is 20 percent or greater;

(3) (C) (i) the total number of persons residing within the zone has declined by ten percent or more over the ten years preceding application market value of commercial and industrial property in the area has declined over three of the preceding five years, or (ii) the total market value of all property in the area, as equalized by the sales ratio study, has declined or its growth has lagged three percentage points behind the statewide growth in total equalized market value in the state over the preceding three year period;

(4) (D) for the last full year for which data is available, the percentage of the work force of the jurisdiction of the governing body of the area in which the zone is located engaged in manufacturing is less than the percentage of the work force of the state engaged in manufacturing nonfarm per capita income in the area was 90 percent or less of the median for the state or for the standard metropolitan statistical area if the area is located in a standard metropolitan statistical area;

(5) (E) the jurisdiction of the governing body of the area in which the zone is located has recently experienced a significant employment reduction at a federal military installation within the SMSA in which it is located (i) the current rate of unemployment in the area is 120 percent of the statewide average unemployment for the previous year, or (ii) the total number of employment positions has declined by ten percent during the last 18 months; or

(b) (2) The area is so designated under federal legislation providing for federal tax benefits to investors, employers or employees in enterprise zones similar to the state tax benefits set forth in Laws 1982, Chapter 523; and

(4) The governing body of the area seeking to be designated as an enterprise zone, by resolution, agrees to follow a course of action, during the period for which the designation is effective, designed to promote economic development in the area. The program may be implemented by governmental action, by private entities, or both, and may include but is not limited to:

(a) Reduction or abatement of real property taxes of industrial land and facilities according to section 273.1313;

(b) Issuance of revenue bonds or use of federal funds available to finance loans for private industrial and housing facilities;

(c) Issuance of bonds and use of taxes, tax increments, and available federal funds to finance public facilities in the area;

(d) Increase in the level or efficiency of governmental services;

(e) Commitments from public or private entities in the area to provide jobs, job training, and technical, financial, or other assistance to employees and residents of the area; or

(3) The area consists of a statutory or home rule charter city with a contiguous border with a city in another state or with a contiguous border with a

city in Minnesota which has a contiguous border with a city in another state and the area is determined by the commissioner to be economically or fiscally distressed.

For purposes of this subdivision, an economic hardship area must have a population under the most recent federal decennial census of at least (i) 4,000 if any of the area is located wholly or partly within a standard metropolitan statistical area, or (ii) 2,500 for an area located outside of a standard metropolitan statistical area, or (iii) no minimum in the case of an area located in an Indian reservation.

Sec. 5. Minnesota Statutes 1982, section 273.1312, subdivision 5, is amended to read:

Subd. 5. [LIMITATION.] No area shall may be designated as an enterprise zone after December 31, 1996 1988.

Sec. 6. Minnesota Statutes 1982, section 273.1313, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] ~~(+) Terms~~ (a) [SCOPE.] As used in this section, the following terms have the meanings given them in this subdivision.

~~(2)~~ (b) [COMMISSIONER.] "Commissioner" means the commissioner of revenue.

~~(3)~~ (c) [EMPLOYMENT PROPERTY.] "Industrial Employment property" means taxable property, excluding land but including buildings, structures, fixtures, and improvements that satisfy each of the following conditions:

(a) (1) The property is located within an enterprise zone designated according to section 273.1312.

(b) (2) The primary purpose and prospective use of the property is (i) the manufacture or processing of goods or materials by physical or chemical change, or (ii) the provision of office, engineering, research and development, warehousing, parts distribution, or other facilities that are related to a manufacturing or processing operation conducted by the user commercial or industrial property and is used in a trade or business which would qualify for tax reductions under section 10, subdivision 9.

(c) The user will own the property or occupy it under a lease requiring the user to pay property taxes on it as if the user were the owner.

(d) The property is classified as industrial employment property by the procedure and subject to the conditions provided in this section, before it is first placed in use.

~~(4)~~ (d) [MARKET VALUE.] "Market value"; as applied to industrial of a parcel of employment property on any particular parcel of land, means the value of all the taxable property situated there except the land, as annually determined pursuant to section 273.12, less (i) the market value of all property existing at the time of application for classification, as last assessed prior to the time of application, and (ii) any increase in the market value of the property referred to in clause (i) as assessed in each year after the industrial employment property is first placed in service. In each year, any

change in the values of the industrial employment property and the other property on the land shall be deemed to be proportionate unless caused by a capital improvement or loss.

~~(5)~~ (e) [MUNICIPALITY.] "Municipality" means any home rule charter or statutory city or county, but a county may not exercise the powers granted in this section with reference to property situated within a city.

Sec. 7. Minnesota Statutes 1982, section 273.1313, subdivision 2, is amended to read:

Subd. 2. [PROGRAM.] ~~(4)~~ (a) The governing body of any municipality which contains a designated enterprise zone as provided by section 273.1312 ~~may shall~~ by resolution establish a program for classification of new industrial property or improvements to existing property as industrial employment property pursuant to the provisions of this section; ~~if it finds that the program is needed to facilitate and encourage the renewal or addition of industrial facilities to provide or preserve employment opportunities for its citizens.~~ Applications for classification under the program shall be filed with the municipal clerk or auditor in a form prescribed by the commissioner, with additions as may be prescribed by the municipal governing body. The application shall contain, *where appropriate*, a legal description of the parcel of land on which the facility is to be situated or improved; a general description of the facility or improvement and its proposed use, ~~the equipment proposed to be used in connection with it (including equipment exempt from taxation under existing law);~~ the probable time schedule for undertaking the construction or improvement, and information regarding the matters referred to in paragraph ~~(4)~~ (d); the market value and the assessed value of the land and of all other taxable property then situated on it, according to the most recent assessment; and an estimate of the probable cost of the new construction or improvement and the market value of the new or improved facility (excluding land) when completed.

~~(2)~~ (b) Upon receipt of an application the municipal clerk or auditor, subject to any prior approval required by the resolution establishing the program, shall furnish a copy to the assessor for the property and to the governing body of each school district and other public body authorized to levy taxes on the property, and shall publish a notice in the official newspaper of the time and place of a hearing to be held by the governing body on the application, not less than 30 days after the notice is published, stating that the applicant, the assessor, representatives of the affected taxing authorities, and any taxpayer of the municipality may be heard or may present their views in writing at or before the hearing. The hearing may be adjourned from time to time, but the governing body shall take action on the application by resolution within 30 days after the hearing. If disapproved, the reasons shall be set forth in the resolution, and the applicant may appeal to the commissioner within 30 days thereafter, but only on the ground that the determination is arbitrary, in relation to prior determinations as to classification under the program, or based upon a mistake of law. If approved, the resolution shall include determinations as to the matters set forth in paragraph ~~(4)~~ (d), and the clerk or auditor shall transmit it to the commissioner.

~~(3)~~ (c) Within 60 days after receipt of an approved application or an appeal

from the disapproval of an application, the commissioner shall take action on it. The commissioner shall approve each application approved by the governing body if he finds that it complies with the provisions of this section. If he disapproves the application, or finds grounds exist for appeal of a disapproved application, he shall transmit the finding to the governing body and the applicant. When grounds for appeal have been determined to exist, the governing body shall reconsider and take further action on the application within 30 days after receipt of the commissioner's notice and serve written notice of the action upon the applicant. The applicant, within 30 days after receipt of notice of final disapproval by the commissioner or the governing body, may appeal from the disapproval to a court of competent jurisdiction.

(4) (d) An application shall not be approved unless the governing body finds and determines that the construction or improvement of the facility:

(a) (1) Is reasonably likely to create new employment or prevent a loss of employment in the municipality;

(b) (2) Is not likely to have the effect of transferring existing employment from one or more other municipalities within the state;

(c) (3) Is not likely to cause the total market value of industrial employment property within the municipality to exceed five percent of the total market value of all taxable property within the municipality; or if it will, the resulting limitation upon the increase of the assessed value of all taxable property within the municipality, considering the amount of additional municipal services likely to be required for the industrial employment property, is not likely to substantially impede the operation or the financial integrity of the municipality or any other public body levying taxes on property in the municipality; and

(d) (4) Will not result in the reduction of the assessed value of existing property within the municipality owned by the applicant, through abandonment, demolition, or otherwise, without provision for the restoration of the existing property within a reasonable time in a manner sufficient to restore the assessed valuation.

Sec. 8. Minnesota Statutes 1982, section 273.1313, subdivision 3, is amended to read:

Subd. 3. [CLASSIFICATION.] Property shall be classified as industrial employment property and assessed as provided for class 4d property in section 273.13, subdivision 9, clause (4), for taxes levied in the year in which the classification is approved and in each year thereafter to and including the 12th year after the industrial employment property is completed for the four succeeding years after the approval. If the classification is revoked, the revocation is effective for taxes levied in the next year after revocation.

Sec. 9. Minnesota Statutes 1982, section 273.1313, subdivision 5, is amended to read:

Subd. 5. [HEARING.] Upon receipt of the request, the commissioner shall notify the applicant and the governing body by certified mail of a time and place, not less than 30 days after receipt, at which the applicant may be heard and. *The hearing must be held within 30 days after receipt of the re-*

quest. *Within 30 days after the hearing, the commissioner will shall determine whether the facts and circumstances are grounds for revocation as recommended by the governing body. If the commissioner revokes the classification, the applicant may appeal from the commissioner's order to a court of competent jurisdiction at any time within 30 days after revocation.*

Sec. 10. [273.1314] [SELECTION OF ENTERPRISE ZONES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given.

(a) [CITY.] *"City" means a statutory or home rule charter city.*

(b) [COMMISSIONER.] *"Commissioner" means the commissioner of energy, planning, and development.*

(c) [LEGISLATIVE ADVISORY COMMISSION.] *"Legislative advisory commission" means the legislative advisory commission established under section 3.30.*

(d) [MUNICIPALITY.] *"Municipality" means a city or a county for an area located outside the boundaries of a city. If an area lies in two or more cities or in both incorporated and unincorporated areas, municipality shall include an entity formed pursuant to section 471.59 by the governing bodies of the cities with jurisdiction over the incorporated area and the counties with jurisdiction over the unincorporated area.*

Subd. 2. [SUBMISSION OF APPLICATIONS.] On or before July 31 of each year, a municipality seeking designation of an area as an enterprise zone shall submit an application to the commissioner. The commissioner shall establish procedures and forms for the submission of applications for enterprise zone designation.

Subd. 3. [APPLICATIONS; CONTENTS.] The applications for designation as an enterprise zone shall contain, at a minimum:

(a) *verification that the area is eligible for designation pursuant to section 273.1312;*

(b) *a development plan, outlining the types of investment and development within the zone that the municipality expects to take place if the incentives and tax reductions specified under clauses (c) and (d) are provided, including specific investment or development reasonably expected to take place and any commitments obtained from businesses;*

(c) *the specific form of tax reductions, authorized by subdivision 9, proposed to be granted to businesses making new investment in the zones, the duration of the tax reductions, an estimate of the total state taxes likely to be foregone as a result, and a statement of the relationship between the proposed tax reductions and the type of investment or development sought or expected to be attracted to the area if it is designated as a zone;*

(d) *the municipality's contribution to the zone as required by subdivision 6;*

(e) *any additional information required by the commissioner; and*

(f) *any additional information which the municipality considers relevant to the designation of the area as an enterprise zone.*

Clause (b) does not apply to an application for designation under section

273.1312, subdivision 4, paragraph (c), subparagraph (3).

Subd. 4. [EVALUATION OF APPLICATIONS.] The commissioner shall review and evaluate the applications submitted pursuant to subdivision 3 and shall determine whether each area is eligible for designation as an enterprise zone. In determining whether an area is eligible under section 273.1312, subdivision 4, paragraph (c), if unemployment, employment, income or other necessary data are not available for the area from the federal departments of labor or commerce or the state demographer, the commissioner may rely upon other data submitted by the municipality if he determines it is statistically reliable or accurate. The commissioner, in conjunction with the commissioner of revenue, shall prepare an estimate of the amount of state tax revenue which will be foregone for each application if he determines the area is eligible for designation.

On or before September 1 of each year, the commissioner shall submit to the legislative advisory commission a list of the areas eligible for designation as enterprise zones, along with his recommendations for designation and supporting documentation. In making his recommendations for designation, the commissioner shall consider and evaluate the applications pursuant to the following criteria:

(a) the pervasiveness of poverty, unemployment, and general distress in the area;

(b) the extent of chronic abandonment, deterioration or reduction in value of commercial, industrial or residential structures in the area and the extent of property tax arrearages in the area;

(c) the prospects for new investment and economic development in the area with the tax reductions proposed in the application relative to the state and local tax revenue which would be foregone;

(d) the competing needs of other areas of the state;

(e) the funds available pursuant to subdivision 8; and

(f) other relevant factors which he specifies in his recommendations.

The commissioner shall submit a separate list of the areas entitled to designation as enterprise zones under section 273.1312, subdivision 4, paragraph (c), subparagraph (3), along with his recommendations for the amount of funds to be allocated to each area.

Subd. 5. [LAC RECOMMENDATIONS.] On or before September 15 of each year, the legislative advisory commission shall submit to the commissioner its advisory recommendations regarding the designation of enterprise zones. By September 30 of each year, the commissioner shall make the final designation of the areas as enterprise zones, pursuant to section 273.1312, subdivision 2. In making the designation, the commissioner may make modifications in the design of or limitations on the tax reductions contained in the application necessary because of the funding limitations pursuant to subdivision 8.

Subd. 6. [LOCAL CONTRIBUTION.] No area may be designated as an enterprise zone unless the municipality agrees to make a qualifying local contribution in the form of (1) a property tax reduction for employment

property as provided by section 273.1313 for any business qualifying for a state tax reduction pursuant to this section or (2) an equivalent local contribution or investment out of other municipal funds, but excluding any special federal grants or loans. If the local contribution is to be used to fund additional reductions in state taxes, the commissioner and the governing body of the municipality shall enter an agreement for timely payment to the state to reimburse the state for the amount of tax revenue foregone as a result.

Subd. 7. [LIMITATIONS; NUMBER OF DESIGNATIONS.] (a) In each of the two calendar years following and including the effective date of this section, the commissioner shall designate at least three but not more than six areas as enterprise zones. No designations shall be made after December 31, 1984.

(b) No more than one area may be designated as an enterprise zone in any county, except that two areas may be designated in a county containing a city of the first class.

(c) No more than one area in a congressional district may be designated as an enterprise zone in any calendar year.

This subdivision shall not apply to enterprise zones designated pursuant to section 273.1312, subdivision 4, paragraph (c), subparagraph (2) or (3).

Subd. 8. [FUNDING LIMITATIONS.] (a) \$..... is appropriated to the commissioner of revenue from the general fund for the purpose of funding the tax reductions authorized pursuant to designations of enterprise zones under section 273.1312 and this section. \$..... of the total appropriation is the maximum amount which may be authorized by the commissioner for tax reductions pursuant to subdivision 9 that will reduce tax revenues which otherwise would have been received during fiscal years 1984 and 1985. The commissioner shall allocate to enterprise zones designated under section 273.1312, subdivision 4, paragraph (c), subparagraph (3), an amount not less than 80 percent of the total appropriation multiplied by a fraction, the numerator of which is the number of zones designated under section 273.1312, subdivision 4, paragraph (c), subparagraphs (2) and (3), and the denominator of which is the maximum number of enterprise zones which may be designated for the year and the funds shall be allocated among such zones on a per capita basis. Upon designation of an enterprise zone the commissioner shall certify the total amount available for tax reductions in the zone for its duration. The amount certified shall reduce the amount available for tax reductions in other enterprise zones. If subsequent estimates indicate or actual experience shows that the approved tax reductions will result in amounts of tax reductions in excess of the amount certified, the commissioner shall implement a plan to reduce the available tax reductions in the zone to an amount within the sum certified. If subsequent estimates indicate or actual experience shows that the approved tax reductions will result in amounts of tax reductions below the amount certified, the difference shall be available for certification in other zones or used in connection with an amended plan of tax reductions for the zone as the commissioner determines appropriate. If the tax reductions authorized result in reduced revenues for a dedicated fund, the commissioner of finance shall transfer equivalent amounts to the dedicated fund from the general fund as necessary.

(b) The appropriation pursuant to paragraph (a) shall not cancel. The commissioner of finance shall reduce the amount of the appropriation based upon information supplied by the commissioner of revenue that the tax reductions authorized for enterprise zones have or are estimated to have resulted in reduced state tax collections.

Subd. 9. [AUTHORIZED FORMS OF STATE TAX REDUCTIONS.] (a) The following types of tax reductions may be approved by the commissioner for businesses located in an enterprise zone:

(1) An exemption from the general sales tax imposed by chapter 297A for purchases of construction materials or equipment for use in the zone;

(2) A credit against income tax for a percentage of the payroll costs or wages paid to additional workers employed in the zone, other than workers employed in construction;

(3) An income tax credit for a percentage of the cost of debt financing to construct new facilities in the zone;

(4) A state paid property tax credit for a portion of the property taxes paid by a new commercial or industrial facility or the additional property taxes paid by an expansion of an existing commercial or industrial facility in the zone.

(b) The municipality shall specify in its application for designation the types of tax reductions it seeks to be made available in the zone and the percentage rates and other appropriate limitations on the reductions.

(c) Upon designation of an enterprise zone and approval by the commissioner of the tax reductions to be made available therein, the commissioner of revenue shall take the steps necessary to implement the tax reductions.

(d) The tax reductions provided by this subdivision shall not apply to any facility as enumerated in section 103(b)(6)(O) of the Internal Revenue Code of 1954, as amended through January 15, 1983, or to any regulated public utility.

(e) In addition to the tax reductions authorized by paragraph (a), for an enterprise zone designated under section 273.1312, subdivision 4, paragraph (c), subparagraph (3), the following types of tax reductions may be approved:

(1) A credit against income tax for a percentage of the wages paid or other payroll costs for workers employed in the zone;

(2) A state paid property tax credit for a portion of the property taxes paid by a commercial or industrial facility located in the zone; or

(3) A credit against income tax for a portion of the sales tax paid on purchases made by businesses located in the zone for use in connection with their operations in the zone.

Subd. 10. [ADMINISTRATIVE PROCEDURE ACT.] The provisions of chapter 14 shall not apply to designation of enterprise zones pursuant to this section or section 273.1312.

Sec. 11. [INSTRUCTION TO REVISOR.]

If the department of energy, planning, and development no longer exists as

presently constituted, "commissioner" as defined in section 273.1312 and section 10 means the successor to the responsibilities of the planning division of that department. The revisor of statutes shall change the definition as appropriate in Minnesota Statutes 1984, and subsequent editions.

Sec. 12. [REPEALER.]

Section 10 is repealed effective December 31, 1991.

Sec. 13. [APPROPRIATION.]

The following amounts are appropriated to the commissioner of energy, planning, and development for the purpose of administering the enterprise zone law:

FY 1984. \$.....

FY 1985. \$.....

Sec. 14. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE II

Section 1. [459.361] [DEVELOPMENT AND REDEVELOPMENT POWERS.]

Notwithstanding any contrary provision of law or charter, any home rule charter or statutory city may, in addition to its other powers and without limiting them, exercise the powers granted to a governmental subdivision by chapters 458, 462, and 472. Section 458.192, subdivision 14, shall apply to any city in the exercise of the powers granted pursuant to this section. A city may exercise the powers assigned to redevelopment agencies pursuant to chapter 474, without limitation to further the purposes of sections 458.09 to 458.1991, 462.411 to 462.705, and chapters 472 and 472A. It may exercise the powers set forth in sections 458.09 to 458.1991, 462.411 to 462.705, and chapters 472 and 472A, without limitation to further the purposes and policies set forth in chapter 474. Cities may exercise the powers granted by this subdivision and any other development or redevelopment powers authorized by other laws, including chapters 472A and 474, independently or in conjunction with each other as though all the powers had been granted to a single entity. Any project undertaken to accomplish the purposes of chapter 462 that qualifies as single-family housing under section 462C.02, subdivision 4, shall be subject to the provisions of chapter 462C.

Sec. 2. Minnesota Statutes 1982, section 471.59, is amended by adding a subdivision to read:

Subd. 11. [JOINT POWERS BOARD.] Two or more governmental units, through action of their governing bodies, may establish a joint board to exercise any power which any of the governmental units establishing the joint board may independently exercise. A joint board created pursuant to this section may issue obligations and other forms of indebtedness pursuant to authority granted by the action of the governing bodies of the governmental units which established the joint board, provided that the joint board is composed solely of members of the governing bodies of the governmental unit which established the joint board, and further provided that the joint board

may not pledge the full faith and credit or taxing power of any of the governmental units which established the joint board. The obligations or other forms of indebtedness shall be obligations of the joint board and may be secured by the full faith and credit of the joint board. The obligations or other forms of indebtedness shall be issued in the same manner and subject to the same conditions and limitations which would apply if the obligations were issued or indebtedness incurred by one of the governmental units which established the joint board provided that any reference to a governmental unit in the statute, law, or charter provision authorizing the issuance of the bonds or the incurring of the indebtedness shall be considered a reference to the joint board.

Sec. 3. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to economic development; changing provisions relating to designation of enterprise zones; authorizing distressed border areas to be designated as enterprise zones under certain circumstances; providing tax and disparity relief measures; giving certain powers and duties to the commissioner of energy, planning, and development; providing consolidated development powers to cities; authorizing joint powers; defining terms; appropriating money; amending Minnesota Statutes 1982, sections 273.13, subdivision 9; 273.1312, subdivisions 2, 3, 4, and 5; 273.1313, subdivisions 1, 2, 3, and 5; and 471.59, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 273 and 459."

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 Elections and Ethics, to which was referred

S.F. No. 499: A bill for an act relating to elections; clarifying and correcting certain provisions in the ethics in government act; amending Minnesota Statutes 1982, sections 10A.01, subdivision 5; 10A.04, subdivision 4a; 10A.20, subdivision 5; 10A.25, subdivision 2; and 10A.255, by adding a subdivision; repealing Minnesota Statutes 1982, section 10A.25, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 1, insert:

"Sec. 2. Minnesota Statutes 1982, section 10A.01, subdivision 19, is amended to read:

Subd. 19. "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice ~~or~~, court of appeals judge, district court judge, county court judge, probate court judge, or county municipal court judge.

Sec. 3. Minnesota Statutes 1982, section 10A.02, is amended by adding a

subdivision to read:

Subd. 8a. In compiling and maintaining the lists and summaries required in subdivision 8, clause (g), the board may maintain a group of as many lists of contributors as a candidate has filed during the year under section 10A.20, subdivision 2, and subdivision 3, clause (b), rather than blending the lists together into a single, current alphabetical list of contributors for the year.

Sec. 4. Minnesota Statutes 1982, section 10A.02, subdivision 11, is amended to read:

Subd. 11. The board may investigate any alleged violation of this chapter. The board shall investigate any violation which is alleged in a written complaint filed with the board and, except for alleged violations of section 10A.25 or 10A.27, shall within 30 days after the filing of the complaint make a public finding of whether or not there is probable cause to believe a violation has occurred. In the case of a written complaint alleging a violation of section 10A.25 or 10A.27, the board shall either enter a conciliation agreement or make a public finding of whether or not there is probable cause, within 60 days of the filing of the complaint. The deadline for action on any written complaint may be extended by majority vote of the board. Within a reasonable time after beginning an investigation of an individual or association, the board shall notify that individual or association of the fact of the investigation. The board shall make no finding of whether or not there is probable cause to believe a violation has occurred without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations. Any hearing or action of the board concerning any complaint or investigation ~~other than a finding concerning probable cause or a conciliation agreement~~ shall be confidential *open to the public*. Until the board makes a public finding ~~concerning probable cause or enters a conciliation agreement~~:

(a), no member, employee or agent of the board shall disclose to any individual any information obtained by that member, employee or agent concerning any complaint or investigation except as required to carry out the investigation or take action in the matter as authorized by this chapter;

(b) ~~No individual who files or is the subject of any written complaint or supplies information to the board concerning a complaint or investigation shall disclose to any other individual any information supplied to or received from the board concerning the complaint or investigation; and~~

(c) ~~Notwithstanding the provisions of clause (b), any individual subject to the provisions of that clause may reveal any information to his attorney or another individual from whom he seeks advice or guidance in the matter, or to any other individual who is subject to the provisions of clause (b) with respect to the same complaint or investigation; provided that any individual to whom information concerning a complaint or investigation is revealed as provided in this clause shall not disclose that information to any other individual. Any individual who discloses information contrary to the provisions of this subdivision shall be guilty of a misdemeanor. Except as provided in section 10A.28, after the board makes a public finding of probable cause the board shall report that finding to the appropriate law enforcement authorities."~~

Page 2, after line 14, insert:

“Sec. 6. Minnesota Statutes 1982, section 10A.18, is amended to read:

10A.18 [BILLS WHEN RENDERED AND PAID.]

Every person who has a bill, charge or claim against any political committee or political fund for any expenditure shall, *to the extent practicable*, render in writing to the treasurer of the committee or fund the bill, charge or claim within 60 days after the material or service is provided. ~~Failure to so present the bill, charge or claim is a misdemeanor.~~

Sec. 7. Minnesota Statutes 1982, section 10A.20, subdivision 3, is amended to read:

Subd. 3. Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, political committee or political fund who *since the beginning of the year, or since the most recent report was filed by the political committee or political fund* within the year has made one or more transfers or donations in kind to the political committee or political fund, including the purchase of tickets for all fund raising efforts, which in aggregate exceed \$50 for legislative candidates or \$100 for statewide candidates or ballot questions, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

(c) The sum of contributions to the political committee or political fund during the reporting period;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, continuously reported until repaid or forgiven, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund within the year in excess of \$100, together with the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question

which the expenditure is intended to promote or defeat, and in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate;

(h) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

(i) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

(j) The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

(k) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;

(l) For principal campaign committees only, the sum of noncampaign disbursements made in each category listed in section 10A.01, subdivision 10c during the reporting period; and

(m) The sum of all noncampaign disbursements made by the political committee, political fund, or principal campaign committee during the reporting period.”

Page 2, line 20, after “totaling” insert “*more than*”

Page 2, line 20, strike “or more” and insert “*to a candidate for state house of representatives or more than \$400 to a candidate for state senate*”

Page 2, line 24, before the period, insert “; *except that the 48 hour notice requirement does not apply with respect to primary elections where the statewide or legislative candidate is unopposed in that primary*”

Page 2, after line 25, insert:

“Sec. 9. Minnesota Statutes 1982, section 10A.20, subdivision 12, is amended to read:

Subd. 12. (a) The board shall notify by certified mail or personal service any individual who fails to file a statement required by this section.

(b) If an individual fails to file a statement due January 31 within seven days after receiving a notice, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the eighth day after receiving notice.

(c) If an individual fails to file a statement due before any primary or election within three days of the date due, regardless of whether the individual has received any notice, the board may impose a late filing fee of \$50 per day, not to exceed \$500, commencing on the fourth day after the date the statement was due; *except that no late filing fee may be imposed for the first violation of subdivision 5.*

(d) The board shall further notify by certified mail or personal service any

individual who fails to file any statement within 14 days after receiving a first notice from the board that the individual may be subject to a criminal penalty for failure to file a statement. An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1982, section 10A.24, is amended to read:

10A.24 [DISSOLUTION OR TERMINATION.]

Subdivision 1. No political committee or political fund shall dissolve until it has settled all of its debts and disposed of all its assets in excess of \$100 and filed a termination report. The termination report may be made at any time and shall include all information required in periodic reports.

Subd. 2. Notwithstanding the provisions of subdivision 1, after mailing notice to any remaining creditors by certified mail, a political committee or political fund that has debts which were incurred more than six years previously, has disposed of all its assets, and has met the requirements of section 10A.20, subdivision 7, may file a termination report."

Page 2, line 35, strike "\$600,000" and insert "\$1,270,800"

Page 3, line 1, strike "\$100,000" and insert "\$211,800"

Page 3, line 3, strike "\$50,000" and insert "\$105,900"

Page 3, line 5, strike "\$15,000" and insert "\$31,770"

Page 3, line 7, strike "\$7,500" and insert "\$15,885"

Page 3, line 12, after "year" insert a comma

Page 3, line 14, delete ", subdivision 2"

Page 3, after line 14, insert:

"Sec. 13. Minnesota Statutes 1982, section 10A.32, subdivision 3, is amended to read:

Subd. 3. As a condition of receiving any money from the state elections campaign fund, a candidate shall agree by stating in writing to the board that ~~(a) his expenditures and approved expenditures shall not exceed the expenditure limits as set forth in section 10A.25 and that (b) he shall not accept contributions or allow approved expenditures to be made on his behalf for the period beginning with January 1 of the election year or with the registration of his principal campaign committee, whichever occurs later, and ending December 31 of the election year, which aggregate contributions and approved expenditures exceed the difference between the amount which may legally be expended by him or on his behalf, and the amount which he receives from the state elections campaign fund. The agreement, insofar as it relates to the expenditure limits set forth in section 10A.25, remains effective until the dissolution of the principal campaign committee of the candidate or the opening of filings for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first. Money in the account of the principal campaign committee of a candidate on January 1 of the election year for the office held or sought shall be considered contributions accepted by that candidate in that year for the purposes of this subdivision. That amount of all contributions accepted by a candidate in an election year which equals the~~

~~amount of noncampaign disbursements and contributions and expenditures to promote or defeat a ballot question which are made by that candidate in that year shall not count toward the aggregate contributions and approved expenditure limit imposed by this subdivision. Any amount by which his aggregate contributions and approved expenditures agreed to under clause (b) exceed the difference shall be returned to the state treasurer in the manner provided in subdivision 2. In no case shall the amount returned exceed the amount received from the state elections campaign fund.~~

The candidate may submit his signed agreement to the filing officer on the day he files his affidavit of candidacy or petition to appear on the ballot, or he may submit the agreement to the board no later than September 1.

The board prior to the first day of filing for office shall forward forms for the agreement to all filing officers. The filing officer shall without delay forward signed agreements to the board. An agreement may not be rescinded after September 1.

~~For the purposes of this subdivision only, the total amount to be distributed to each candidate is calculated to be his share of the total estimated funds in his party account as provided in subdivision 3a, plus the total amount estimated as provided in subdivision 3a to be in the general account of the state elections campaign fund and set aside for that office divided by the number of candidates whose names are to appear on the general election ballot for that office. If for any reason the amount actually received by the candidate is greater than his share of the estimate, and his contributions thereby exceed the difference, the agreement shall not be considered violated.~~

Sec. 14. Minnesota Statutes 1982, section 210A.24, is amended to read:

210A.24 [BILLS, WHEN RENDERED AND PAID.]

Every person who ~~shall have~~ *has* any bill, charge, or claim upon or against any personal campaign ~~committee, or party committee, political fund, or any~~ candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall, ~~to the extent practicable,~~ render in writing to ~~such~~ that committee, fund, or candidate ~~such~~ the bill, charge, or claim within ~~ten~~ 60 days after the day of the primary or election in connection with which ~~such~~ the bill, charge, or claim was incurred. ~~No candidate and no personal campaign or party committee shall pay any bill, charge, or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election.~~

Sec. 15. [RETURN OF LATE FILING FEE.]

The prohibition against a late filing fee for the first violation of section 10A.20, subdivision 5, as provided under section 9, is retroactive to September 1, 1982. Any late filing fee imposed by the ethical practices board for the first violation of that subdivision after September 1, 1982, shall be returned to the individual who or principal campaign committee which paid the fee. Any money returned under this section shall be paid by the state treasurer out of the general fund."

Page 3, line 16, delete "section" and insert "sections 10A.01, subdivision 11a, and"

Page 3, line 16, delete "is" and insert "are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing the late filing fee that may be imposed under certain circumstances; providing for the termination of certain political committees or political funds under certain circumstances; changing the conditions of receiving and returning money from the state elections campaign fund; providing for the reporting of certain contributions received just prior to an election; making open to the public certain hearings conducted by the board; Fair Campaign Practices Act;"

Page 1, line 5, delete "subdivision 5" and insert "subdivisions 5 and 19"

Page 1, line 5, before "10A.04" insert "10A.02, subdivision 11, and by adding a subdivision;"

Page 1, line 5, before "10A.20" insert "10A.18;"

Page 1, line 6, delete "subdivision 5" and insert "subdivisions 3, 5, and 12"

Page 1, line 6, before "10A.25" insert "10A.24;"

Page 1, line 6, delete "and"

Page 1, line 7, after the semicolon, insert "10A.32, subdivision 3; and 210A.24;"

Page 1, line 8, delete "section" and insert "sections 10A.02, subdivision 11a; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 809: A bill for an act relating to education; authorizing the higher education coordinating board to provide supplemental and additional loans; clarifying certain provisions of student loan programs; making technical corrections; amending Minnesota Statutes 1982, sections 136A.14; 136A.141; 136A.15; 136A.16; 136A.17; proposing new law coded in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1982, section 136A.161.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, after line 22, insert:

"Sec. 7. [136.031] [CARRY OVER AUTHORITY.]

The state university board may carry over the net unappropriated fund balance as of June 30 of the first year of a biennium into the second year of a biennium. The board may carry over two percent of the net unappropriated fund balance as of June 30 of the second year of a biennium into the following biennium. This money shall not be taken into account in determining state appropriations.

Sec. 8. Minnesota Statutes 1982, section 136.144, is amended to read:

136.144 [PROMOTION OF UNIVERSITY; ACCEPTANCE OF GIFTS.]

The board may receive and accept on behalf of the state and for the state universities any gift, bequest, devise, endowment, or grant in the form of cash which any person, firm, corporation, association, or governmental agency may make to the board by will, deed, gift, or otherwise to carry out the purposes of section 136.143. Unless otherwise so expressed in the terms of the gift, bequest, devise, endowment, or grant, moneys so received are not subject to the laws requiring budgeting, allotment, and encumbrance as provided in chapter 16A, or otherwise. ~~Such moneys~~ This money shall be deposited in the state treasury and ~~are hereby~~ is appropriated to the board for use ~~in accordance with~~ according to this section. ~~This money shall not be taken into account in determining appropriations or allocations.~~

Sec. 9. Minnesota Statutes 1982, section 136.67, is amended by adding a subdivision to read:

Subd. 5. [CARRY OVER AUTHORITY.] The community college board may carry over the net unappropriated fund balance as of June 30 of the first year of a biennium into the second year of a biennium. The board may carry over two percent of the net unappropriated fund balance as of June 30 of the second year of a biennium into the following biennium. This money shall not be taken into account in determining state appropriations.

Sec. 10. [135A.01] [FUNDING POLICY.]

It is the policy of the legislature that state appropriations for the instructional services at public post-secondary institutions reflect the cost of providing the instructional services.

Sec. 11. [135A.03] [APPLICABILITY.]

The total cost of providing instructional services shall be used to appropriate money to the board of regents of the University of Minnesota, state university board, state board for community colleges, and the state board for vocational education to the extent the money is for instructional services.

Sec. 12. [135A.05] [APPROPRIATIONS FOR INSTRUCTIONAL SERVICE.]

Subdivision 1. [DETERMINATION OF APPROPRIATION.] The appropriation for each board, designated in section 11, for instructional services shall equal the total cost of instruction minus the estimated tuition revenue. Each year the appropriation shall be adjusted in proportion to increases or decreases in the total cost of instruction for fiscal year 1984.

Subd. 2. [DETERMINATION OF TOTAL COST OF INSTRUCTION.] The total cost of instruction shall be calculated in the following manner:

(a) Determine the student enrollment, for each instructional category, for the fiscal year two years before the fiscal year for which the appropriation is made.

(b) Multiply the student enrollment by the average cost of instruction per student in each instructional category.

(c) Add the resulting products.

Subd. 3. [DETERMINATION OF STUDENT ENROLLMENT.] Student enrollment shall be the full-year equivalent or average daily membership enrollment in each instructional category in the fiscal year two years before the fiscal year for which the appropriations are being made. Student enrollment may be estimated on the basis of the fall enrollment. Student enrollment shall exclude students enrolled during a summer session, except when the instructional program is provided during the entire calendar year. Each board shall submit by December 1 of each year the student enrollment data necessary to determine appropriations. The data shall be submitted to the education and finance committees of the senate and the education and appropriations committees of the house of representatives.

Subd. 4. [DETERMINATION OF AVERAGE COST OF INSTRUCTION.] (a) The average cost of instruction shall include direct instructional costs and other costs necessary to provide instruction, such as fees, facilities, administration, and support. The average cost of instruction shall not include summer session costs, except when the instructional program is provided during the entire calendar year.

(b) Appropriations shall be based on the average cost of instruction for fiscal year 1984. The fiscal year 1984 average cost of instruction may be adjusted to reflect changes from fiscal year 1984 to the fiscal year for which appropriations are made.

(c) Each board shall submit by December 1, 1983, its average cost of instruction for each instructional category for the 1984 fiscal year. Annually thereafter by December 1, each board shall submit the average cost of instruction for each instructional category as necessary to determine appropriations. The information shall be submitted to the education and finance committees of the senate and the education and appropriations committees of the house of representatives.

Subd. 5. [INSTRUCTIONAL CATEGORIES.] Student enrollment and average cost of instruction shall be determined by cost of program and level of instruction.

Sec. 13. [135A.17] [VARIABLE TUITION.]

The board of regents of the University of Minnesota, state university board, state board for community colleges, and state board for vocational education shall establish tuition. Tuition may vary by program, level of instruction, cost of instruction, or other classifications determined by each board.

Sec. 14. [135A.19] [TUITION REVENUE FOR EACH BOARD.]

Subdivision 1. [PERCENT OF COST OF INSTRUCTION.] By the 1985-1986 school year, the board of regents of the University of Minnesota, state university board, and board for community colleges shall establish tuition in a manner that percent of the total cost of instruction is derived from tuition. The state board for vocational education shall establish tuition in a manner that percent of the total cost of instruction is derived from tuition. Tuition shall be gradually increased for the 1983-1984 and 1984-1985 school years.

Sec. 15. [135A.07] [COMMISSIONER OF FINANCE.]

Each year the commissioner of finance shall review and comment on the methodology used to: determine instructional costs, categorize programs by level of instruction and level of cost, and establish tuition. The commissioner shall submit a report by January 1 to the education and finance committees of the senate and the education and appropriations committees of the house of representatives."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the second semicolon, insert "authorizing the state university board to carry over certain net unappropriated fund balances; providing that certain moneys shall not be taken into account in determining appropriations or allocations; authorizing the community college board to carry over certain net unappropriated fund balances; establishing a method of determining appropriations for instructional services for the University of Minnesota, state university board, state board for community colleges, and the state board for vocational education; authorizing certain post-secondary boards to establish variable tuition; providing for certain post-secondary boards to establish tuition in a manner that reflects the total cost of instruction; providing for review and comment on certain methodologies by the commissioner of finance;"

Page 1, line 6, after "sections" insert "136.144; 136.67, by adding a subdivision;"

Page 1, line 8, delete "chapter" and insert "chapters 135A, 136 and"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 884: A bill for an act relating to metropolitan transit; regulating eligibility for transit service assistance; requiring bidding on certain routes; regulating fares and fare policy; extending debt authority; providing for the establishment of transit taxing districts; establishing a legislative study commission on transit; appropriating money; amending Minnesota Statutes 1982, sections 174.265, subdivision 4; 473.408, subdivision 2, and by adding a subdivision; 473.436, subdivision 5; and 473.446, subdivisions 1, 1a, and 3; proposing new law coded in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 4, line 29, before "For" insert "(a)"

Page 5, line 5, strike "(a)" and insert "(1)" and strike "mills" and insert "mill"

Page 5, line 9, delete "(b)" and insert "(2)"

Page 5, line 11, delete "(c)" and insert "(3)"

Page 5, line 14, before the first "The" insert "(b)"

Page 5, line 17, after the comma, insert "*except for differences in the rate due to apportionment of the levy pursuant to section 270.12, subdivision 3,*"

Page 5, line 18, delete "(a)" and insert "(1)"

Page 5, line 23, delete "(b)" and insert "(2)"

Page 8, after line 15, insert:

"Sec. 10. [REPEALER.]

Minnesota Statutes 1982, section 174.265, is repealed."

Page 8, line 17, delete "2 to 8" and insert "1 to 7"

Page 8, line 19, after the period, insert "*Section 10 is effective the day following final enactment with respect to communities that had not had an application for financial assistance approved pursuant to section 174.265 prior to the date of enactment of this act.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "174.265, subdivision 4;"

Page 1, line 13, before the period, insert ";; repealing Minnesota Statutes 1982, section 174.265"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 661: A bill for an act relating to taxation; providing for apportionment of property tax refund claims for unrelated persons occupying a homestead; amending Minnesota Statutes 1982, sections 290A.03, subdivisions 8 and 13; and 290A.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, before "If" insert "*Except as provided in section 290A.05,*" and reinstate the stricken "renters"

Page 2, line 29, delete "*claimants*" and insert "*or joint tenants or tenants in common*"

Page 4, lines 4 to 11, reinstate the stricken language

Page 4, line 4, after the reinstated "INCOME" insert a semicolon

Page 4, line 7, after the reinstated "dependents," insert "*joint tenants or tenants in common who are also claimants,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 378: A bill for an act relating to taxation; extending availability of confession of judgment procedure to certain non-homestead property; amending Minnesota Statutes 1982, section 279.37, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 14 and 15, strike "such" and insert "the"

Page 1, line 16, strike "said" and insert "the"

Page 1, line 17, strike the second "provided" and insert "except" and strike "only"

Page 1, line 18, reinstate the stricken "as"

Page 1, lines 20 and 21, delete the new language and insert "*vacant land, mineral property which is industrial employment property, or commercial or industrial property*"

Page 1, line 21, after "shall" insert "not"

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1982, section 279.37, subdivision 3, is amended to read:

Subd. 3. Upon the receipt of ~~said~~ the offer and payment of the ~~sums herein~~ *sum* required, the ~~said~~ auditor shall *notify the county board of the offer. If the county board approves the offer, the auditor shall note the same* it upon his records and shall ~~forthwith~~ *file* ~~said~~ the offer and confession of judgment with the clerk of the district court of the county who is ~~hereby~~ directed to enter judgment in accordance with ~~said~~ the offer. *If the county board does not approve the offer within 30 days of its notification by the county auditor, confession of judgment will not be allowed for the property, and the amount remitted pursuant to subdivision 2 shall be returned to the payor.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "subdivision 1" and insert "subdivisions 1 and 3"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 664: A bill for an act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "8" and insert "7"

Page 3, line 20, delete "8" and insert "7" and delete "which are in" and insert a period

Page 3, delete line 21

Page 4, delete section 6

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. 1105: A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of St. Peter for use as a roadway.

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. 987: A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.643; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.646; and 88.649.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, strike "any" and insert "*more than three*"

Page 1, line 23, strike "tree" and insert "*trees*"

Pages 2 and 3, delete section 3

Page 3, line 26, after "possession" insert "*more than three*"

Page 3, line 27, strike "for sale or processing"

Page 3, line 32, strike "June 30th" and insert "*January 31st*"

Page 4, line 22, after the semicolon, insert "88.643;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "88.643;"

Page 1, line 7, after the first semicolon, insert "88.643;"

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. 149: A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

Reports the same back with the recommendation that the bill be amended

as follows:

Amend the title as follows:

Page 1, line 2, delete "clarifying" and insert "eliminating the separate license for"

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. 486: A bill for an act relating to agriculture; appropriating money for the Minnesota barley improvement association; providing for repayment to the state.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "*sum of \$15,000 in reimbursement*" and insert "*amount required to reimburse the state*"

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete "improvement association" and insert "research and promotion council"

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. 932: A bill for an act relating to game and fish; removing the limitation on use of muzzle loading firearms to public lands only; amending Minnesota Statutes 1982, section 100.27, subdivision 2.

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. 881: A bill for an act relating to local and urban government; providing for the inventory, classification, and protection of aggregate deposits or resources within the state; proposing new law coded in Minnesota Statutes, chapter 84.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "FINDINGS AND" and delete "*The legislature*"

Page 1, delete lines 11 to 18

Page 1, line 19, delete everything before "*It*"

Page 1, line 23, delete "*land-use planning*" and insert "*comprehensive*

planning and land use controls'

Page 1, after line 23, insert:

"Subd. 2. [DEFINITION.] For the purpose of this section, "municipality" means a home rule charter or statutory city, or a town."

Page 1, line 24, delete *"Prior to"*

Page 1, line 25, delete *"July 1, 1984,"*

Page 2, line 1, after *"development"* insert *", outside of the metropolitan area as defined in section 473.121"*

Page 2, line 9, after *"areas"* insert *"of the state"*

Page 2, line 14, delete *"Undiscovered"* and insert *"Potential"*

Page 2, line 19, delete *"department of natural"*

Page 2, line 20, delete *"resources shall transmit"* and after *"classification"* insert *"shall be transmitted"*

Page 2, line 22, delete *"appropriate county or municipal"* and after *"authority"* insert *"of the appropriate county and municipality"*

Page 2, line 23, after the period, insert *"The county planning authority shall notify owners of land classified under this subdivision by publication in a newspaper of general circulation in the county or by mail."*

Page 2, line 24, delete *"Prior to January 1, 1985,"*

Page 2, line 25, delete *"county or municipal"* and after *" authority"* insert *"of a county or municipality"*

Page 2, line 26, delete *"2"* and insert *"3"*

Page 2, line 30, delete *"3"* and insert *"4"*

Page 2, line 31, delete everything after *"action"*

Page 2, line 32, delete *"development"* and insert *"under a land use control ordinance"*

Page 3, delete subdivisions 5 and 6

Renumber the subdivisions 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. 244: A bill for an act relating to the environment; providing for the statewide open burning of leaves in the spring and fall as governed by local ordinances; amending Minnesota Statutes 1982, section 116.082.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, before *"may"* insert *"if it is not located in an area designated as a primary or secondary nonattainment area for carbon monoxide"*

under the federal clean air act.”

Page 1, line 16, after “leaves” insert “*at appropriate sites established for that purpose*”

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. 985: A bill for an act relating to game and fish; penalty for taking or illegally possessing big game during the closed season; shining of wild animals; amending Minnesota Statutes 1982, sections 97.55, subdivision 9; and 100.29, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike the first comma

Page 1, line 14, strike the first comma and strike “, or” and insert a semicolon

Page 1, line 15, strike the comma and delete “or” and insert a semicolon

Page 1, line 17, delete the comma and insert a semicolon

Pages 1 and 2, delete section 2 and insert:

“Sec. 2. Minnesota Statutes 1982, section 100.29, subdivision 8, is amended to read:

Subd. 8. It shall be unlawful to hunt or trap, or assist therein, in any ~~territory~~ zone open for the taking of deer with the use of firearms, during such open season, unless the visible portion of the hunter’s or trapper’s cap and outer garments, above the waist excluding sleeves if any and excluding gloves, shall be ~~bright red or~~ blaze orange or covered therewith *or a combination of bright red and blaze orange which includes at least a blaze orange cap, vest or jacket.*”

Amend the title as follows:

Page 1, line 4, delete “shining of wild animals” and insert “requiring hunters and trappers to wear a blaze orange cap, vest, or jacket during the firearm deer season”

Page 1, line 6, delete “10” and insert “8”

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. 922: A bill for an act relating to natural resources; authorizing the commissioner to sell to or exchange surplus tree planting stock with other states and the federal government under certain circumstances; amending Minnesota Statutes 1982, section 89.36, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, after "*stock*" insert "*and seed*"

Page 1, line 18, delete "*or*"

Page 1, line 20, after "*commissioner*" insert "; and (4) to utilize tree planting stock or seed not needed for the reforestation program in the state"

Page 1, line 20, after the period, insert "*The commissioner's authority to acquire tree planting stock under this subdivision is limited to not more than five tree species per year. The minimum quantity he may acquire of any species is 20,000 trees.*"

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. 733: A bill for an act relating to game and fish; licensing and record keeping by certain licensees; amending Minnesota Statutes 1982, sections 98.46, subdivision 5; and 98.51, subdivisions 2, 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "*records*"

Page 1, line 14, strike "*in the English language*" and insert "*records*"

Page 3, lines 13 and 14, reinstate the stricken language

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. 1114: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and waysides; authorizing land acquisition in relation thereto.

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

H.F. No. 987 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.
987	926				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 987 be amended as follows:

Page 1, line 14, delete "*those*"

Page 1, line 14, after "*investments*" insert "*of the type*"

And when so amended H.F. No. 987 will be identical to S.F. No. 926, and further recommends that H.F. No. 987 be given its second reading and substituted for S.F. No. 926, 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. 725 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.
725	818				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 725 be amended as follows:

Page 2, after line 22, insert:

"Sec. 3. Minnesota Statutes 1982, section 161.241, subdivision 3, is amended to read:

Subd. 3. ~~Upon recommendation of the commissioner of transportation. The governor~~ *commissioner* shall convey to the railroad company, by quit claim deed, ~~such~~ lands or interests in lands acquired by the state pursuant to the provisions of subdivisions 1 to 3."

Page 8, line 15, delete "*5, 6, and 7*" and insert "*6, 7, and 8*"

Renumber the sections in sequence

Amend the title as follows

Page 1, line 18, delete "*subdivision*" and insert "*subdivisions 3 and*"

And when so amended H.F. No. 725 will be identical to S.F. No. 818, and further recommends that H.F. No. 725 be given its second reading and substituted for S.F. No. 818, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 592 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.
592			666		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 592 be amended as follows:

Page 1, line 19, strike "therefor"

And when so amended H.F. No. 592 will be identical to S.F. No. 666, and further recommends that H.F. No. 592 be given its second reading and substituted for S.F. No. 666, 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. 513 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.
513	494				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 513 be amended as follows:

Page 2, line 1, strike "Date" and insert "*Day, month, and year*"

Page 2, line 7, after "day" insert a comma and reinstate the stricken "that"

Page 2, line 8, after the stricken "correct" insert "I"

page 2, line 11, delete "and"

Page 2, line 12, after the comma insert "*that I*"

Page 2, line 14, delete "and" and insert "*that I*"

Page 2, line 25, strike "No" and insert "(a) A" and after "registration" insert "card"

Page 2, line 26, strike "contains" and insert "*does not contain*" and

delete “date” and insert “day, month, and year”

Page 2, line 27, after “registration” insert a comma and after “any” insert a comma

Page 2, line 30, strike “No” and insert “An”

Page 2, line 31, strike “may” and insert “shall” and strike “unless” and insert “if”

Page 2, line 32, strike everything after “deficient”

Page 2, line 33, strike everything up to the period

Delete Page 2, line 34 to page 3, line 4 and insert:

“(b) Notwithstanding the provisions of paragraph (a), a registration card completed by the voter and on file with the county or municipality prior to the effective date of this act is not deficient if it otherwise complies with the requirements of paragraph (a) except that it does not contain the voter’s day, month, and year of birth. With respect to such registrations, the county or municipality may request at any time except at the polling place that the voter supply his day and month of birth. A voter who fails to supply this information after being requested to do so may not be prevented from voting for the reason of registration card deficiency.”

Page 3, delete lines 5 to 22

Page 4, delete lines 23 to 25

Amend the title as follows:

Page 1, line 7, delete the first comma and insert “and” and delete “, and 6”

Page 1, line 8, delete “; repealing”

Page 1, delete line 9

Page 1, line 10, delete “7”

And when so amended H.F. No. 513 will be identical to S.F. No. 494, and further recommends that H.F. No. 513 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.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 697 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.
697	825				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 697 be amended as follows:

Page 2, line 21, after "*participants*" insert a comma and delete "*such*" and insert "*the*"

Page 2, line 22, delete "*such*" and insert "*the*"

Page 2, line 24, delete the first "*such*" and delete the second "*such*" and insert "*the*"

Page 2, line 25, delete "*pro rata*" and insert "*pro-rata*"

Page 3, line 11, after "*subdivision 3*" insert a comma

And when so amended H.F. No. 697 will be identical to S.F. No. 825, and further recommends that H.F. No. 697 be given its second reading and substituted for S.F. No. 825, 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. 760 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.
760	719				

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. 830 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.
830	740				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 830 be amended as follows:

Page 2, line 34, after “homes” insert a stricken period

Page 2, line 36, delete “years” and insert “years”

Page 3, line 1, after “homes” insert a comma

Page 3, line 1, underline the period

And when so amended H.F. No. 830 will be identical to S.F. No. 740, and further recommends that H.F. No. 830 be given its second reading and substituted for S.F. No. 740, 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. 239 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.
239	357				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 239 be amended as follows:

Page 1, line 17, reinstate the stricken language

Page 1, line 18, reinstate the stricken language and delete the new language

Page 1, lines 20 and 21, delete the new language

Page 1, line 25, after the period, delete the new language

Page 1, delete lines 26 and 27

Page 2, lines 2 and 3, delete the new language

And when so amended H.F. No. 239 will be identical to S.F. No. 357, and further recommends that H.F. No. 239 be given its second reading and substituted for S.F. No. 357, 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. 610 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.
				610	609

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 610 be amended as follows:

Page 5, line 6, delete "*yield on the original loan.*" and insert "*maximum rate of interest provided by this subdivision when such prepayment is taken into account.*"

Page 9, lines 2 and 3, delete "*yield on the original loan.*" and insert "*maximum rate of interest provided by this section when such prepayment is taken into account.*"

Page 10, line 18, reinstate the stricken language and delete the new language

And when so amended H.F. No. 610 will be identical to S.F. No. 609, and further recommends that H.F. No. 610 be given its second reading and substituted for S.F. No. 609, 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. 909 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.
		909	865		

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. 804 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.
		804	716		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 804 be amended as follows:

Page 1, line 9, delete "*Subdivision 1. [FEE.]*"

Page 1, line 9, after "~~such~~" insert "*a*" and reinstate "~~salary~~"

Page 1, lines 9 and 10, delete the new language

Page 1, line 11, strike "~~his~~" and delete the new language and before "~~record~~" insert "*a*"

Page 1, line 12, delete the new language and strike "~~thereof~~" and insert "*of it*"

Page 1, line 14, strike "~~thereof~~" and insert "*of it*"

Page 1, line 15, reinstate "~~This section~~" and after "~~shall~~" insert "*does*" and reinstate "~~not apply to the~~"

Page 1, line 16, before "~~fourth~~" insert "*second and*" and reinstate "~~fourth judicial~~"

Page 1, line 16, after "~~district~~" insert "*districts*" and reinstate the period

Page 1, after line 16 insert:

"Sec. 2. [486.10] [TRANSCRIPT FEES; SECOND JUDICIAL DISTRICT.]

Subdivision 1. [FEE.] In addition to the salary specified in section 486.05, a court reporter in the second judicial district may charge the following fees when a transcript is ordered by any person other than the judge:

(a) thirty-five cents per original folio; and

(b) seven and one-half cents for each manifold or other copies when so ordered that they can be made with the original transcript."

Page 1, line 18, after the second "~~the~~" insert "*second*"

Amend the title as follows:

Page 1, line 2, after "~~fees~~" insert "*in the second judicial district*"

Page 1, line 3, before the period insert "*; proposing new law coded in Minnesota Statutes, chapter 486*"

And when so amended H.F. No. 804 will be identical to S.F. No. 716, and further recommends that H.F. No. 804 be given its second reading and substituted for S.F. No. 716, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 730 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.
		730	781		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 730 be amended as follows:

Page 1, line 2, strike "Any" and insert "A"

Page 1, line 20, strike "such a" and insert "the" and strike "such" and insert "the"

And when so amended H.F. No. 730 will be identical to S.F. No. 781, and further recommends that H.F. No. 730 be given its second reading and substituted for S.F. No. 781, 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. 631 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.
		631	272		

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. 384 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.
		384	437		

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. 251 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.
		251	294		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 251 be amended as follows:

Page 2, line 11, after "(3)" delete "*Unless otherwise provided for by law,*"

And when so amended H.F. No. 251 will be identical to S.F. No. 294, and further recommends that H.F. No. 251 be given its second reading and substituted for S.F. No. 294, 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. 838 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.
		838	786		

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. 673 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.
673	842				

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. 601 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.
		601	436		

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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred the following appointment as reported in the Journal for March 17, 1983:

**DEPARTMENT OF PUBLIC SERVICE
DIRECTOR**

Ray Bohn

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. 462, 689, 823, 628, 525, 549, 702, 393, 731, 856, 558, 499, 661, 378, 664, 1105, 987, 932, 881, 244, 985, 922, 733 and 1114 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 684, 140, 656, 149, 987, 725, 592, 513, 697, 760, 830, 239, 610, 909, 804, 730, 631, 384, 251, 838, 673 and 601 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that his name be stricken as a co-author to S.F. No. 727. The motion prevailed.

Mr. Petty moved that the name of Mr. Waldorf be added as a co-author to S.F. No. 1054. The motion prevailed.

Mr. Ramstad introduced—

Senate Resolution No. 51: A Senate resolution congratulating the Falcons girls basketball team from Robbinsdale Armstrong High School for winning the Co-championship of the 1983 Lake North Conference.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 52: A Senate resolution congratulating the Trojans girls basketball team from Wayzata High School for winning the Co-championship of the 1983 Lake North Conference.

Referred to the Committee on Rules and Administration.

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. Luther in the chair.

After some time spent therein, the committee arose, and Mr. Merriam reported that the committee had considered the following:

S.F. Nos. 466, 159, 831, 857, 275, 1015, 53 and H.F. Nos. 511 and 210, which the committee recommends to pass.

S.F. No. 160, which the committee recommends to pass with the following amendment offered by Mr. Peterson, C.C.:

Page 30, after line 16, insert:

“Sec. 11. [REPEALER.]

Minnesota Statutes 1982, section 424.26, is repealed.”

Page 30, line 17, delete “11” and insert “12”

Amend the title as follows:

Page 1, line 9, before the period, insert “; repealing Minnesota Statutes 1982, section 424.26”

The motion prevailed. So the amendment was adopted.

S.F. No. 541, which the committee recommends to pass with the following amendment offered by Mr. Kroening:

Page 1, line 19, delete “*Minnesota Statutes 1982,*”

Page 1, line 22, delete “*has been*” and insert “*is*”

Page 1, line 22, after "a" insert "*bona fide*"

Page 1, line 23, delete "*for the six months prior to applying for*"

Page 1, line 24, delete "*the employment program*"

The motion prevailed. So the amendment was adopted.

S.F. No. 843, which the committee recommends to pass with the following amendment offered by Mr. DeCramer:

Pages 3 and 4, delete section 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "sections" and insert "section" and delete "and 268.14,"

Page 1, line 9, delete "subdivision 5;"

The motion prevailed. So the amendment was adopted.

S.F. No. 808, which the committee recommends to pass with the following amendments offered by Mrs. Kronebusch and Mr. Willet:

Mrs. Kronebusch moved to amend S.F. No. 808 as follows:

Page 1, line 14, delete ", and any act to which it is affixed,"

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend S.F. No. 808 as follows:

Page 1, lines 13 and 16, delete "*substantially*"

Page 1, line 18, delete "*Generally,*"

Page 2, line 6, delete "*Generally,*"

Page 2, line 11, delete "*More specifically, and*"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Peterson, D.C. moved that H.F. No. 482, No. 2 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Langseth introduced—

S.F. No. 1163: A bill for an act relating to local government; authorizing the city of Moorhead to impose a tax on the gross receipts from the furnishing of certain lodging.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 1164: A bill for an act relating to Independent School District No. 147; authorizing a transfer of money to the district's general fund from other district funds.

Referred to the Committee on Education.

Mr. Jude introduced—

S.F. No. 1165: A bill for an act relating to motor vehicles; providing for registration, taxation, and special license plates for classic motorcycles; proposing new law coded in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Mr. Waldorf introduced—

S.F. No. 1166: A bill for an act relating to crimes; making it unlawful to use or invest proceeds from a pattern of criminal conduct to acquire or maintain an interest in an enterprise or to establish or conduct an enterprise; making it unlawful to acquire or maintain an interest in or to conduct an enterprise through a pattern of criminal conduct; making it unlawful to conspire to engage in such conduct; providing an alternative fine; providing for the rights of innocent persons; providing civil remedies of divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within this state; providing for seizure and state disposal of seized and forfeited property; providing that any aggrieved person may institute civil proceedings to seek treble damages, attorney's fees, and punitive damages; providing for discovery; providing for priority of claim; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Mr. Schmitz introduced—

S.F. No. 1167: A bill for an act relating to no-fault insurance; requiring no-fault insurance coverage of certain benefits rather than medicare coverage; amending Minnesota Statutes 1982, section 65B.61, subdivision 1; repealing Minnesota Statutes 1982, section 65B.61, subdivision 2b.

Referred to the Committee on Economic Development and Commerce.

Mr. Freeman introduced—

S.F. No. 1168: A bill for an act relating to insurance; automobile; authorizing the commissioner to adopt rules on nonrenewals of policies; amending

Minnesota Statutes 1982, section 65B.17.

Referred to the Committee on Economic Development and Commerce.

Mr. Samuelson introduced—

S.F. No. 1169: A bill for an act relating to state government; governing compensation of members of boards, councils, and committees who are public employees; amending Minnesota Statutes 1982, sections 15.059, subdivision 3; and 214.09, subdivision 3.

Referred to the Committee on Governmental Operations.

MEMBERS EXCUSED

Messrs. Belanger; Bernhagen; Freeman; Hughes; Moe, D.M.; Novak; Peterson, R.W.; Purfeerst; Sieloff; Vega; Wegscheid; Mses. Olson and Reichgott were excused from the Session of today. Ms. Berglin, Messrs. Nelson and Spear were excused from the Session of today until 11:00 a.m. Mr. Laidig was excused from the Session of today until 12:15 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 18, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SIXTH DAY

St. Paul, Minnesota, Monday, April 18, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Florian Muggli.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Rcichgott	Willet
Davis	Kamrath	Moe, R.D.	Rennecke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 356 and 369.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 250, 412, 259, 426, 516, 741, 764, 798, 849, 914, 946, 954, 958, 1062, 1079, 1108, 1111, 584, 605,

745, 959 and 1122.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 250: 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 1982, section 61A.03; proposing new law coded in Minnesota Statutes, chapter 72A.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 412: A bill for an act relating to education; requiring the development of proposals for new admission requirements in all public systems of higher education.

Referred to the Committee on Education.

H.F. No. 259: A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; amending Minnesota Statutes 1982, section 361.09, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 426: A bill for an act relating to child support enforcement; amending Minnesota Statutes 1982, section 256.87, subdivision 1a, and by adding subdivisions.

Referred to the Committee on Health and Human Services.

H.F. No. 516: A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 538, now on the Consent Calendar.

H.F. No. 741: A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; 386.36; 580.24; 580.25; 582.03; 582.04; repealing Minnesota Statutes 1982, section 357.181.

Referred to the Committee on Local and Urban Government.

H.F. No. 764: A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

Referred to the Committee on Governmental Operations.

H.F. No. 798: A bill for an act relating to tax-forfeited land; authorizing the sale of a certain tract within the city of Orono.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 803, now on General Orders.

H.F. No. 849: A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas County.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 929.

H.F. No. 914: A bill for an act relating to Ramsey County; reinstating a provision relating to mandatory retirement age for military veterans; amending Minnesota Statutes 1982, section 383A.30.

Referred to the Committee on Governmental Operations.

H.F. No. 946: A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

Mr. Davis moved that H.F. No. 946 be laid on the table. The motion prevailed.

H.F. No. 954: A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 1 and 2.

Referred to the Committee on Local and Urban Government.

H.F. No. 958: A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 830.

H.F. No. 1062: A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, subdivision 2.

Referred to the Committee on Local and Urban Government.

H.F. No. 1079: A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, subdivision 12.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 969, now on the Consent Calendar.

H.F. No. 1108: A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 1111: A bill for an act relating to local government; regulating town levies in Crow Wing County; repealing Laws 1941, chapter 451.

Referred to the Committee on Rules and Administration.

H.F. No. 584: A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 605: A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 471.

H.F. No. 745: A bill for an act relating to the administrative procedure act; requiring certain notices to be sent to the legislative commission to review administrative rules; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; increasing the time period for adopting a rule when reviews by other agencies are necessary; establishing a deadline for agency action with respect to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivisions 1, 3, and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; 14.47, subdivisions 1, 5, and 8; and 14.52.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 737.

H.F. No. 959: A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1122: A bill for an act relating to the town of Flowing; permitting the town to conduct elections and town business in a nearby city.

Referred to the Committee on Local and Urban Government.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 897: A bill for an act relating to education; establishing engineering degree programs at the University of Minnesota-Duluth and at a selected state university; creating the Mineral Resource Research Center at the University of Minnesota-Duluth; appropriating money; proposing new law coded as Minnesota Statutes, chapter 136C.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [137.40] [INSTITUTE OF TECHNOLOGY EXPANSION AND IMPROVEMENTS.]

On January 1 of each odd numbered year, the University of Minnesota shall submit to the legislature a report on the current status of engineering education in the state of Minnesota. The report shall include an analysis of the current and long-term need for engineers of various kinds in Minnesota and in neighboring states, the ability of the state's elementary, secondary, and higher systems of education in meeting the needs, and any other information which may be important in an effort to educate sufficient engineers to meet the demands of Minnesota's economy. The university shall consult with appropriate representatives of each of Minnesota's education systems' board of architecture, engineering, land surveying, and landscape architecture, and with experts in the private sector during the preparation of this report.

Sec. 2. [137.41] [UNIVERSITY OF MINNESOTA-DULUTH SCHOOL OF ENGINEERING.]

The board of regents of the University of Minnesota may establish at the University of Minnesota-Duluth school of engineering a series of four-year degree programs which will lead to degrees in the following disciplines:

- (a) computer engineering; and*
- (b) electronic engineering.*

The board may also establish a three-year program in mineral engineering. Engineering programs shall be developed to meet accreditation requirements of the accreditation board for engineering and technology.

Sec. 3. [137.42] [NATURAL RESOURCE AND RESEARCH CENTER.]

Subdivision 1. [ESTABLISHMENT AND PURPOSE.] A natural resource research institute is hereby established at the University of Minnesota-Duluth. The institute shall engage in research and development activities in cooperation with industry, labor, the Twin Cities campuses of the University of Minnesota, the iron range resources and rehabilitation board, and other public agencies. The research shall be designed to:

(a) improve the quality of taconite pellets and reduce the cost of producing such pellets;

(b) find a method or methods of competitively producing steel and steel products in mini steel mills on the Minnesota iron range;

(c) develop economically sound and environmentally safe methods of mining and refining other minerals located in northeastern Minnesota;

(d) develop economically sound and environmentally safe methods of using the abundant peat and biomass resources of northeastern Minnesota for horticulture, energy, and other purposes;

(e) develop economically sound and environmentally safe methods of using the abundant fresh water resources of northeastern Minnesota to provide additional jobs to the people of northeastern Minnesota; and

(f) develop techniques and processes which will broaden the use of forest products and encourage the further processing of these products in Minnesota. Any research or development efforts regarding this matter will be closely coordinated with the school of forestry of the University of Minne-

sota.

Subd. 2. [DIRECTOR AND ADVISORY COMMITTEE.] (a) The president of the University of Minnesota will, with confirmation by the board of regents, appoint the director of the institute. The director shall then be responsible to the provost of the University of Minnesota-Duluth and through him to the dean of the graduate school of the university.

(b) The governor of the state of Minnesota, in coordination with the president of the University of Minnesota, will appoint a natural resource research institute advisory committee. The committee will advise the director with respect to the research and development efforts that it believes will make the most significant contributions to the prompt and productive use of the natural resources referred to in this section.

Sec. 4. [137.43] [STATE UNIVERSITY ENGINEERING DEGREE PROGRAM.]

The board of the state university system may establish two four-year curricula in engineering which may grant appropriate engineering degrees based on a plan prepared by the chancellor and approved by the board. Engineering programs shall be developed to meet accreditation requirements of the accreditation board for engineering and technology.

Sec. 5. [137.44] [RECRUIT WOMEN AND RACIAL MINORITIES.]

The board of regents of the University of Minnesota and the state university board are encouraged to actively recruit and retain women and members of racial minority groups for participation in the programs established or expanded under sections 1, 2, 3, and 4.

Sec. 6. [REPORT TO LEGISLATURE.]

The board of regents of the University of Minnesota and the state university board shall report on recruitment, retention efforts and results, according to section 5, to the education committees of the legislature by January 1, 1985.

Sec. 7. [APPROPRIATION.]

Subdivision 1. [INSTITUTE OF TECHNOLOGY.] There is appropriated from the general fund to the board of regents of the University of Minnesota the following sums to be used for the purposes set forth in section 1:

(a) For increased faculty in computer science and electrical engineering at the institute of technology. \$ _____

(b) For the study of Minnesota's engineering needs required by section 1. _____

(c) For research in the institute of technology with special emphasis on micro-electronics research. _____

The sums shall be available until June 30, 1985.

Subd. 2. [UNIVERSITY OF MINNESOTA-DULUTH SCHOOL OF ENGINEERING.] There is appropriated from the general fund to the board of

regents of the University of Minnesota for the purposes set forth in section 2, the sums indicated in this subdivision for the fiscal years ending June 30 in the years designated.

(a) For capital equipment and software development there is appropriated:

\$.....1984,

\$.....1985.

(b) For library acquisitions, supplies, expenses and equipment, there is appropriated:

\$.....1984,

\$.....1985.

(c) For salaries of faculty, teaching assistants and civil service employees there is appropriated:

\$.....1984,

\$.....1985.

(d) For facility remodeling there is appropriated:

\$.....1984,

\$.....1985.

(e) For planning and curriculum development there is appropriated:

\$.....1984.

Subd. 3. [NATURAL RESOURCE AND RESEARCH CENTER.] There is appropriated from the general fund to the University of Minnesota to the natural resource research institute for the purposes set forth in section 3, the sums indicated in this subdivision for the fiscal years ending June 30 in the years designated.

(a) For capital funds bond issue for the acquisition-rehabilitation of the SAGE building at the Duluth air base there is appropriated:

\$.....1984.

(b) For capital funds bond issue for permanent equipment at the SAGE building there is appropriated:

\$.....1984.

(c) For other equipment there is appropriated:

\$.....1984,

\$.....1985.

(d) For operating expenses there is appropriated:

\$.....1984,

\$.....1985.

Subd. 4. [STATE UNIVERSITY ENGINEERING DEGREE.] There is appropriated from the general fund to the state university board for the purposes of section 4, the sums indicated in this subdivision for the fiscal years

ending June 30 in the years designated.

(a) For development of the engineering baccalaureate degree at St. Cloud State University:

\$.....1984,

\$.....1985.

(b) For development of the engineering baccalaureate degree at Mankato State University:

\$.....1984,

\$.....1985.

(c) For expansion of the engineering technology program at Southwest State University:

\$.....1984,

\$.....1985.”

Amend the title as follows:

Page 1, line 2, delete “establishing” and insert “authorizing the establishment of certain”

Page 1, line 2, delete “degree”

Page 1, line 4, delete “a”

Page 1, line 4, delete “university” and insert “universities”

Page 1, line 4, delete “creating the Mineral” and insert “establishing a natural”

Page 1, line 5, delete “Resource Research Center” and insert “resource research center”

Page 1, line 6, delete “appropriating money” and insert “requiring a report concerning engineering education”

Page 1, line 7, delete “as” and insert “in”

Page 1, line 7, delete “136C” and insert “137”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 769: A bill for an act relating to property exempt from attachment, garnishment, or levy of execution; requiring notice to judgment debtors prior to delivery of funds owed to the judgment debtor by any third party to satisfy a creditor’s claim; providing for an exemption notice within certain time limits; providing penalties for failure to send the exemption notice; clarification of certain exempt funds; providing for an increase in the amount of household goods exempt; amending Minnesota Statutes 1982, sections 550.041; 550.14; 550.141, by adding a subdivision; 550.37, subdivisions 4, 13, 14, 19, 20, and 24; 571.41, subdivision 5, and by adding subdivisions; and 571.67.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 510.01, is amended to read:

510.01 [HOMESTEAD DEFINED; EXEMPT; EXCEPTION.]

The house owned and occupied by a debtor as his dwelling place, together with the land upon which it is situated to the amount hereinafter limited and defined, ~~shall constitute~~ *constitutes* the homestead of ~~such~~ *the* debtor and his family, and ~~be is~~ *is* exempt from seizure or sale under legal process on account of any ~~debt~~ *debts* not lawfully charged thereon in writing ~~in the amount of the equity owned in the homestead by the debtor, but not exceeding \$50,000 for one debtor or \$100,000 for two or more debtors with joint ownership, except such as those which are incurred for work or materials furnished in the construction, repair, or improvement of such the homestead, or for services performed by laborers or servants.~~

Sec. 2. Minnesota Statutes 1982, section 510.04, is amended to read:

510.04 [TITLE MAY BE IN HUSBAND OR WIFE; EQUITABLE TITLE EXEMPT.]

If the debtor ~~be is~~ *is* married, the homestead title may be vested in either spouse, and the exemption shall extend to the debts of either or of both. Any interest in the land, whether legal or equitable, shall constitute ownership, within the meaning of this chapter, and the dwelling house so owned and occupied shall be exempt to the extent specified in section 510.01, though situated on the land of another.

Sec. 3. Minnesota Statutes 1982, section 550.041, is amended to read:

550.041 [SUMMARY EXECUTION OF ~~SMALL~~ JUDGMENT DEBTS.]

Subdivision 1. [COVERAGE.] When a judgment creditor proposes to make execution on a judgment debt of ~~not more than \$2,500~~ from money owed to the judgment debtor by a third party, the execution may be made by the attorney for the judgment creditor or sheriff, ~~or their agents~~, through a registered or certified letter ~~or by personal service~~ to the third party containing a copy of the execution. Upon receipt, the third party shall remit as much of the amount due under section 550.04, ~~but not more than \$5,000~~, as his own debt equals to the sheriff or attorney who shall proceed in all other respects like the sheriff making a similar execution. ~~No more than \$5,000 may be recovered in an execution pursuant to this section.~~

Subd. 2. [EXEMPTION NOTICE.] If this section is used to enforce a judgment against a debtor who is a natural person by executing on funds of the judgment debtor held on deposit at any financial institution, the judgment creditor shall serve two copies of an exemption notice with the copy of the execution. The notice shall be substantially in the form set out in section 18. Failure of the judgment creditor to send the exemption notice renders the execution void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds which have previously been garnished in compliance with section 571.41, the judgment creditor is not required to serve an additional exemption notice. In that event, the execution

shall only be effective as to the funds which were subject to the prior garnishment.

Subd. 3. [DUTY OF FINANCIAL INSTITUTION; EXEMPTION; OBJECTION.] Upon receipt of the execution and exemption notices, the financial institution shall attach and bind as much of the amount due under section 550.04 as his own debt equals. Within two business days after receipt of the judgment creditor's letter, the financial institution shall serve upon the judgment debtor two copies of the exemption notice. The exemption notice shall be served by first class mail to the last known address of the judgment debtor. If no claim of exemption is received by the financial institution prior to the expiration of 14 days after the exemption notices are mailed to the judgment debtor, the financial institution shall remit as much of the amount due under section 550.04 as its own debt equals to the sheriff or attorney who shall proceed in all other respects like the sheriff making a similar execution. If the judgment debtor elects to claim an exemption, he shall complete the exemption notice, affix his signature under penalty of perjury, and deliver one copy to the financial institution and one copy to the judgment creditor within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption notices. Failure of the judgment debtor to serve the executed exemption notice does not constitute a waiver of any right he may have to an exemption. Upon timely receipt of a claim of exemption, the financial institution shall remit as much of the amount due under section 550.04 as his own debt equals to the sheriff or attorney from funds not claimed to be exempt by the judgment debtor. All money claimed to be exempt shall be released to the judgment debtor upon the expiration of seven days after the date postmarked on the correspondence containing the executed exemption notice mailed to the judgment creditor or the date of personal delivery of the executed exemption notice to the judgment creditor, unless within that time a timely objection to the exemption is interposed by the judgment creditor. Objection is made by mailing or delivering one copy of a written objection to the claim of exemption to the financial institution and one copy of the objection to the judgment debtor. Upon timely receipt of a written objection from the judgment creditor, the financial institution shall retain the funds claimed to be exempt. Unless the third party receives a notice of motion and motion from the judgment debtor asserting exemption rights within ten days after receipt of the objection, the financial institution shall remit as much of the amount due under section 550.04 as his own debt equals to the sheriff or attorney representing the judgment creditor. Either the judgment creditor or the judgment debtor may bring a motion to determine the validity of an exemption claim by following the procedure set out in section 18. If a notice of motion and motion to determine the validity of a claim of exemption is received by the financial institution within the period provided, it shall retain the funds claimed to be exempt until otherwise ordered by a court. However, at any time during the procedure specified in this subdivision, the judgment debtor or the judgment creditor may, by a writing dated subsequent to the service of the execution, direct the financial institution to release the funds in question to the other party. Upon receipt of a release, the financial institution shall release the funds as directed.

Subd. 4. [SUBSEQUENT PROCEEDINGS; BAD FAITH CLAIMS.] If in subsequent proceedings brought by the judgment debtor or the judgment creditor, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the judgment creditor shall be awarded actual damages, costs, and reasonable attorney fees resulting from the additional proceedings, and an amount not to exceed \$100. If the claim of exemption is

upheld, and the court finds that the judgment creditor disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100. The underlying judgment shall be modified to reflect assessment of damages, costs, and attorney fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to his attorney for fees, the attorney's fee award shall be made directly to the attorney and an appropriate judgment in favor of the attorney shall be entered. Upon motion of any party in interest, on notice, the court shall determine the validity of any claim of exemption and may make any order necessary to protect the rights of those interested. No financial institution shall be liable for damages for complying with this section. Both copies of an exemption claim or an objection to an exemption claim shall be mailed or delivered on the same date. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Subd. 5. [COSTS; SATISFACTION.] The attorney shall be allowed no costs from any party other than the judgment creditor for execution in accordance with this section. The attorney making ~~such~~ the execution shall endorse ~~thereon~~ on it partial satisfaction by amount or the total satisfaction and return the original execution to the clerk of that court for filing without charge.

Sec. 4. Minnesota Statutes 1982, section 550.14, is amended to read:

550.14 [LEVY ON OTHER PERSONAL PROPERTY.]

Subdivision 1. [PROPERTY COVERED.] Other personal property shall be levied on by leaving a certified copy of the execution, and a notice specifying the property levied on, with the person holding ~~the same~~ it; or, if a debt, with the debtor; or, if stock or an interest in stock of a corporation, with the president, secretary, treasurer, cashier, or managing agent ~~thereof~~ of it.

Subd. 2. [EXEMPTION NOTICE.] If this section is used to enforce a judgment against a judgment debtor who is a natural person by executing on funds of the judgment debtor held on deposit at any financial institution, the judgment creditor shall cause to be served with the execution two copies of an exemption notice. The notice shall be substantially in the form set out in section 18. If the judgment creditor fails to supply the exemption notice to the sheriff, the sheriff shall take no action. Failure of the sheriff to serve the exemption notice shall render the execution void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds which have previously been garnished in compliance with section 571.41, the judgment creditor shall not be required to serve an additional exemption notice. In that event, the execution shall only be effective as to the funds which were subject to the prior garnishment.

Subd. 3. [DUTY OF FINANCIAL INSTITUTION; EXEMPTION; OBJECTION.] Upon receipt of the execution and exemption notices, the financial institution shall attach and bind as much of the amount due under section 550.04 as his own debt equals. Within two business days after receipt of the judgment creditor's execution of the execution and exemption notices, the financial institution shall serve upon the judgment debtor two copies of the exemption notice. The exemption notice shall be served by first class mail to

the last known address of the judgment debtor. If no claim of exemption is received by the financial institution within 14 days after the exemption notices are mailed to the judgment debtor, the financial institution shall remit as much of the amount due under section 550.04 as its own debt equals to the sheriff. If the judgment debtor elects to claim an exemption, he shall complete the exemption notice, affix his signature under penalty of perjury, and deliver one copy to the financial institution and one copy to the judgment creditor within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption notices. Failure of the judgment debtor to serve the executed exemption notice does not constitute a waiver of any right he may have to an exemption. Upon timely receipt of a claim of exemption, the financial institution shall remit as much of the amount due under section 550.04 as his own debt equals to the sheriff from funds not claimed to be exempt by the judgment debtor. All money claimed to be exempt shall be released to the judgment debtor upon the expiration of seven days after the date postmarked on the correspondence containing the executed exemption notice mailed to the judgment creditor, or the date of personal delivery of the executed exemption notice to the judgment creditor, unless within that time a written objection to the claim of exemption is interposed by the judgment creditor. Objection is made by mailing or delivering one copy of the objection to the financial institution, and one copy to the judgment debtor. Upon timely receipt of a written objection from the judgment creditor, the financial institution shall retain the funds claimed to be exempt. Unless the financial institution receives a notice of motion and motion from the judgment debtor asserting an exemption within ten days after receipt of the objection, the financial institution shall remit as much of the amount due under section 550.04 as its own debt equals to the sheriff. Either the judgment creditor or the judgment debtor may bring a motion to determine the validity of an exemption claim by following the procedure set out in section 18. If a notice of motion and motion to determine the validity of a claim of exemption is received by the financial institution within the period provided, the financial institution shall retain the funds claimed to be exempt until otherwise ordered by the court. However, at any time during the procedure specified in this subdivision, the judgment debtor or the judgment creditor may, by a writing dated subsequent to the service of the execution, direct the financial institution to release the funds in question to the other party. Upon receipt of a release, the financial institution shall release the funds as directed.

Subd. 4. [SUBSEQUENT PROCEEDINGS.] If in subsequent proceedings brought by the judgment debtor or the judgment creditor, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the judgment creditor shall be awarded actual damages, costs, and reasonable attorney fees resulting from the additional proceedings and an amount not to exceed \$100. If the claim of exemption is upheld, and the court finds that the judgment creditor disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100. The underlying judgment shall be modified to reflect assessment of damages, costs, and attorney fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to his attorney for fees, the attorney's fee award shall be made directly to the attorney and an appropriate judgment in favor of the attorney shall be entered. Upon motion of any party in interest, on notice, the court shall determine the validity of any claim of exemption and may make any order necessary to protect the rights of those interested. No financial insti-

tution shall be liable for damages for complying with this section. Both copies of an exemption claim or an objection to an exemption claim shall be mailed or delivered on the same date. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Sec. 5. Minnesota Statutes 1982, section 550.141, is amended by adding a subdivision to read:

Subd. 3. [SERVICE OF EXECUTION.] If the execution has not been served within one year after service of the notice, the judgment creditor shall serve another notice upon the judgment debtor prior to serving the execution on his employer. If more than one year has passed since the most recent execution, the judgment creditor shall serve another notice upon the judgment debtor no less than ten days prior to service of a subsequent execution on his employer.

Sec. 6. Minnesota Statutes 1982, section 550.37, subdivision 4, is amended to read:

Subd. 4. [PERSONAL GOODS.] (a) All wearing apparel, one watch, utensils, and foodstuffs of the debtor and his family; and (b) household furniture, household appliances, phonographs, radio and television receivers of the debtor and his family, not exceeding ~~\$3,000~~ \$4,500 in value. The exemption provided by this subdivision may not be waived except with regard to purchase money security interests. Except for a pawnbroker's possessory lien, a nonpurchase money security interest in the property exempt under this subdivision is void.

~~Provided however,~~ If a debtor has property of the type which would qualify for the exemption under clause (b) of this subdivision, of a value in excess of ~~\$3,000~~ \$4,500 an itemized list of the exempt property, together with the value of each item listed, shall be attached to the security agreement at the time a security interest is taken, and a creditor may take a nonpurchase money security interest in the excess over ~~\$3,000~~ \$4,500 by requiring the debtor to select his exemption in writing at the time the loan is made.

Sec. 7. Minnesota Statutes 1982, section 550.37, is amended by adding a subdivision to read:

Subd. 4a. [ADJUSTMENT OF DOLLAR AMOUNTS.] (a) The dollar amounts in subdivision 4 shall change periodically as provided in this subdivision to the extent of changes in the implicit price deflator for the gross national product, 1972 = 100, compiled by the United States department of commerce, and hereafter referred to as the index. The index for December, 1982, is the reference base index.

(b) The designated dollar amounts shall change on July 1 of each even numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index for December of the preceding year and the reference base index is ten percent or more. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded and the dollar amounts shall change only in multiples of ten percent of the amounts stated in subdivision 4.

(c) If the index is revised, the percentage of change pursuant to this section

shall be calculated on the basis of the revised index. If a revision of the index changes the reference base index, a revised reference base index shall be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the department of commerce. If the index is superseded, the index referred to in this section is the one represented by the department of commerce as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(d) The commissioner of banks shall announce and publish:

(1) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by paragraph (b); and

(2) promptly after the changes occur, changes in the index required by paragraph (c) including, if applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(e) A person does not violate this chapter with respect to a transaction otherwise complying with this chapter if he relies on dollar amounts either determined according to paragraph (b) or appearing in the last publication of the commissioner announcing the then current dollar amounts.

Sec. 8. Minnesota Statutes 1982, section 550.37, subdivision 13, is amended to read:

Subd. 13. [WAGES.] All wages not subject to garnishment by the provisions of section 571.55. A subsequent attachment, garnishment or levy of execution shall impound only that pay period's non-exempt disposable earnings not subject to a prior attachment, garnishment or levy of execution, but in no instance shall more than an individual's total non-exempt disposable earnings in that pay period be subject to attachment, garnishment or levy of execution. Garnishments shall impound the non-exempt disposable earnings in the order of their service upon the employer. The disposable earnings exempt from garnishment are exempt as a matter of right, whether claimed or not by the person to whom due. ~~Such~~ The exemptions may not be waived. ~~Such~~ The exempt disposable earnings are payable by the employer when due. ~~Such~~ The exempt disposable earnings shall also be exempt for 20 days after deposit in any financial institution, *whether in a single or joint account.* This 20 day exemption ~~shall also apply~~ *applies* to any contractual set-off or security interest asserted by a financial institution in which ~~said~~ the earnings are deposited by the individual. In tracing ~~said~~ the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. As used in this section, the term "financial institution" ~~shall include~~ *includes* credit unions. Nothing in this paragraph shall be ~~construed to~~ void or supersede any valid assignment of wages *or transfer of funds held on account* made prior to the attachment, garnishment, or levy of execution.

Sec. 9. Minnesota Statutes 1982, section 550.37, subdivision 14, is amended to read:

Subd. 14. [PUBLIC ASSISTANCE.] All relief based on need, and the wages or salary of a person who is a recipient of relief based on need, shall be exempt from all claims of creditors including any contractual set-off or security interest asserted by a financial institution. For the purposes of this

chapter, relief based on need ~~shall include~~ *includes* AFDC, *general assistance medical care*, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance. The salary or wages of any debtor who is or has been a recipient of relief based on need, or an inmate of a correctional institution shall, upon his return to private employment after having been a recipient of relief based on need, or an inmate of a correctional institution, be exempt from attachment, garnishment, or levy of execution for a period of six months after his return to employment and after all public assistance has been terminated. ~~He may take advantage of such six months salary or wage exemption provisions only once in every three years.~~ The exemption provisions contained in this subdivision ~~shall~~ also apply for 60 days after deposit in any financial institution, *whether in a single or joint account*. In tracing ~~said~~ the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. Agencies distributing relief and the correctional institutions shall, at the request of creditors, inform them whether or not any debtor has been a recipient of relief based on need, or an inmate of a correctional institution, within ~~such period of~~ *the preceding* six months.

Sec. 10. Minnesota Statutes 1982, section 550.37, subdivision 19, is amended to read:

Subd. 19. [WAIVER.] The exemption of the property listed in subdivisions 2, 3, ~~and 5 to 11,~~ *and 12a* may not be waived except by a statement in substantially the following form, in bold face type of a minimum size of 12 points, signed and dated by the debtor at the time of the execution of the contract surrendering the exemption, immediately adjacent to the listing of the property: "I understand that some or all of the above property is normally protected by law from the claims of creditors, and I voluntarily give up my right to that protection for the above listed property with respect to claims arising out of this contract."

Sec. 11. Minnesota Statutes 1982, section 550.37, subdivision 20, is amended to read:

Subd. 20. [TRACEABLE FUNDS.] The exemption of funds from creditors' claims, provided by subdivisions 9, 10, 11, ~~and 15,~~ *and 24*, shall not be affected by the subsequent deposit of ~~said~~ the funds in a bank or any other financial institution, whether in a single or joint account, ~~so long as said~~ *if the funds can be* are traceable to their exempt source. In tracing ~~said~~ the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. No bank or other financial institution shall be liable for damages for complying with process duly issued out of any court for the collection of a debt even if the funds affected by ~~said~~ the process are subsequently determined to have been exempt.

Sec. 12. Minnesota Statutes 1982, section 550.37, subdivision 24, is amended to read:

Subd. 24. [EMPLOYEE BENEFITS.] The debtor's right to receive a payment, *or payments received by the debtor*, under a stock bonus, pension, profit sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

Sec. 13. Minnesota Statutes 1982, section 571.41, subdivision 5, is amended to read:

Subd. 5. [PRIOR NOTICE REQUIRED.] If the garnishee summons is to be used to garnish the earnings of an individual to enforce a judgment, or to garnish earnings prior to entry of judgment pursuant to subdivision 2, clause (a), prior to the first garnishment on any debt, the creditor shall serve upon the debtor, no less than ten days prior to the service of the garnishee summons, a notice that ~~such~~ a summons may be issued. *If the garnishee summons has not been served within one year after service of the notice, the judgment creditor shall serve another notice upon the judgment debtor prior to serving the garnishee summons on his employer. If more than one year has passed since service of the judgment creditor's most recent garnishee summons, the judgment creditor shall no less than ten days prior to service of a subsequent garnishee summons serve notice that another garnishee summons may be served.* ~~Said~~ The notice shall (1) be substantially in the form set out in this chapter; ~~Said notice shall~~ ; (2) be served personally, in the manner of a summons and complaint, or by first class mail to the last known address of the debtor; ~~Said notice shall~~ ; (3) inform the debtor that a garnishee summons may be served on the debtor's employer in ten days, and that the debtor may, within that time, cause to be served on the creditor a signed statement under penalties of perjury asserting an entitlement to an exemption from garnishment; ~~Said notice shall further~~ ; (4) inform the debtor of the wage garnishment exemptions contained in section 550.37, subdivision 14; ~~Said notice shall further~~ ; and (5) advise the debtor of the relief set forth in this chapter to which he may be entitled if a creditor in bad faith disregards a valid claim and the fee, costs, and penalty which may be assessed against a debtor who in bad faith falsely claims an exemption or in bad faith takes action to frustrate the garnishment process. If no statement of exemption is received by the creditor within ten days from the service of the notice, he may proceed with the garnishment. Failure of the debtor to serve ~~such~~ a statement ~~shall~~ does not constitute a waiver of any right he may have to an exemption. If ~~said~~ the statement of exemption is received by the creditor, he may still cause a garnishee summons to be issued; ~~however,~~ . If the debtor subsequently asserts his claim of exemption successfully to the court having jurisdiction over the action, and the court finds that the creditor disregarded the claim of exemption in bad faith, the debtor shall be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100. If in subsequent proceedings which may be brought by the debtor or creditor, the claim is not upheld, and the court finds that it was asserted in bad faith, or if the court finds that the debtor has in bad faith taken action to frustrate the garnishment process, the debtor shall be assessed costs and reasonable attorney fees resulting from ~~said~~ the additional proceedings, and an amount not to exceed \$100.

Sec. 14. Minnesota Statutes 1982, section 571.41, is amended by adding a subdivision to read:

Subd. 5a. [EXEMPTION NOTICE.] *If the garnishee summons is used to garnish funds of a judgment debtor who is a natural person and if the funds to be garnished are held on deposit at any financial institution, the judgment creditor shall serve with the garnishee summons two copies of an exemption notice. The notice shall be substantially in the form set out in section 18.*

Failure of the judgment creditor to send the exemption notice shall render the garnishment void, and the financial institution shall take no action.

Sec. 15. Minnesota Statutes 1982, section 571.41, is amended by adding a subdivision to read:

Subd. 5b. [DUTY OF FINANCIAL INSTITUTION; EXEMPTION; OBJECTION.] Upon receipt of the garnishee summons and exemption notices, the financial institution shall attach and bind as much of the amount due under section 571.471 as the financial institution has on deposit owing to the judgment debtor. Within two business days after receipt of the garnishee summons and exemption notices, the financial institution shall serve upon the judgment debtor two copies of the exemption notice. The financial institution shall serve the notice by first class mail to the last known address of the judgment debtor. If no claim of exemption is received by the financial institution within 14 days after the exemption notices are mailed to the judgment debtor, the funds shall remain subject to the garnishment summons. If the judgment debtor elects to claim an exemption, he shall complete the exemption notice, affix his signature under penalty of perjury, and deliver one copy to the financial institution and one copy to the judgment creditor within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption notices. Failure of the judgment debtor to serve the executed exemption notice does not constitute a waiver of any right he may have to an exemption. Upon timely receipt of a claim of exemption, funds not claimed to be exempt by the judgment debtor shall remain subject to the garnishment summons. All money claimed to be exempt shall be released to the judgment debtor upon the expiration of seven days after the date postmarked on the correspondence containing the executed exemption notice mailed to the judgment creditor, or the date of personal delivery of the executed exemption notice to the judgment creditor, unless within that time the judgment creditor interposes an objection to the exemption. Objection shall be interposed by mailing or delivering one copy of the written objection to the financial institution and one copy of the written objection to the judgment creditor. Upon receipt of a written objection from the judgment creditor within the specified seven day period, the financial institution shall retain the funds claimed to be exempt. Unless the financial institution receives a notice of motion and motion from the judgment debtor asserting exemption rights within ten days after receipt of the written exemption, the funds shall remain subject to the garnishment summons as if no claim of exemption has been made. Either the judgment creditor or the judgment debtor may bring a motion to determine the validity of an exemption claim by following the procedure set out in section 18. If a notice of motion and motion to determine the validity of a claim of exemption is received by the financial institution within the period provided, the financial institution shall retain the funds claimed to be exempt until otherwise ordered by the court, or until the garnishment lapses pursuant to section 571.69. However, at any time during the procedure specified in this subdivision, the judgment debtor or the judgment creditor may, by a writing dated subsequent to the service of the execution, direct the financial institution to release the funds in question to the other party. Upon receipt of a release, the financial institution shall release the funds as directed.

Sec. 16. Minnesota Statutes 1982, section 571.41, is amended by adding

a subdivision to read:

Subd. 5c. [SUBSEQUENT PROCEEDINGS; BAD FAITH CLAIMS.] If in subsequent proceedings brought by the judgment debtor or the judgment creditor, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the judgment creditor shall be awarded actual damages, costs, and reasonable attorney fees resulting from the additional proceedings and an amount not to exceed \$100. If the claim of exemption is upheld, and the court finds that the judgment creditor disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100. The underlying judgment shall be modified to reflect assessment of damages, costs, and attorney fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to his attorney for fees, the attorney's fee award shall be made directly to the attorney and an appropriate judgment in favor of the attorney shall be entered. Upon motion of any party in interest, on notice, the court shall determine the validity of any claim of exemption and may make any order necessary to protect the rights of those interested. No garnishee shall be liable for damages for complying with this section. Both copies of an exemption claim or an objection to an exemption claim shall be mailed or delivered on the same date. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Sec. 17. Minnesota Statutes 1982, section 571.41, subdivision 6, is amended to read:

Subd. 6. [FORM OF NOTICE.] The ten day notice informing a judgment debtor that a garnishee summons may be used to garnish the wages of an individual to enforce a judgment, shall be substantially in the following form:

STATE OF MINNESOTA }
County of _____ } ss _____ Court

(Judgment Creditor)
(Judgment Debtor)

Garnishment Exemption Notice

The State of Minnesota

To the above named Judgment Debtor:

Please take notice that a Garnishment Summons may be served upon your employer, without any further court proceedings or notice to you, ten days or more from the date hereof. Your wages ~~may be exempted~~ *are completely exempt* from garnishment if you are now a recipient of relief based on need, if you have been a recipient of ~~such~~ *such* relief within the last six months, or if you have been an inmate of a correctional institution in the last six months. Relief based on need includes, *only* AFDC, *general assistance medical care*, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance. ~~It does not include Social Security, unemployment compensation, food stamps, or workers' compensation.~~

If you wish to claim ~~such~~ an exemption, you should fill out the appropriate

form below, sign it, and send it to the judgment creditor's attorney and the garnishee.

You may wish to contact the attorney for the Judgment Creditor in order to arrange for a settlement of the debt.

PENALTIES

1. Be advised that even if you claim an exemption, a Garnishment Summons may still be served on your employer. If your wages are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

2. HOWEVER, BE WARNED if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.

3. If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney fees plus an amount not to exceed \$100.

Dated: _____

(Attorney for) Judgment Creditor

Address

Telephone

I hereby claim under penalty of perjury that my wages are exempt from garnishment because:

(1) _____ I am presently a recipient of relief based on need. (Specify the program, case number, and the county from which relief is being received. ~~There is no limit to the number of times this exemption may be claimed.~~)

Program	Case Number (if known)	County
---------	------------------------	--------

(2) _____ I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.) ~~I am aware that I am not permitted by law to use this exemption for more than one six month period every three years, and that I may be penalized if I violate this law.~~

Program	Case Number (if known)	County
---------	------------------------	--------

(3) _____ I have been an inmate of a correctional institution within the last six months, ~~and I have not claimed this exemption within the last three years.~~ (Specify the correctional institution and location.)

Correctional Institution	Location
--------------------------	----------

I hereby authorize any agency that has distributed relief to me or any

correctional institution ~~wherein~~ in which I was an inmate to disclose to the above-named creditor or his attorney whether or not I was a recipient of relief based on need or an inmate of a correctional institution within the last six months.

Judgment Debtor

Address

Sec. 18. Minnesota Statutes 1982, section 571.41, is amended by adding a subdivision to read:

Subd. 6a. [FORM OF EXEMPTION NOTICE.] The notice informing a judgment debtor that a writ of attachment, garnishee summons, or levy of execution has been used to attach and bind funds of the judgment debtor to satisfy a claim shall be substantially in the following form:

EXEMPTION NOTICE

STATE OF MINNESOTA

COUNTY OF _____ Court
_____ (Judgment Creditor)

_____ (Judgment Debtor)
To _____ (Judgment Debtor):

A writ of attachment, garnishee summons, or levy of execution (strike inapplicable language) has been served on _____ (Bank or other Financial Institution) _____ where you have an account.

Your account balance is \$_____.

The amount being held is \$_____.

However, the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) Relief based on need. This includes AFDC, Medical Assistance, Supplemental Security Income (SSI), Minnesota Supplemental Assistance, General Assistance, and General Assistance Medical Care.

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance).

(3) Unemployment compensation, workers' compensation, or veteran's benefits.

(4) An accident, disability, or retirement pension or annuity.

(5) Life insurance proceeds, or the earnings of your minor child.

(6) Money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(7) All wages of a person in category 1.

(8) *All wages of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months.*

(9) *Seventy-five percent of every wage earner's after tax earnings.*

(10) *All of a wage earner's after tax earnings below 40 times the federal minimum wage (this equals \$134 for a 40 hour week).*

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories 9 and 10: 20 days.

Categories 7 and 8: 60 days.

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the First In, First Out method is used. This means money deposited first is spent first.) The money being sought by the creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of this exemption claim form to the institution which sent you this notice, and one copy to the judgment creditor. Both copies must be mailed or delivered on the same day.

If they don't get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be frozen until it is decided.

IF YOU CLAIM AN EXEMPTION:

(1) *Non-exempt money can be turned over to the creditor or sheriff;*

(2) *The financial institution will keep holding the money claimed to be exempt; and*

(3) *Seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.*

IF THE CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

(1) *The institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN 10 DAYS after the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.*

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been frozen, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the clerk of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the creditor wrongly objects to an exemption in bad faith, the Court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Date _____ (Attorney for) Judgment Creditor
Address _____

EXEMPTION:

(a) Amount of exemption claim.

|| I claim ALL the funds being held are exempt.

|| I claim SOME of the funds being held are exempt. The exempt amount is \$ _____ .

(b) Basis for Exemption.

Of the ten categories listed above, I am in category number _____ . (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number: ;
county:)

Dated: _____ Judgment Debtor
Address _____

Sec. 19. Minnesota Statutes 1982, section 571.41, is amended by adding a subdivision to read:

Subd. 6b. [FORM OF MOTION.] (1) A motion to determine the validity of an exemption claim may be brought by either the judgment creditor or the judgment debtor by filing with the clerk of court out of which the attachment, garnishment, or execution issued a Request for Hearing which shall be in substantially the following form:

STATE OF MINNESOTA COURT
COUNTY OF
REQUEST FOR HEARING ON ..
EXEMPTION CLAIM

.....
Plaintiff(s),
v.
.....
Defendant(s).

I hereby request a hearing to resolve the exemption claim which has been made in this case regarding funds in the account of _____ (Debtor) _____ at the _____ (Financial Institution) _____. I believe the property being held is (not) exempt because

DATED: _____ Judgment (Debtor, Creditor)
Address _____

Hearing date: _____ Time: _____

Place: _____

[Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim. Failure to do so could delay the court's decision.]

(2) The court shall provide Request for Hearing forms and clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The clerk may charge a fee of \$1.00 for the filing of a Request for Hearing.

(3) Upon the filing of a Request for Hearing, the clerk shall schedule the matter for a hearing no later than five business days from the date of filing. The clerk shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.

Sec. 20. Minnesota Statutes 1982, section 571.42, is amended to read:

571.42 [EFFECT OF SERVICE OF SUMMONS.]

Subdivision 1. [ATTACH FOR JUDGMENT.] Except as provided in sections 571.43 and 571.50, service of the garnishee summons upon the garnishee shall attach and bind, to respond to final judgment in the action, all personal property of the judgment debtor in his possession or under his control and all indebtedness owing by him to the judgment debtor at the time of ~~such~~ service and all non-exempt disposable earnings earned or to be earned within that ~~one~~ pay period *and within 30 days thereafter*.

Subd. 2. [PROPERTY ATTACHED.] Subject to the provisions of sections 550.37 and 571.55 all moneys, all non-exempt disposable earnings earned or to be earned within that ~~one~~ pay period *and within 30 days thereafter* and other personal property including ~~such~~ property of any kind due from or in the hands of an executor, administrator, receiver or trustee and all written evidences of indebtedness whether negotiable or not or under or overdue may be attached by garnishment, and money or any other thing due or belonging to the judgment debtor may be attached by this process before it has become payable if its payment or delivery does not depend upon any contingency, but the garnishee shall not be compelled to pay or deliver ~~the same~~ *it* before the time appointed by the contract.

Sec. 21. Minnesota Statutes 1982, section 571.67, is amended to read:

571.67 [PENALTY IN CERTAIN GARNISHMENT PROCEEDINGS.]

A party who serves or causes to be served a garnishment summons prior to judgment in the main action, except where garnishment prior to entry of judgment is permitted, is liable to the debtor named in the garnishment proceedings in the amount of \$100 plus reasonable attorneys fees and costs. *Action by a judgment creditor in violation of section 550.041, 550.14, 550.141, or 571.41, causing any third party or garnishee in possession of funds owing to the judgment debtor to hold or deliver the funds to satisfy a*

garnishment, attachment, or levy of execution shall render the garnishment, attachment, or levy of execution void and the judgment creditor liable to the judgment debtor named in the garnishment, attachment, or execution in the amount of \$100, actual damages, and reasonable attorney fees and costs."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "limiting the homestead exemption from seizure or sale;"

Page 1, line 11, after "sections" insert "510.01; 510.04;"

Page 1, line 13, after "24" insert ", and by adding a subdivision" and delete "subdivision 5" and insert "subdivisions 5 and 6"

Page 1, line 14, after the semicolon, insert "571.42:"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 512: A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after "I." insert "[DEFINITIONS.]"

Page 2, line 16, strike "; and includes" and insert "including"

Page 2, line 21, strike "a" in both places

Page 2, line 22, strike "and"

Page 2, line 23, strike "about"

Page 2, line 35, strike "therein but" and insert "in it."

Page 2, line 36, after "office" insert a comma

Page 3, line 1, strike "any such" and insert "a"

Page 3, line 5, after "corporation" insert a comma

Page 3, line 7, strike "nor shall it include" and insert "or"

Page 3, lines 17 and 34, strike "within the meaning of this subdivision"

Page 3, line 26, strike "thereof" and insert "of it"

Page 4, line 32, strike "within"

Page 4, line 33, strike "the meaning of this subdivision"

Page 5, line 7, strike “within the meaning of this”

Page 5, line 8, strike “subdivision”

Page 5, line 24, after “5.” insert “[ACTIVE SERVICE.]”

Page 6, line 2, after “5a” insert “[STATE ACTIVE SERVICE.]”

Page 6, line 15, after “5b” insert “[FEDERAL ACTIVE SERVICE.]”

Page 6, line 20, delete “[190.095]” and insert “[190.096]” and delete “; DECLARATION”

Page 6, delete lines 21 to 36

Page 7, line 1, delete “Subd. 2.” and insert “Subdivision 1. [AUTHORITY TO REPAIR.]”

Page 7, line 2, delete “. to the contrary”

Page 7, lines 3 and 9, delete “of the state of Minnesota”

Page 7, line 3, delete “is authorized to” and insert “may”

Page 7, lines 4, 7, 13, and 14, delete “such”

Page 7, lines 7 and 14, delete “as” and delete “may deem” and insert “deems”

Page 7, line 10, delete “Subd. 3.” and insert “Subd. 2. [AUTHORITY TO RELEASE.]” and delete “Minnesota”

Page 7, line 11, delete “Statutes,”

Page 7, line 31, strike “widow” and insert “spouse” and strike “such”

Page 7, line 32, strike “may be”

Page 7, line 34, strike “such”

Page 8, line 3, strike “thereof” and insert “of it”

Page 10, line 4, after “1.” insert “[APPLICABILITY.]”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 954: A bill for an act relating to commerce; mechanics’ liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner’s obligation to pay a contractor and the duration of the lien; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; and 514.08, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, strike “the contract for”

Page 2, line 7, strike “so” and insert “as”

Page 2, line 9, strike “thereof” and insert “of them”

Page 2, line 11, strike “90” and insert “120”

Page 2, line 19, strike "himself"

Page 2, line 31, after "514.01" insert a comma

Page 3, lines 23 and 33, strike "so" and insert "as"

Page 3, line 25, strike "thereof" and insert "of them"

Page 4, line 1, strike "; and" and insert a period

Page 4, line 3, strike "thereof" and insert "of them"

Page 4, line 6, strike "shall furnish" and insert "furnishes"

Page 4, line 13, strike "thereof" and insert "of it" and strike the semicolon

Page 4, line 14, strike "and" and insert a period

Page 4, line 16, strike "so"

Page 4, line 18, strike "otherwise" and insert "other" and strike "thereunder"

Page 4, line 21, after "1." insert "[NOTICE REQUIRED.]"

Page 4, line 25, strike "therefor, be" and insert "is"

Page 4, line 27, strike "be" and insert "is"

Page 4, after line 31, insert:

"Sec. 5. Minnesota Statutes 1982, section 514.08, is amended by adding a subdivision to read:

Subd. 3. [FALSE CLAIM OF LIEN.] Any person who knowingly files a false statement of claim pursuant to this section is guilty of perjury.

Sec. 6. Minnesota Statutes 1982, section 514.10, is amended to read:

514.10 [FORECLOSURE OF LIENS.]

Subdivision 1. [VENUE; PROCEDURE.] Such Liens may be enforced by action in the district court of the county in which the improved premises or some part thereof of them are situated, or, if claimed under section 514.04, of any county through or into which the railway or other line extends; which. The action shall be begun and conducted in the same manner as actions for the foreclosure of mortgages upon real estate, except as herein otherwise provided; but. The owner or any person or party having an interest in or lien upon the property against which a lien has been filed under the provisions of this chapter may bring an action to remove the lien in the nature of an action to determine adverse claims and subject to all the provisions of law regarding actions to determine adverse claims.

Subd. 2. [DEPOSIT; RELEASE OF PROPERTY.] When an action has been brought, either by the lien claimant to enforce his lien or by the owner, person, or party having an interest in or a lien upon the property against which a lien claim has been filed to determine adverse claims, as provided herein, application may be made at any time after such the action has been commenced by any of the persons or parties above mentioned to have the property affected by any such a lien, released from the lien by giving ten days' notice, or such other and shorter notice as the court may order and

~~direct orders~~, to the lien claimant, or his attorney, of intention to apply to the district court for the release of ~~such the~~ lien and of the time and place of hearing. Upon a hearing upon an application, the court shall fix a sum of money to be deposited by the applicant with the clerk of the district court, ~~which~~. The sum shall not be less than the aggregate amount of, (1) the amount claimed in the lien statement, (2) \$18 for every \$100 or fraction ~~thereof~~ of \$100, to cover interest, (3) the probable disbursements in an action to enforce the claim for which the lien statement was filed, *and* (4) an amount not less than double the amount of attorneys' fees allowed upon the foreclosure under section 582.01, to cover any allowance the court may make upon the trial for costs and attorneys' fees in the action or upon appeal. Upon ~~making a the deposit in~~ of the amount ~~so~~ fixed in the order of court, an order shall be made by the court releasing the premises described in the statement ~~thereof~~ from the effect of ~~such the~~ lien. The lien claimant ~~shall have~~ has the same right of lien against ~~such the~~ money deposit ~~that~~ as he had against the property released. The order releasing the lien may be filed in the office of the county recorder or registrar of titles, if registered land, of the county in which the lien statement is recorded or filed, ~~and thereupon~~. Upon filing, the premises affected shall be released ~~therefrom from the~~ lien. The court shall by the same order discharge any notice of lis pendens filed in any action in which ~~such a~~ lien may be asserted if it appears that all mechanics' liens filed or recorded against the property covered by the lis pendens have been released.

Subd. 3. [JUDGMENT; PAYMENT.] After the release of the property affected, the judgment ordered in any action either to enforce ~~such the~~ lien or determine adverse claims and remove ~~such the~~ lien, in the event that the lien is established, shall provide that it be paid, ~~and it shall be paid~~ without further proceedings out of the deposit ~~made as provided herein~~. The judgment of the district court establishing a lien, unless a written notice of intention to appeal ~~therefrom~~ is served on the clerk of the district court within 30 days from the entry of ~~such~~ judgment, ~~shall be is~~ authority ~~to such~~ for the clerk to pay the amount specified in ~~such the~~ judgment to the persons entitled ~~thereto~~ to it, or their attorney of record in the action. The balance of deposits, if any, shall be returned to the depositor. If the lien was not a valid and enforceable one, the judgment shall direct the return of the whole deposit to the depositor unless the claimant obtains judgment against ~~such the~~ depositor personally ~~and~~. In ~~such that~~ case the judgment shall be paid as ~~hereinbefore~~ specified.

Subd. 4. [IMPROPER LIEN.] *If the court determines that a lien claimant filed a lien without providing the notice required by this chapter or after an owner has paid for the improvements as provided for in this chapter, the court may order the claimant to pay any actual damages incurred by the owner, court costs, and reasonable attorney's fees."*

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing penalties for falsely filing liens;"

Page 1, line 7, delete the second "and"

Page 1, line 8, after "1" insert "and by adding a subdivision; and 514.10"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 923: A bill for an act relating to libraries; restricting tort liability for public libraries; prescribing a penalty; amending Minnesota Statutes 1982, section 466.01, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 134.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 466.01, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITY.] For the purposes of sections 466.01 to 466.15, “municipality” means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, *public library, regional public library system, multi-county multi-type library system*, or other political subdivision.

Sec. 2. [609.541] [DESTRUCTION OR DETENTION OF LIBRARY PROPERTY.]

Subdivision 1. [INJURY TO LIBRARY MATERIALS IN PUBLIC INSTITUTIONS.] A person who intentionally, and without permission from library personnel, removes or damages any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a misdemeanor.

Subd. 2. [WILLFUL DETENTION OF LIBRARY MATERIALS.] A person who willfully detains a book, periodical, pamphlet, film, or other property belonging to any public library, or to a library belonging to the state or any political subdivision, for more than 30 days after notice in writing to return it, given after the expiration of the library's stated loan period for the material, is guilty of a petty misdemeanor. The written notice shall be sent by mail to the last known address of the person detaining the material. The notice shall state the type of material borrowed, the title of the material, the author's name, the library from which the material was borrowed, and the date by which the material was to have been returned to the library. The notice shall include a statement indicating that if the material is not returned within 30 days after the written notice the borrower will be in violation of this section.”

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “prohibiting the theft or damage of library materials;”

Page 1, line 6, delete “134” and insert “609”

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 588: A bill for an act relating to courts; providing for interest rates on judgments; amending Minnesota Statutes 1982, section 549.09, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "accrues" insert "and harm or loss results"

Page 1, line 14, after "judgment" insert ", unless otherwise provided by law" and after the period, insert "For judgments on workers' compensation claims interest accrues from the time of verdict or report. In the case of prejudgment interest, the court may reduce the amount of interest to conform to the circumstances of the case if it specifically finds that certain elements of the damages arose after the date the claim or cause of action accrued."

Page 1, line 15, before "The" insert "Unless otherwise provided by law or contract, other than an insurance contract,"

Page 2, delete lines 6 and 7 and insert:

"This act is effective the day following final enactment and interest begins to accrue as of that date on all claims or causes of action regardless of when the claims or causes accrued."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 771: A bill for an act relating to courts; providing for removal of claims from municipal court to district court; amending Minnesota Statutes 1982, section 488A.01, subdivision 15; and 488A.18, subdivision 15.

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. 929: A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas County.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "equal to" and insert "not less than" and delete "thereof"

Page 1, line 15, after the period, insert "The property shall be appraised in the manner provided in Minnesota Statutes, section 94.10."

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. 950: A bill for an act relating to agriculture; requiring pseudorabies testing; proposing new law coded in Minnesota Statutes 1982, chapter 35.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "or" and insert a comma and after "sold" insert "*leased, or loaned*"

Page 1, line 9, delete "evidencing" and insert "or a record of"

Page 1, line 10, delete "of"

Page 1, line 11, delete "entry or sale" and insert "*unless originating from a pseudorabies qualified negative herd or a pseudorabies controlled vaccinated herd which have not intermingled with swine of unknown status*"

Page 1, line 18, delete "livestock sanitary" and after "board" insert "*of animal health*" and delete "The"

Page 1, delete lines 19 and 20

Page 1, after line 20, insert:

"Sec. 2. [35.257] [RESTRICTED MOVEMENT OF FEEDER PIGS.]

Subdivision 1. [RESTRICTED MOVEMENT.] All feeder pigs sold through a swine concentration point and feeding swine imported into Minnesota shall be restricted to the purchaser's premises and isolated from all breeding swine until sold for slaughter accompanied by a shipping permit, except:

(a) feeder pigs purchased directly from a pseudorabies qualified negative herd or a pseudorabies controlled vaccinated herd which have not intermingled with swine of unknown status; and

(b) lots of feeder pigs may be released for resale 30 days after purchase if tested and found negative for pseudorabies.

Pigs and swine subject to restricted movement may be moved to another state if movement is in compliance with importation requirements of that state.

Subd. 2. [DEFINITION.] For the purpose of this section, "swine concentration point" means a facility where swine are assembled for resale for feeding or breeding purposes, and where contact may occur between groups of swine from various sources, including public stockyards, auction markets, state-federal markets, buying stations, and livestock dealers' yards.

Sec. 3. [35.259] [RULES.]

The board of animal health may adopt rules, including temporary rules, to implement sections 1 and 2."

Page 1, delete lines 22 to 24 and insert:

"Sections 1 and 2 are effective January 1, 1984. Section 3 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the semicolon, insert "and imposing quarantine and restricted movement requirements for swine"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

H.F. No. 194: A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, subdivision 7.

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

H.F. No. 599: A bill for an act relating to labor; regulating fair labor standards record keeping; changing the civil and criminal penalties on employers for violations of the record keeping and posting requirements of the fair labor standards act; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 177.27, subdivision 2, is amended to read:

Subd. 2. The commissioner or ~~his~~ *an* authorized representative may require ~~from any~~ *the* employer of employees *engaged* in any occupation in the state to *submit to the commissioner or the authorized representative photocopies, certified copies, or, if necessary, the originals of employment records which the commissioner or the authorized representative deems necessary or appropriate. The records which may be required include but are not limited to full and correct statements in writing, including sworn statements by the employer, with respect* containing information relating to wages, hours, ~~name~~ *names*, addresses, and *any* other information pertaining to ~~his~~ *the* employer's employees and *the conditions* of their employment as the commissioner or ~~his~~ *the* authorized representative ~~may deem~~ *deems* necessary or appropriate.

The commissioner or the commissioner's authorized representative may require the records to be submitted by certified mail delivery or, if necessary, by personal delivery by the employer or a representative of the employer, as authorized by the employer in writing.

The commissioner may impose a penalty of up to \$100 on an employer for each failure of the employer to submit or deliver records as required by this

section. The penalty imposed by this section is in addition to any penalties provided under section 177.32, subdivision 1.

Sec. 2. Minnesota Statutes 1982, section 177.30, is amended to read:

177.30 [KEEPING RECORDS.]

Every employer subject to ~~any provision of~~ sections 177.21 to 177.35 or of any rule ~~issued~~ *adopted* pursuant ~~thereto~~ to those sections shall make and keep, for a period of not less than three years in or about the premises ~~wherein in which~~ any employee is employed, a record of the name, address and occupation of each of ~~his employees~~ *employee*, the rate of pay, and the amount paid each pay period to each employee, the hours worked each day and each workweek by the employee, and other information as *deemed necessary and appropriate* by the ~~department~~ *shall prescribe by rule as necessary or appropriate* commissioner for the enforcement of the provisions of sections 177.21 to 177.35 ~~or of the rules issued pursuant thereto~~.

The commissioner may impose a penalty of up to \$100 on an employer for each failure of the employer to maintain records as required by this section. The penalty imposed by this section is in addition to any penalties provided under section 177.32, subdivision 1.

Sec. 3. Minnesota Statutes 1982, section 177.31, is amended to read:

177.31 [POSTING OF LAW AND RULES.]

Every employer subject to ~~any provision of~~ sections 177.21 to 177.35 shall *obtain and* keep a summary ~~thereof~~ of those sections, approved by the department, and copies of any applicable rules ~~issued~~ *adopted* pursuant ~~thereto~~ to those sections, or a summary of the rules, ~~posted~~ *and shall post the summaries* in a conspicuous and accessible place in or about the premises ~~wherein in which~~ any person ~~subject thereto~~ covered by sections 177.21 to 177.35 is employed. The department shall furnish copies of the summaries and rules to employers without charge.

The commissioner may impose a penalty of up to \$100 on an employer for each failure of the employer to comply with this section. The penalty imposed by this section is in addition to any penalties provided by section 177.32, subdivision 1.

Sec. 4. Minnesota Statutes 1982, section 177.32, subdivision 1, is amended to read:

Subdivision 1. ~~Any~~ An employer who *does any of the following is guilty of a misdemeanor*: (a) hinders or delays the ~~department~~ commissioner or ~~its~~ an authorized representative in the performance of ~~its~~ duties *required* under sections 177.21 to 177.35 ~~or~~; (b) refuses to admit the commissioner or ~~his~~ an authorized representative to ~~any~~ the place of *business or* employment of the employer, as required by section 177.27, subdivision 1; ~~or~~ (c) *consistently and repeatedly* fails to make, keep, and preserve records as required by section 177.30; ~~or~~ (d) falsifies any record; ~~or~~ (e) refuses to make any record ~~accessible~~ *available*, or to furnish a sworn statement of the record or any other information as required by section 177.27; ~~or~~ (f) *consistently and repeatedly* fails to post a summary of sections 177.21 to 177.35 or a copy or summary of ~~any~~ the applicable ~~rule~~ *rules* as required by section 177.31; ~~or~~ (g) pays or agrees to pay wages at a rate less than the rate ~~applicable~~ *required*

under or pursuant to sections 177.21 to 177.35; or (h) otherwise violates any provision of sections 177.21 to 177.35 or of any rule issued adopted pursuant thereto; is guilty of a misdemeanor to those sections."

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. 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			156

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 157 be amended as follows:

Page 1, line 19, delete "; 354.092;" and insert ", or"

Page 1, line 20, delete "354.093; 354.094; 354.53; 354.531; 354.66;"

Page 1, line 21, delete everything after "4"

Page 1, line 22, delete "578, article II, section 1" and insert a comma

Page 2, line 4, delete "; 354.092; 354.093; 354.094;"

Page 2, line 5, delete "354.53; 354.531; 354.66;" and "; 354A.091;"

Page 2, delete line 6

Page 2, line 7, delete the new language

Page 2, line 12, delete "or"

Page 2, line 13, delete ", subdivision 5" and after the period insert "*The commissioner of education may extend the date applications are to be received by him to a date not later than June 30, 1983.*"

And when so amended H.F. No. 157 will be identical to S.F. No. 156, and further recommends that H.F. No. 157 be given its second reading and substituted for S.F. No. 156, 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. 787 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.
787	921				

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. 749 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.
749	762				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 749 be amended as follows:

Page 2, after line 28, insert:

“Sec. 3. [POWERS; SUPPLEMENTARY.]

The powers and authority granted to the city by this act are supplementary to and not in substitution for any other power granted to the city by law or charter.”

Page 2, line 32, after “1983” insert a comma

Page 3, delete lines 1 to 4

Renumber the sections in sequence

And when so amended H.F. No. 749 will be identical to S.F. No. 762, and further recommends that H.F. No. 749 be given its second reading and substituted for S.F. No. 762, 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. 870 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.
		870	711		

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. 530 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.
530	549				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 530 be amended as follows:

Page 1, line 13, reinstate the stricken language and delete the new language

Page 1, line 13, after "omission" insert "*in this state*"

Page 1, line 14, delete the new language

Page 1, line 15, reinstate the stricken "both" and delete the new language

Page 1, line 16, delete the new language

Page 1, line 17, strike "such" and insert "*the*"

And when so amended H.F. No. 530 will be identical to S.F. No. 549, and further recommends that H.F. No. 530 be given its second reading and substituted for S.F. No. 549, 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. 667 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.
667	702				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 667 be amended as follows:

Page 1, delete lines 8 to 20 and insert:

"Employers who offer time off to their employees because they become biological parents shall allow time off on the same terms to employees who become parents by adoption procedures. An employer shall not penalize an employee for requesting or obtaining time off according to this section."

And when so amended H.F. No. 667 will be identical to S.F. No. 702, and further recommends that H.F. No. 667 be given its second reading and substituted for S.F. No. 702, 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. 491 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.
491	558				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 491 be amended as follows:

Page 1, line 20, delete "*will*" and insert "*may*"

Page 2, line 21, after "*utilizing*" insert "*one or more of*"

Page 3, line 13, after "(3)" insert ", *paragraphs*"

Page 3, line 21, after "*facilities,*" insert "*hospitals, providers of medical care,*"

Page 3, line 25, delete "*supervise*" and insert "*review*"

And when so amended H.F. No. 491 will be identical to S.F. No. 558, and further recommends that H.F. No. 491 be given its second reading and substituted for S.F. No. 558, 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. 769, 512, 954, 923, 588, 771 and 929 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 194, 599, 157, 787, 749, 870, 530, 667 and 491 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 1126. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 730: A bill for an act relating to drivers licenses; prohibiting the operation of a motor vehicle in this state by either a resident or nonresident whose license has been revoked, suspended, or cancelled until Minnesota driving privileges are reinstated; amending Minnesota Statutes 1982, section 171.20, subdivision 2; repealing Minnesota Statutes 1982, section 171.181, 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:

Adkins	Diessner	Knutson	Pehler	Sieloff
Anderson	Dieterich	Kroening	Peterson.C.C.	Solon
Belanger	Frank	Kronebusch	Peterson.D.C.	Spear
Benson	Frederick	Laidig	Peterson.D.L.	Storm
Berglin	Frederickson	Langseth	Peterson.R.W.	Stumpf
Bernhagen	Freeman	Lantry	Petty	Taylor
Bertram	Hughes	Lessard	Pogemiller	Ulland
Brataas	Isackson	Luther	Purfeerst	Vega
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Dahl	Johnson, D.J.	Mehrrens	Reichgott	Wegscheid
Davis	Jude	Moe, D. M.	Renneke	Willet
DeCramer	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Olson	Schmitz	

So the bill passed and its title was agreed to.

H.F. No. 909: A bill for an act relating to the range association of municipalities and schools; defining its permitted area; amending Minnesota Statutes 1982, section 471.58.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Schmitz
Anderson	Dieterich	Kroening	Pehler	Sieloff
Belanger	Frank	Kronebusch	Peterson, C.C.	Solon
Benson	Frederick	Laidig	Peterson, D.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R.W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Brataas	Isackson	Luther	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D.J.	Mehrrens	Ramstad	Waldorf
Davis	Jude	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R.D.	Renneke	Willet
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 804: A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1982, section 486.06; proposing new law coded in Minnesota Statutes, chapter 486.

Mr. Sieloff moved that the amendment made to H.F. No. 804 by the Committee on Rules and Administration in the report adopted April 14, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 804 was then progressed.

H.F. No. 277: A bill for an act relating to the city of Virginia; authorizing increases in service pensions and survivor benefits for certain retired members and survivors of the Virginia firefighter's relief association.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Schmitz
Anderson	Dieterich	Kroening	Pehler	Sieloff
Belanger	Frank	Kronebusch	Peterson, C.C.	Solon
Benson	Frederick	Laidig	Peterson, D.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R.W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Brataas	Isackson	Luther	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Davis	Jude	Moe, D. M.	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Renneke	Willet
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 638: A bill for an act relating to retirement; authorizing increases in survivor benefits payable by the Hibbing police relief association; amending Laws 1967, chapter 678, section 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Schmitz
Anderson	Dieterich	Kroening	Pehler	Sieloff
Belanger	Frank	Kronebusch	Peterson, C.C.	Solon
Benson	Frederick	Laidig	Peterson, D.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R.W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Brataas	Isackson	Luther	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Davis	Jude	Moe, D. M.	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Renneke	Willet
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 601: A bill for an act relating to retirement; miscellaneous amendments to the law governing the public employees retirement association; amending Minnesota Statutes 1982, sections 353.27, subdivisions 4 and 12; 353.28, subdivision 5; 353.29, subdivisions 6 and 8; 353.32, subdivision 1; 353.33, subdivision 5; and 353.34, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Olson	Schmitz
Benson	Frank	Kronebusch	Pehler	Sieloff
Berg	Frederick	Laidig	Peterson, C. C.	Solon
Berglin	Frederickson	Langseth	Peterson, D. C.	Spear
Bernhagen	Freeman	Lantry	Peterson, D. L.	Storm
Bertram	Hughes	Lessard	Peterson, R. W.	Stumpf
Brataas	Isackson	Luther	Petty	Taylor
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, D. M.	Reichgott	Willet

So the bill passed and its title was agreed to.

H.F. No. 631: A bill for an act relating to Hennepin County; authorizing employees to withdraw from participation in the Hennepin County supplemental retirement fund.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Olson	Schmitz
Belanger	Dieterich	Kroening	Pehler	Sieloff
Benson	Frank	Kronebusch	Peterson, C. C.	Solon
Berg	Frederick	Langseth	Peterson, D. C.	Spear
Berglin	Frederickson	Lantry	Peterson, D. L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R. W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D. E.	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D. J.	Merriam	Ramstad	Wegscheid
Davis	Jude	Moe, D. M.	Reichgott	Willet
DeCramer	Kamrath	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 900: A bill for an act relating to retirement; teachers; definitions, coordination with social security benefits, and various administrative changes; amending Minnesota Statutes 1982, sections 354.05, subdivisions 2 and 35; 354.44, subdivision 5; 354.52, subdivision 4; and 354.63, subdivision 2; and Laws 1982, Third Special Session chapter 1, article II, section 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson.C.C.	Spear
Belanger	Frank	Laidig	Peterson.D.C.	Storm
Benson	Frederick	Langseth	Peterson.D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson.R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 251: A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; updating obsolete language; clarifying ambiguous language; amending Minnesota Statutes 1982, section 423A.01, subdivisions 2 and 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson.C.C.	Spear
Belanger	Frank	Laidig	Peterson.D.C.	Storm
Benson	Frederick	Langseth	Peterson.D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson.R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 384: A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring annual valuations; deleting requirement of quadrennial experience studies; removing obsolete language; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; and 356.216.

Was read the third time 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:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C. C.	Spear
Belanger	Frank	Laidig	Peterson, D. C.	Storm
Benson	Frederick	Langseth	Peterson, D. L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R. W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D. E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D. J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 838: A bill for an act relating to transportation; conforming with federal requirements allowing a state authority to exercise jurisdiction over intrastate transportation provided by rail carrier; amending Minnesota Statutes 1982, sections 218.031, subdivision 1; 218.041, subdivision 2; and 218.071, 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:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C. C.	Spear
Belanger	Frank	Laidig	Peterson, D. C.	Storm
Benson	Frederick	Langseth	Peterson, D. L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R. W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D. E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D. J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 1114: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and waysides; authorizing land acquisition in relation thereto.

Was read the third time 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:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Frank	Laidig	Peterson, D.C.	Storm
Benson	Frederick	Langseth	Peterson, D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

H.F. No. 581: A bill for an act relating to counties; providing for the formal extinction of certain abandoned interests in county highways; amending Minnesota Statutes 1982, section 163.11, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Olson	Schmitz
Belanger	Dieterich	Kroening	Pehler	Sieloff
Benson	Frank	Kronebusch	Peterson, C.C.	Solon
Berg	Frederick	Laidig	Peterson, D.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Jude	Moe, D. M.	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Renneke	Willet

So the bill passed and its title was agreed to.

H.F. No. 508: A bill for an act relating to insurance; requiring all notices of cancellation of homeowner's policies to be written in language that is easy to read and understandable; amending Minnesota Statutes 1982, section 65A.29, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Olson	Schmitz
Belanger	Dieterich	Kroening	Pehler	Sieloff
Benson	Frank	Kronebusch	Peterson, C.C.	Solon
Berg	Frederick	Laidig	Peterson, D.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Jude	Moe, D. M.	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Renneke	Willet

So the bill passed and its title was agreed to.

S.F. No. 292: A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 2, 7, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Olson	Schmitz
Anderson	Diessner	Kroening	Pehler	Sieloff
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Solon
Benson	Frank	Laidig	Peterson, D.C.	Spear
Berg	Frederick	Langseth	Peterson, D.L.	Storm
Berglin	Frederickson	Lantry	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Luther	Petty	Taylor
Bertram	Hughes	McQuaid	Pogemiller	Ulland
Brataas	Isackson	Mehrkens	Purfeerst	Vega
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Waldorf
Dahl	Johnson, D.J.	Moe, D. M.	Reichgott	Wegscheid
Davis	Jude	Moe, R. D.	Renneke	Willet
DeCramer	Kamrath	Nelson	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 459: A bill for an act relating to labor; providing for fair labor standards; defining "employee"; reenacting Minnesota Statutes, section 177.25, subdivision 1; amending Minnesota Statutes 1982, section 177.23, subdivision 7; amending Laws 1981, chapter 289, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Olson	Schmitz
Belanger	Dieterich	Kroening	Pehler	Sieloff
Benson	Frank	Kronebusch	Peterson, C.C.	Solon
Berg	Frederick	Laidig	Peterson, D.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Jude	Moe, D.M.	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R.D.	Renneke	Willet

So the bill passed and its title was agreed to.

H.F. No. 610: A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Samuelson
Anderson	Diessner	Knutson	Nelson	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Laidig	Peterson, C.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D.L.	Stumpf
Bertram	Hughes	Lessard	Peterson, R.W.	Taylor
Brataas	Isackson	Luther	Petty	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Davis	Jude	Merriam	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, D. M.	Renneke	Willet

So the bill passed and its title was agreed to.

S.F. No. 160: A bill for an act relating to retirement; volunteer firefighters' relief associations; adding definitions; providing for distribution of assets upon dissolution; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 69.772, subdivisions 1, 2, and 3; 424A.01;

424A.02; 424A.03, subdivision 1; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A; repealing Minnesota Statutes 1982, section 424.26.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Olson	Schmitz
Belanger	Dieterich	Kroening	Pehler	Sieloff
Benson	Frank	Kronebusch	Peterson, C. C.	Solon
Berg	Frederick	Laidig	Peterson, D. C.	Spear
Berglin	Frederickson	Langseth	Peterson, D. L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R. W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Brataas	Isackson	Luther	Pogemiller	Ulland
Chmielewski	Johnson, D. E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D. J.	Mehrkens	Ramstad	Waldorf
Davis	Jude	Merriam	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Renneke	Willet

So the bill passed and its title was agreed to.

S.F. No. 466: A bill for an act relating to game and fish; allowing the commissioner of natural resources to prohibit firing upon, over, or across a public highway for the purpose of taking migratory waterfowl in designated locations; amending Minnesota Statutes 1982, section 100.31.

Was read the third time 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:

Adkins	Dicklich	Knaak	Moe, R. D.	Samuelson
Anderson	Diessner	Knutson	Nelson	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Peterson, C. C.	Solon
Berg	Frederick	Laidig	Peterson, D. C.	Spear
Berglin	Frederickson	Langseth	Peterson, D. L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R. W.	Taylor
Bertram	Hughes	Lessard	Petty	Ulland
Brataas	Isackson	Luther	Pogemiller	Vega
Chmielewski	Johnson, D. E.	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D. J.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Moe, D. M.	Renneke	

Messrs. Pehler and Stumpf voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 511: A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, 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:

Adkins	Davis	Knaak	Nelson	Schmitz
Anderson	DeCramer	Kroening	Pehler	Sieloff
Belanger	Frederickson	Laidig	Peterson,C.C.	Solon
Bernhagen	Freeman	Lessard	Peterson,D.C.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Johnson, D.E.	McQuaid	Purfeerst	Ulland
Chmielewski	Jude	Mehrkens	Ramstad	Wegscheid
Dahl	Kamrath	Moe, R. D.	Reichgott	Willet

Those who voted in the negative were:

Benson	Frederick	Lantry	Pogemiller	Vega
Berg	Isackson	Merriam	Renneke	Waldorf
Dicklich	Johnson, D.J.	Moe, D. M.	Samuelson	
Dieterich	Knutson	Peterson,D.L.	Spear	
Frank	Kronebusch	Peterson,R.W.	Storm	

So the bill passed and its title was agreed to.

S.F. No. 541: A bill for an act relating to counties; authorizing a jobs program.

Was read the third time 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:

Adkins	Dicklich	Kroening	Pehler	Sieloff
Anderson	Dieterich	Kronebusch	Peterson,C.C.	Solon
Belanger	Frank	Laidig	Peterson,D.C.	Spear
Benson	Frederick	Langseth	Peterson,D.L.	Storm
Berg	Frederickson	Lantry	Peterson,R.W.	Stumpf
Berglin	Freeman	Lessard	Petty	Taylor
Bernhagen	Hughes	Luther	Pogemiller	Ulland
Bertram	Isackson	McQuaid	Purfeerst	Vega
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Wegscheid
Dahl	Jude	Moe, R. D.	Renneke	Willet
Davis	Kamrath	Nelson	Samuelson	
DeCramer	Knutson	Olson	Schmitz	

Mr. Knaak voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 843: A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to accept gifts; revising the procedure for purchasing veterans grave markers; authorizing an imprest cash fund at veterans homes; providing for the disposal of abandoned property of veterans at veterans homes; amending Minnesota Statutes 1982, section 197.23; proposing new law coded in Minnesota Statutes, chapter 198; and repealing Minnesota Statutes 1982, section 198.055.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Olson	Schmitz
Anderson	Dieterich	Kroening	Pehler	Sieloff
Belanger	Frank	Kronebusch	Peterson, C. C.	Solon
Benson	Frederick	Laidig	Peterson, D. C.	Spear
Berg	Frederickson	Langseth	Peterson, D. L.	Storm
Berglin	Freeman	Lantry	Peterson, R. W.	Stumpf
Bernhagen	Hughes	Lessard	Petty	Taylor
Bertram	Isackson	Luther	Pogemiller	Ulland
Brataas	Johnson, D. E.	McQuaid	Purfeerst	Vega
Chmielewski	Johnson, D. J.	Mehrkens	Ramstad	Waldorf
Dahl	Jude	Merriam	Reichgott	Wegscheid
Davis	Kamrath	Moe, R. D.	Renneke	Willet
DeCramer	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 159: A bill for an act relating to occupations and professions; regulating chiropractic practice; providing rulemaking authority for the board of chiropractic examiners; creating a legislative study commission; amending Minnesota Statutes 1982, sections 148.01; 148.06; and 148.08, 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 65 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, C. C.	Solon
Berg	Frederickson	Langseth	Peterson, D. C.	Spear
Berglin	Freeman	Lantry	Peterson, D. L.	Storm
Bernhagen	Hughes	Lessard	Peterson, R. W.	Stumpf
Bertram	Isackson	Luther	Petty	Taylor
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D. J.	Mehrkens	Purfeerst	Vega
Dahl	Jude	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, D. M.	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R. D.	Renneke	Willet

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 831: A bill for an act relating to elections; adopting court ordered congressional redistricting plan with minor adjustments; proposing new law coded in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1982, sections 2.741 to 2.811.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Frank	Laidig	Peterson, D.C.	Storm
Benson	Frederick	Langseth	Peterson, D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 275: A bill for an act relating to public utilities; specifying the regulatory treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Frank	Laidig	Peterson, D.C.	Storm
Benson	Frederick	Langseth	Peterson, D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D.M.	Renneke	
Davis	Kamrath	Moe, R.D.	Samuelson	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 210: A bill for an act relating to historical societies; fixing the maximum city or town tax for a county historical society; amending Minnesota Statutes 1982, section 138.053.

Was read the third time 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 4, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Pehler	Solon
Anderson	Frank	Laidig	Peterson, C.C.	Spear
Belanger	Frederick	Langseth	Peterson, D.C.	Storm
Benson	Freeman	Lantry	Peterson, R.W.	Stumpf
Berg	Hughes	Lessard	Petty	Taylor
Berglin	Isackson	Luther	Pogemiller	Ulland
Bernhagen	Johnson, D.E.	McQuaid	Purfeerst	Vega
Brataas	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Chmielewski	Jude	Merriam	Reichgott	Wegscheid
Dahl	Kamrath	Moe, D. M.	Renneke	Willet
DeCramer	Knaak	Moe, R. D.	Samuelson	
Dicklich	Knutson	Nelson	Schmitz	
Diessner	Kroening	Olson	Sieloff	

Messrs. Bertram, Davis, Frederickson and Peterson, D.L. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 857: A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, 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 63 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Peterson, C.C.	Solon
Benson	Frederick	Laidig	Peterson, D.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.L.	Storm
Berglin	Freeman	Lantry	Peterson, R.W.	Stumpf
Bernhagen	Hughes	Lessard	Petty	Taylor
Brataas	Isackson	Luther	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Moe, D.M.	Renneke	
Dicklich	Knaak	Moe, R.D.	Samuelson	

Messrs. Bertram, Pehler and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 808: A bill for an act relating to the state seal; providing a description of the official state seal; amending Minnesota Statutes 1982, section 1.143; proposing new law coded in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 1982, sections 1.144 and 358.02.

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 41 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Moe, D. M.	Sieloff
Anderson	Frank	Kronebusch	Moe, R. D.	Solon
Belanger	Frederick	Laidig	Nelson	Storm
Benson	Frederickson	Langseth	Olson	Taylor
Berg	Isackson	Lantry	Peterson, D. L.	Ulland
Bernhagen	Johnson, D. E.	Lessard	Peterson, R. W.	
Bertram	Jude	McQuaid	Purfeerst	
Brataas	Kamrath	Mehrkens	Ramstad	
DeCramer	Knaak	Merriam	Renneke	

Those who voted in the negative were:

Berglin	Dieterich	Luther	Pogemiller	Stumpf
Chmielewski	Freeman	Pehler	Reichgott	Vega
Dahl	Hughes	Peterson, C. C.	Samuelson	Waldorf
Davis	Johnson, D. J.	Peterson, D. C.	Schmitz	Wegscheid
Dicklich	Kroening	Petty	Spear	Willet

So the bill passed and its title was agreed to.

S.F. No. 1015: A bill for an act relating to cemeteries; requiring the state or political subdivision to obtain archaeologist services and to pay for removal of Indian burial grounds under certain circumstances; amending Minnesota Statutes 1982, section 307.08, subdivisions 2, 4, 8, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Samuelson
Anderson	Diessner	Knutson	Olson	Schmitz
Belanger	Dieterich	Kroening	Pehler	Sieloff
Benson	Frank	Kronebusch	Peterson, C. C.	Solon
Berg	Frederick	Laidig	Peterson, D. C.	Spear
Berglin	Frederickson	Langseth	Peterson, D. L.	Storm
Bernhagen	Freeman	Lantry	Peterson, R. W.	Stumpf
Bertram	Hughes	Lessard	Petty	Taylor
Brataas	Isackson	Luther	Pogemiller	Ulland
Chmielewski	Johnson, D. E.	McQuaid	Purfeerst	Vega
Dahl	Johnson, D. J.	Mehrkens	Ramstad	Waldorf
Davis	Jude	Merriam	Reichgott	Wegscheid
DeCramer	Kamrath	Moe, R. D.	Renneke	Willet

So the bill passed and its title was agreed to.

S.F. No. 53: 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 1982, section 609.48, subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 358.

Was read the third time 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 18, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Lantry	Pehler	Samuelson
Anderson	Frank	Lessard	Peterson, C. C.	Schmitz
Belanger	Freeman	Luther	Peterson, D. C.	Solon
Berg	Hughes	Mehrkens	Peterson, R. W.	Stumpf
Bertram	Isackson	Merriam	Petty	Vega
Dahl	Johnson, D. J.	Moe, D. M.	Pogemiller	Wegscheid
Davis	Jude	Moe, R. D.	Purfeerst	Willet
DeCramer	Kronebusch	Nelson	Ramstad	
Dicklieh	Laidig	Novak	Reichgott	
Diessner	Langseth	Olson	Renneke	

Those who voted in the negative were:

Benson	Frederick	Knaak	Peterson, D. L.	Ulland
Bernhagen	Frederickson	Knutson	Sieloff	Waldorf
Brataas	Johnson, D. E.	Kroening	Storm	
Chmielewski	Kamrath	McQuaid	Taylor	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 420, 506 and 464, which the committee recommends to pass.

S.F. No. 391, which the committee recommends to pass with the following amendment offered by Mr. Vega:

Page 5, after line 19, insert:

“Sec. 7. [EFFECTIVE DATE.]

This act is effective the day after final enactment.”

The motion prevailed. So the amendment was adopted.

S.F. No. 634, which the committee reports progress, subject to the following motions:

Mr. Moe, R. D. moved to amend S.F. No. 634 as follows:

Page 5, delete lines 17 to 19

Page 5, lines 20, 22, and 25, delete “two” and insert “four”

Page 5, line 22, after “by” insert “the subcommittee on committees of”

Reletter the clauses in sequence

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 634 as follows:

Page 4, line 3, delete "may be"

Page 4, line 4, delete "issued to" and insert "is required for"

Page 4, line 5, delete "or"

Page 4, line 6, delete everything before the period and insert "for compensation"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 634 as follows:

Page 4, after line 13, insert:

"The commissioner shall spend ten percent of the proceeds of the surcharge to purchase fish from private hatcheries for stocking purposes in a competitive bidding process under the requirements of chapter 16."

Page 4, line 14, after "spend" insert "the balance of"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Knaak	Mehrrens	Storm
Belanger	Frederick	Knutson	Olson	Ulland
Benson	Frederickson	Kronebusch	Peterson, D.L.	
Berg	Isackson	Laidig	Purteerst	
Bernhagen	Johnson, D.E.	Lessard	Renneke	
Brataas	Kamrath	McQuaid	Sieloff	

Those who voted in the negative were:

Adkins	Diessner	Kroening	Peterson, C.C.	Schmitz
Berglin	Dieterich	Langseth	Peterson, D.C.	Solon
Bertram	Frank	Lantry	Peterson, R.W.	Spear
Dahl	Freeman	Merriam	Petty	Stumpf
Davis	Hughes	Moe, R. D.	Pogemiller	Waldorf
DeCramer	Johnson, D.J.	Nelson	Reichgott	Wegscheid
Dicklich	Jude	Novak	Samuelson	Willet

The motion did not prevail. So the amendment was not adopted.

S.F. No. 634 was then progressed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

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 the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 804: A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1982, section 486.06; proposing new law coded in Minnesota Statutes, chapter 486.

Was read the third time 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 27, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Langseth	Olson	Sieloff
Anderson	Hughes	Lessard	Peterson,D.C.	Solon
Belanger	Jude	McQuaid	Peterson,R.W.	Spear
Berg	Kamrath	Mehrkens	Petty	Storm
DeCramer	Knaak	Moe, R. D.	Pogemiller	Ulland
Diessner	Knutson	Nelson	Ramstad	Waldorf
Dieterich	Kroening	Novak	Reichgott	

Those who voted in the negative were:

Benson	Dahl	Isackson	Merriam	Stumpf
Berglin	Davis	Johnson, D.E.	Pehler	Wegscheid
Bernhagen	Dicklich	Johnson, D.J.	Peterson,C.C.	Willet
Bertram	Frank	Kronebusch	Peterson,D.L.	
Brataas	Frederick	Laidig	Purfeerst	
Chmielewski	Frederickson	Lantry	Schmitz	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Johnson, D.J. moved that S.F. No. 1151 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Schmitz moved that S.F. No. 984 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Laidig moved that S.F. No. 295 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Economic Development and Commerce. 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. Jude introduced—

S.F. No. 1170: A bill for an act relating to taxation; income; increasing the income limitation for purposes of the farm loss modification; amending Minnesota Statutes 1982, section 290.09, subdivision 29.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Berg, Lessard, Frederickson, Benson and Isackson introduced—

S.F. No. 1171: A resolution memorializing the President and Secretary of Agriculture of the United States to allow 10 percent of wheat and feed grain base acreage to qualify for federal land diversion programs when they are sown down as permanent cover for wildlife habitat or as a soil conservation practice.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Berg and Peterson, D.L. introduced—

S.F. No. 1172: A bill for an act relating to education; requiring that fees charged for financial accounting by a regional management information center be based on consumption; requiring the department of education to establish a method for direct submission of financial data; setting up a pilot project to test the reporting method; amending Minnesota Statutes 1982, section 121.936, by adding a subdivision; and proposing new law coded in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Messrs. Solon; Moc, R.D.; Petty; Knaak and Ms. Peterson, D.C. introduced—

S.F. No. 1173: A bill for an act relating to insurance; regulating policies of automobile insurance providing comprehensive coverage; requiring an option to purchase full coverage of safety glass damage; proposing new law coded in Minnesota Statutes, chapter 65B.

Referred to the Committee on Economic Development and Commerce.

Messrs. Anderson, Storm, Kamrath, Knaak and Isackson introduced—

S.F. No. 1174: A bill for an act relating to taxation; changing terminology, eligibility, and procedures relating to enterprise zones; exempting certain property from the sales tax and property tax; exempting certain corporate income from the income tax; amending Minnesota Statutes 1982, sections 273.1312; and 273.1313.

Referred to the Committee on Taxes and Tax Laws.

Ms. Reichgott, Messrs. Jude and Ramstad introduced—

S.F. No. 1175: A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Moc, D.M.; Purfeerst; Dieterich, Ms. Berglin and Mr. Pogemiller introduced—

S.F. No. 1176: A bill for an act relating to transportation; designating the highway marked No. I-94 within the St. Paul city limits as the "Wilkins Memorial Expressway"; appropriating money; amending Minnesota Statutes 1982, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Davis, Isackson, DeCramer, Wegscheid and Merriam introduced—

S.F. No. 1177: A bill for an act relating to game and fish; authorizing the selection of alternate areas by deer hunters hunting on a bucks only license; amending Minnesota Statutes 1982, sections 97.48, subdivision 24; and

98.46, subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis; Peterson, R. W. and Renneke introduced—

S.F. No. 1178: A bill for an act relating to public welfare; providing for membership on hospital planning committees; requiring hospital planning committees to assess local and regional mental health systems and to recommend alternative uses of state hospital facilities; imposing certain duties relating to planning for use of state hospital facilities on the commissioners of public welfare, health, and administration; creating a joint legislative committee on uses of state hospital facilities; amending Minnesota Statutes 1982, section 246.022, subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 246.

Referred to the Committee on Health and Human Services.

Messrs. Davis, DeCramer and Frank introduced—

S.F. No. 1179: A bill for an act relating to communications; restricting formation of joint cable communications commissions; clarifying joint cable communications commission; providing for notification of certain schools during cable service franchising; amending Minnesota Statutes 1982, sections 238.02, subdivision 14; 238.08, subdivision 5; 238.09, subdivision 6, and by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Pogemiller introduced—

S.F. No. 1180: A bill for an act relating to public welfare; exempting a portion of homestead property from claims filed to recover state hospital costs or medical assistance payments; amending Minnesota Statutes 1982, sections 246.53, subdivision 2; and 256B.15.

Referred to the Committee on Health and Human Services.

Messrs. Samuelson, Benson and Ms. Berglin introduced—

S.F. No. 1181: A bill for an act relating to handicapped persons; establishing a program in the department of economic security to distribute grants to centers providing independent living services; appropriating money; proposing new law coded in Minnesota Statutes, chapter 129A.

Referred to the Committee on Health and Human Services.

Mr. Samuelson introduced—

S.F. No. 1182: A bill for an act relating to education; requiring school districts to expend at least two percent of total operating expenditures for extracurricular and co-curricular activities; proposing new law coded in Minnesota Statutes, chapter 120.

Referred to the Committee on Education.

MEMBERS EXCUSED

Mr. Berg was excused from the Session of today until 10:30 a.m. Mr. Novak was excused from the Session of today until 11:40 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 20, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, April 20, 1983

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Richard F. Goebel.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Sieloff
Benson	Frederick	Laidig	Pehler	Solon
Berg	Frederickson	Langseth	Peterson, C.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.C.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, D.L.	Taylor
Bertram	Isackson	Luther	Peterson, R.W.	Ulland
Brataas	Johnson, D.E.	McQuaid	Petty	Vega
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, D.M.	Reichgott	Willet
Dicklich	Knaak	Moe, R.D.	Renneke	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 15, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
	79	25	April 13	April 13
	121	26	April 13	April 13
	182	27	April 13	April 13
	236	28	April 13	April 13
	252	29	April 13	April 13
	298	30	April 13	April 13
107		31	April 13	April 13
128		32	April 13	April 13
207		33	April 13	April 13
269		34	April 13	April 13
325		35	April 13	April 13
327		36	April 13	April 13

Sincerely,

Joan Anderson Growe
Secretary of State

April 19, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 73, 81, 351, 552 and 589.

Sincerely,

Rudy Perpich, Governor

April 20, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 96.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 47: A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing

multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

Senate File No. 47 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1983

Mr. Moe, R.D. moved that S.F. No. 47 be laid on the table. The motion prevailed.

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. 164: A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.

There has been appointed as such committee on the part of the House:

Norton, Heinitz and Neuenschwander.

Senate File No. 164 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 76.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1983

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 76: A bill for an act relating to the environment; establishing an

environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

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 report on S.F. No. 709. The motion prevailed.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 782: A bill for an act relating to highway traffic regulations; providing a penalty for the operation of a vehicle in a manner that endangers or is likely to endanger persons or property; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "*or any property*" and insert "*, including the driver or passengers of the vehicle,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1067: A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "*only*" and after "*applies*" insert "*only*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 879: A bill for an act relating to courts; increasing mileage allowances for jurors; amending Minnesota Statutes 1982, section 593.48.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 15, strike "promptly"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 924: A bill for an act relating to marriage dissolution; allowing separate summary judgment on the issue of dissolution; removing a conclusive presumption that each spouse made substantial contribution to acquiring certain property; excluding mediators' information except on consent of the parties; providing for deposing of investigators; amending Minnesota Statutes 1982, sections 518.13, by adding a subdivision; 518.167; and 518.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, after "1." insert "[COURT ORDER.]"

Page 1, line 25, strike "so"

Page 2, line 1, after "2." insert "[PREPARATION.]"

Page 2, line 15, delete the new language

Page 2, line 16, delete the new language and strike the period

Page 2, line 17, after "3." insert "[AVAILABILITY TO COUNSEL.]"

Page 2, line 21, delete "handwritten"

Page 2, line 22, delete "notes,"

Page 2, line 28, after the period, insert "*Mediation proceedings are not subject to discovery without written consent of both parties.*"

Page 2, line 32, after "4." insert "[USE AT HEARING.]" and after "received" insert "in evidence"

Page 3, line 1, before "Upon" insert "*Subdivision 1. [MARITAL PROPERTY.]*"

Page 3, line 23, before "If" insert "*Subd. 2. [OTHER PROPERTY.]*"

Page 4, line 2, before "If" insert "*Subd. 3. [SALE OF PROPERTY.]*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 756: A bill for an act relating to negligence; removing bars to actions in certain cases; amending Minnesota Statutes 1982, section 604.06.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, reinstate the stricken language

Page 1, line 12, reinstate the stricken language and delete "person" and insert "or section 352E.01, subdivision 2,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 752: A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; 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 11, after "inflicts" insert "demonstrable"

Page 1, line 12, delete "two years" and insert "one year and a day"

Page 1, line 13, delete "\$2,000" and insert "\$1,000"

Page 1, line 22, reinstate "another" and delete the new language

Page 1, after line 22, insert:

"Sec. 3. [INSTRUCTIONS TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall change any reference to "assault in the fourth degree" to read "assault in the fifth degree" if the reference is to section 609.224."

Page 1, line 24, delete "and 2" and insert "to 3"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 301: A bill for an act relating to the environment; imposing stricter criminal penalties for persons convicted of violating laws or rules relating to hazardous waste; providing that unlawful disposal of hazardous wastes is a felony; amending Minnesota Statutes, section 115.071, subdivision 2, and by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 2, after "chapters" insert "relating to disposal"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 845: A bill for an act relating to tort liability; providing for parallel exceptions for unimproved property of the state and municipalities; amending Minnesota Statutes 1982, section 466.03, by adding a subdivi-

sion.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete the comma and insert a period

Page 1, delete lines 12 to 14

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 302: A bill for an act relating to juveniles; authorizing juvenile courts to release information about certain delinquency adjudications and dispositions; amending Minnesota Statutes 1982, section 260.161, 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 1982, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. Hearings may be continued or adjourned from time to time and, in the interim, the court may make any orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. In all delinquency cases a person, *or the parent or guardian of a minor person*, named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon *written* request, to be notified by the clerk of court in writing, at his last known address, of (1) *the name of the child against whom the petition was filed if the petition has been sustained, admitted, or found to be true*, (2) the date of the reference or adjudicatory hearings, and ~~(2)~~ (3) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1983, and applies to juvenile court records and information about acts of delinquency committed on or after that date.”

Amend the title as follows:

Page 1, line 5, delete “260.161, subdivision 2” and insert “260.155,

subdivision 1''

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 964: A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.461, subdivisions 4, 6, and by adding a subdivision; and 302A.521, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 31, insert:

“Sec. 2. Minnesota Statutes 1982, section 302A.115, is amended by adding a subdivision to read:

Subd. 7. [LOST NAMES; USE BY OTHERS.] Each corporation formed before July 1, 1979, which has not filed the active status report required by Minnesota Statutes 1982, section 301.511, and which has not elected to become governed by chapter 302A before January 1, 1984, shall file that report with the secretary of state accompanied by a filing fee of \$10.

Each corporation which has not filed that report on August 1, 1983, loses its right to the exclusive use of its name. The corporation may reacquire the right to use that name by filing the report and paying the fee required by this subdivision, unless the name has been adopted for use or reserved by another person, in which case the report will be rejected unless the report can be accepted pursuant to subdivision 1, clause (d). A corporation which cannot reacquire the use of its corporate name shall adopt a new corporate name which complies with the provisions of section 302A.115.

Sec. 3. Minnesota Statutes 1982, section 302A.215, is amended to read:

302A.215 [CUMULATIVE VOTING FOR DIRECTORS.]

Subdivision 1. [VOTING RIGHTS.] Unless the articles provide that there shall be no cumulative voting, and except as provided in section 302A.223, subdivision 5, each shareholder entitled to vote for directors has the right to cumulate those votes in the election of directors by giving written notice of intent to cumulate those votes to any officer of the corporation before the meeting, or to the presiding officer at the meeting at which the election is to occur at any time before the election of directors at the meeting, in which case:

(a) The presiding officer at the meeting shall announce, before the election of directors, that shareholders shall cumulate their votes; and

(b) Each shareholder shall cumulate those votes either by casting for one candidate the number of votes equal to the number of directors to be elected

multiplied by the number of votes represented by the shares, or by distributing all of those votes on the same principle among any number of candidates.

Subd. 2. [MODIFICATIONS.] No amendment to the articles or bylaws which has the effect of denying, limiting, or modifying the right to cumulative voting for directors provided in this section shall be adopted if the votes of a proportion of the voting power sufficient to elect a director at an election of the entire board under cumulative voting are cast against the amendment.

Sec. 4. Minnesota Statutes 1982, section 302A.413, is amended by adding a subdivision to read:

Subd. 9. [MODIFICATION.] No amendment to the articles or board action pursuant to section 302A.401, subdivision 2, clause (b), which has the effect of denying, limiting, or modifying the preemptive rights provided in this section shall be adopted if the votes of a proportion of the voting power sufficient to elect a director at an election of the entire board under cumulative voting are cast against the amendment.'

Page 6, after line 1, insert:

“Sec. 9. Minnesota Statutes 1982, section 302A.751, subdivision 1, is amended to read:

Subdivision 1. [WHEN PERMITTED.] A court may grant any equitable relief it deems just and reasonable in the circumstances or may dissolve a corporation and liquidate its assets and business:

(a) In a supervised voluntary dissolution pursuant to section 302A.741;

(b) In an action by a shareholder when it is established that:

(1) The directors or the persons having the authority otherwise vested in the board are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock;

(2) The directors or those in control of the corporation have acted fraudulently, illegally, or in a manner ~~persistently unfair~~ *unfairly prejudicial* toward one or more minority shareholders *in their capacities as shareholders, directors, or officers, or as employees of a closely-held corporation;*

(3) The shareholders of the corporation are so divided in voting power that, for a period that includes the time when two consecutive regular meetings were held, they have failed to elect successors to directors whose terms have expired or would have expired upon the election and qualification of their successors;

(4) The corporate assets are being misapplied or wasted; or

(5) The period of duration as provided in the articles has expired and has not been extended as provided in section 302A.801;

(c) In an action by a creditor when:

(1) The claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied; or

(2) The corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is unable to pay its

debts in the ordinary course of business; or

(d) In an action by the attorney general to dissolve the corporation in accordance with section 302A.757 when it is established that a decree of dissolution is appropriate.

Sec. 10. Minnesota Statutes 1982, section 302A.751, is amended by adding a subdivision to read:

Subd. 3a. [CONSIDERATIONS IN GRANTING RELIEF INVOLVING CLOSELY-HELD CORPORATIONS.] In determining whether to order equitable relief, dissolution, or a buy-out, the court shall take into consideration the duty which all shareholders in a closely-held corporation owe one another to act in an honest, fair, and reasonable manner in the operation of the corporation and the reasonable expectations of the shareholders as they exist at the inception and develop during the course of the shareholders' relationship with the corporation and with each other."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "permitting the use of corporate names of corporations not filing the active status report; restricting the right of a corporation to deny cumulative voting; protecting preemptive rights of shareholders; clarifying when equitable relief is available to minority stockholders; providing for the retention of cumulative voting and preemptive rights after incorporation;"

Page 1, line 10, after the semicolon, insert "302A.115, by adding a subdivision; 302A.215; 302A.413, by adding a subdivision;"

Page 1, line 11, delete the second "and"

Page 1, line 12, before the period, insert "; and 302A.751, subdivision 1, and by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 641: A bill for an act relating to insurance; no-fault automobile; regulating the crime of driving without the required security; providing penalties; amending Minnesota Statutes 1982, section 65B.67, subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1982, section 65B.67, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1982, section 65B.44, subdivision 3, is amended to read:

Subd. 3. [DISABILITY AND INCOME LOSS BENEFITS.] Disability and income loss benefits shall provide compensation for 85 percent of the injured person's loss of present and future gross income from inability to work

proximately caused by the nonfatal injury subject to a maximum of \$200 per week. Loss of income includes the costs incurred by a self-employed person to hire substitute employees to perform tasks which are necessary to maintain his income, which he normally performs himself, and which he cannot perform because of his injury.

If the injured person is unemployed at the time of injury and is receiving or is eligible to receive unemployment benefits under chapter 268, but the injured person loses his eligibility for those benefits because of inability to work caused by the injury, disability and income loss benefits shall provide compensation for the lost benefits in an amount equal to the unemployment benefits which otherwise would have been payable, subject to a maximum of \$200 per week.

Compensation under this subdivision shall be reduced by any income from substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work which he was capable of performing but unreasonably failed to undertake.

For the purposes of this section "inability to work" means disability which prevents the injured person from engaging in any substantial gainful occupation or employment on a regular basis, for wage or profit, for which he is or may by training become reasonably qualified. If the injured person returns to his employment and is unable by reason of his injury to work continuously, compensation for lost income shall be reduced by the income received while he is actually able to work. *The weekly maximums may not be prorated to arrive at a daily maximum, even if the injured person does not incur loss of income for a full week.*"

Page 1, line 12, after "2." insert "[UNINSURED OPERATION; MISDEMEANOR.]"

Page 1, line 15, strike "the" and insert "a"

Page 1, line 22, after "2a." insert "[UNINSURED OPERATION; GROSS MISDEMEANOR.]"

Page 2, after line 1, insert:

"Sec. 4. Minnesota Statutes 1982, section 169.974, subdivision 5, is amended to read:

Subd. 5. [DRIVING RULES.] (a) An operator of a motorcycle shall ride only upon a permanent and regular seat which is attached to the vehicle for ~~such~~ that purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(b) No person shall ride upon ~~any~~ a motorcycle as a passenger unless, when sitting astride ~~his~~ the seat, ~~he~~ the person can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying *animals*, packages, bundles, or ~~articles~~ *other cargo* which prevent ~~him~~ *the person* from keeping both hands on the handlebars or *in a position that will interfere with the safe operation of the motorcycle or the view of the operator.*

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) ~~All~~ Motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle ~~shall~~ *may* be driven or operated in ~~such~~ a manner so as to deprive ~~any~~ *a* motorcycle of the full use of a traffic lane.

(g) ~~Every~~ A person operating a motorcycle upon a roadway ~~shall~~ *must* be granted ~~all~~ of the rights and ~~shall~~ *be* subject to ~~all~~ of the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Clause (e) of this subdivision ~~shall~~ *does* not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated."

Page 2, after line 4, insert:

"Sec. 6. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "; no-fault automobile" and insert "and the operation of motor vehicles; prohibiting reparation obligors from prorating the disability and income loss benefits on a daily basis; prohibiting unsafe operation of motorcycles"

Page 1, line 5, delete "section" and insert "sections 65B.44, subdivision 3;"

Page 1, line 6, before the semicolon, insert "; and 169.974, subdivision 5"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spcar from the Committee on Judiciary, to which was referred

S.F. No. 473: A bill for an act relating to highway traffic regulations;

providing for limitations on persons who must be brought to detoxification facilities; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by a medical or chemical analysis ~~thereof of it~~, if the test is taken voluntarily or pursuant to section 169.123.

For the purposes of this subdivision:

(a) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(b) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the ~~absence of tests refusal to take a test~~ is admissible into evidence in a prosecution under this section ~~without any comment and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the absence and that no inference is to be drawn from the absence or an ordinance in conformity with it.~~

For purposes of this section 169.123, the result of an evidentiary test administered within two hours of the alleged violation is deemed to be the alcohol concentration at the time of the violation.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance, including tests obtained more than two hours after the alleged violation.

Sec. 2. Minnesota Statutes 1982, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section or an ordinance in conformity ~~therewith~~ with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) A person who violates this section or an ordinance in conformity

~~therewith~~ with it within five years of a prior conviction under this section, section 169.129, or an ordinance or statute from another state in conformity ~~therewith~~ with it; and

(b) A person who violates this section or an ordinance in conformity ~~therewith~~ with it within ten years of two or more prior convictions under this section, section 169.129, or an ordinance or statute from another state in conformity ~~therewith~~ with it.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

When a person is convicted of repeated violations of this section or an ordinance in conformity with it under the circumstances described in clause (a) or (b), the person shall, at a minimum, be confined in jail or a minimum security facility, or admitted to an inpatient treatment or detoxification facility, for not less than 48 consecutive hours or shall be required to perform not less than ten days of alternative community service as directed by the court. Time spent in a detoxification facility incident to the arrest for the violation may be used to offset the period of confinement required by this paragraph. A sentence under this paragraph shall not be stayed.

Sec. 3. Minnesota Statutes 1982, section 169.121, subdivision 4, is amended to read:

Subd. 4. [PENALTIES.] A person convicted of violating this section shall have his driver's license or operating privileges revoked by the commissioner of public safety as follows:

- (a) First offense: not less than ~~30~~ 90 days;
- (b) Second offense in less than five years: not less than ~~90 days~~ one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;
- (c) Third offense in less than five years: not less than ~~one year~~ two years, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;
- (d) Fourth or subsequent offense on the record: not less than ~~two~~ three years, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

Any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is not subject to the mandatory revocation provisions of clause (a) or (b).

Sec. 4. Minnesota Statutes 1982, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a

controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity ~~therewith~~ *with it*; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.

(b) At the time a chemical test specimen is requested, the person shall be informed:

(1) that if testing is refused, the person's right to drive will be revoked for a period of six months *and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4; and*

(2) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a period of ~~90~~ *120 days and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4; and*

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; ~~and~~

(4) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing; *and*

(5) *that if he refuses to take a test, the refusal will be offered into evidence against him at trial.*

Sec. 5. Minnesota Statutes 1982, section 169.123, subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine specimen. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person

shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a test at the request and direction of a peace officer shall be fully trained in the administration of the tests ~~promulgated by rule by the commissioner of public safety.~~ pursuant to standards

Sec. 6. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of six months *and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4.* Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of ~~90~~ 120 days *and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4.*

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided ~~herein~~ for revocation, subject to review as ~~hereinafter~~ provided.

Sec. 7. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Delete the title and insert:

“A bill for an act relating to traffic regulations; removing restrictions on use at trial of an accused’s refusal to take a chemical test; providing that a suspect be informed that refusal to take a chemical test will be used against him at trial; providing penalties; amending Minnesota Statutes 1982, sections 169.121, subdivisions 2, 3, and 4; and 169.123, subdivisions 2, 3, and 4.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 318: A bill for an act relating to alcohol and other drug abuse; requiring certain persons to report suspected chemical abuse by minors; establishing certain duties of certain chemical dependency counselors; proposing new law coded in Minnesota Statutes, chapter 260.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [626.5585] [REPORTING OF CHEMICAL ABUSE BY MINORS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given.

(a) “Chemical abuse” or “abuse of chemicals” means use of any psychoactive or mood altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor’s normal functioning in academic, school, or social activities is chronically impaired.

(b) “Informed consent” means consent after the effect and possible consequences of giving consent have been explained in a manner understandable to the person giving consent.

(c) “Minor” means an individual under the age of 18.

(d) “Chemical dependency counselor” means a person with professional training to diagnose or evaluate and counsel minors who are abusing chemicals and who meets the requirements specified by rule for counselors in licensed outpatient programs. For the purposes of this section, a chemical dependency counselor must also be employed by or under contract with a school, school district, community mental health center, or local unit of government.

Subd. 2. [PERSONS REQUIRED TO REPORT.] A professional who while engaging in the practice of the social services, child care, or education, or his delegate, who has knowledge or reasonable cause to believe that a minor is abusing chemicals, shall immediately report the information to a chemical dependency counselor unless the professional has been consulted for the diagnosis or treatment of chemical dependency. Each school, school district, institution, facility, or agency that employs a professional or professionals required to report under this section shall designate a chemical dependency

counselor to whom the professional shall report. Nothing in this subdivision requires any report based on a minor's presence in an institution described in the Code of Federal Regulations, title 42, section 2.12 (a), or more than one report from any school, institution, facility, or agency.

Any person not required to report under this subdivision may voluntarily report to a chemical dependency counselor if the person has knowledge that a minor is abusing chemicals.

Subd. 3. [IMMUNITY FROM LIABILITY.] Any person, including persons voluntarily reporting and persons required to report under subdivision 2, who in good faith and exercising due care makes a report pursuant to this section, is immune from liability, civil or criminal, that otherwise might result by reason of the person's action, and shall not be held responsible financially for evaluation or treatment of the minor, unless the person is the minor's parent or legal guardian.

Subd. 4. [FALSE REPORTS.] Any person who willfully or recklessly makes a false report under this section is liable in a civil action for any actual damages suffered by the minor or minors so reported and for any punitive damages set by the court or jury.

Subd. 5. [REPORT.] A person required to report or voluntarily reporting under subdivision 2 to a chemical dependency counselor shall report orally. As soon as possible after reporting orally, a person required to report shall submit a written report to the chemical dependency counselor. A report shall be of sufficient content to identify the minor, the indicators of the minor's chemical abuse and the chemical or chemicals abused, if known, and the name of the reporter, and the address and telephone number at the reporter's place of employment.

Subd. 6. [DUTIES OF CHEMICAL DEPENDENCY COUNSELOR UPON RECEIPT OF REPORT.] The chemical dependency counselor shall investigate the report as soon as possible and, if indicated and consented to by the minor, diagnose or evaluate the minor. If the counselor recommends treatment, the chemical dependency counselor shall ensure that the minor receives information regarding available treatment alternatives that include educational instruction appropriate to the minor's educational level, unless the minor has completed secondary school. The responsibility of a school district for providing educational instruction and transportation, if needed, for the minor shall be determined in accordance with section 120.181.

Subd. 7. [MAINTENANCE, PRIVACY, AND DESTRUCTION OF RECORDS.] Each chemical dependency counselor who receives, maintains, or destroys records collected in accordance with this section shall comply with the Code of Federal Regulations, title 42, sections 2.1, et seq. and with chapter 13. An individual subject of a record shall have access to the record in accordance with that chapter and federal regulations, except that the name of the reporter shall be confidential while the report is under investigation. After the investigation is completed, the name of the reporter shall be confidential but shall be accessible to the minor upon request to the counselor. If upon investigation a report is found to be false or unsubstantiated, the chemical dependency counselor shall notify the minor of the counselor's intent to destroy the records. At the minor's request, the records shall be maintained as private data until two years after the minor attains the

age of majority. If the minor does not so request within 30 days of the notice of intent to destroy, the chemical dependency counselor shall destroy the records.

Subd. 8. [DISCLOSURE OF RECORDS.] Records related to a minor's alleged abuse of chemicals shall be disclosed only:

(a) with the minor's prior written informed consent, except that disclosure is limited to information necessary in light of the need or purpose for the disclosure and, where applicable, shall comply with Code of Federal Regulations, title 42, sections 2.1, et seq.; or

(b) as needed to medical personnel in a medical emergency; to qualified personnel for research, audits, or program evaluation, but those personnel shall not disclose the minor's identity; or as authorized by court order upon a showing of good cause.

Subd. 9. [COORDINATION.] The commissioner of public welfare shall coordinate efforts to implement the provisions of this section.

Subd. 10. [NOTICE.] The commissioners of health, education, and public welfare shall notify persons required to report under subdivision 2 of their duty to report and the provisions of this section.

Sec. 2. [EFFECTIVE DATE.]

This act is effective June 1, 1983."

Amend the title as follows:

Page 1, line 6, delete "260" and insert "626"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 726: A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3, 4, and 11; 297A.05; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; and 297A.391; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, section 297A.251.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, delete "Such" and insert "This type of"

Page 3, line 22, strike "cable"

Page 4, line 1, before "which" insert "; linoleum, or other similar floor

covering”

Page 4, line 1, before “is” insert “, linoleum, or other similar floor covering”

Page 4, delete section 3

Page 4, delete lines 33 and 34

Page 4, line 35, delete “require”

Page 5, line 3, after the comma, delete “to” and insert “shall”

Page 5, line 12, after “business” insert “and which would not qualify as an isolated or occasional sale pursuant to section 297A.25, subdivision 1, clause (k)”

Page 5, delete section 5

Page 5, line 29, delete “for the purpose of evading” and insert “with the intent to evade”

Page 6, line 15, after “products” insert “except candy or candy products sold by a nonprofit organization operated primarily for the social and educational benefit of children aged 18 and younger”

Page 7, lines 35 and 36, reinstate the stricken language and delete the new language

Page 8, lines 1 to 3, delete the new language

Page 10, delete lines 15 and 16

Page 10, line 17, delete the new language and insert “shall not apply to building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract for use in the construction, alteration or repair of a building or facility”

Page 10, line 22, after “sale” insert “. For purposes of this subdivision, sales by a nonprofit organization shall be deemed to be “isolated or occasional” if they occur at sale events that have a duration of three or fewer consecutive days. The granting of the privilege of admission to places of amusement and the privilege of use of amusement devices by a nonprofit organization at an isolated or occasional event conducted on property owned or leased for a continuous period of more than 30 days by the nonprofit organization are also exempt. The exemption provided for isolated sales of tangible personal property and of the granting of admissions or the privilege of use of amusement devices by nonprofit organizations pursuant to this clause shall be available only if the sum of the days on which the organization and any subsidiary nonprofit organization sponsored by it that does not have a separate sales tax exemption permit conduct sales of tangible personal property, plus the days with respect to which the organization charges for the use of amusement devices or admission to places of amusement, does not exceed eight days in a calendar year. For purposes of this clause, a “non-profit organization” means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, no part of the net earnings of which inures to the benefit of a private individual”

Page 11, line 25, delete “sales of”

Page 11, delete lines 26 and 27

Page 11, line 28, delete the new language and insert “*building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract for use in the construction, alteration or repair of a building or facility*”

Page 13, line 17, after “of” insert “*Minnesota Statutes 1980,*”

Page 13, line 25, strike “1978” and insert “1982”

Page 14, line 25, delete “*that is now*”

Page 15, line 17, delete “, *in an amount fixed by the*” and insert a period

Page 15, delete line 18

Page 15, line 21, delete “(a)”

Page 15, line 25, after the period, insert “*The commissioner may use statistical or other sampling techniques consistent with generally acceptable accounting principles in examining the returns or records.*”

Page 16, line 3, delete the new language

Page 16, delete lines 4 to 6

Page 17, line 11, strike “\$4,000” and insert “\$6,000”

Page 17, after line 33, insert:

“Sec. 13. Minnesota Statutes 1982, section 297B.03, is amended to read:
297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use, including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71, of any motor vehicle by any person described in and subject to the conditions provided in section 297A.25, subdivision 1, clauses (j), (p) and ~~(r)~~ (r).

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the purchase occurred more than 60 days prior to the date such person moved his residence to the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of sections 351 or 721 of the Internal Revenue Code of 1954, as amended through December 31, 1974.”

Page 17, line 35, delete “*section*” and insert “*sections 297A.05 and*” and delete “*is*” and insert “*are*”

Page 18, line 1, delete “4, 5, 10, and 14” and insert “3, 8, and 12”

Page 18, line 2, delete “3, 6, 8, 9, 11 to 13, and 15” and insert “4, 6, 7, 9 to 11, 13, and 14”

Page 18, line 3, delete everything after the period

Page 18, line 4, delete everything before "The"

Page 18, line 5, delete "7" and insert "5"

Page 18, line 7, delete "7" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, delete ", 4, and 11; 297A.05" and insert "and 4"

Page 1, line 15, after "subdivision;" delete "and" and after "297A.391;" insert "and 297B.03;"

Page 1, line 17, delete "section" and insert "sections 297A.05 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. 1048: A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; amending Minnesota Statutes 1982, section 97.45, subdivisions 1, 4, 5, 6, 7, and 12.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 65B.605, subdivision 2, is amended to read:

Subd. 2. [PEACE OFFICER; DEFINITION.] For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol and Minnesota conservation officers.

Sec. 2. Minnesota Statutes 1982, section 97.45, subdivision 1, is amended to read:

Subdivision 1. No person shall transport any wild animals taken, bought, sold or possessed in violation of chapters 97 to 102. *When transported, any wild animals, or any package, container, or receptacle in which they are contained, shall be tagged, sealed, or otherwise marked as prescribed by law or commissioner's order.*

Sec. 3. Minnesota Statutes 1982, section 97.45, subdivision 3, is amended to read:

Subd. 3. ~~Any A licensed resident, except agents or employees of a common carrier while engaged in the performance of their duties, may carry with him in any vehicle or as baggage on a common carrier, to any place within the state,~~

who accompanies the shipment may transport wild animals lawfully taken and possessed, including undressed game birds and dressed or undressed fish, lawfully in his possession and subject to all other applicable restrictions, and to any place in the state in any vehicle or as baggage on a common carrier. A licensed resident who accompanies the shipment may transport the head or hide of a deer, bear, or moose, lawfully taken and possessed, to any place within or outside the state for the purpose of mounting or tanning. A common carriers carrier may transport such wild animals as baggage within the limits prescribed as provided in this subdivision when accompanied by a licensed resident except an employee of the common carrier while engaged in the performance of his duties.

Sec. 4. Minnesota Statutes 1982, section 97.45, subdivision 4, is amended to read:

Subd. 4. ~~Any~~ A licensed resident who does not accompany the shipment may transport by common carrier to any point in the county of his residence, consigned to himself only, the following wild animals lawfully taken and possessed: (a) not more than three separate shipments of undressed birds, when consigned to the licensed resident and shipped to any place in the county of his residence. Each of which shipment may contain all the number of the birds which could lawfully be taken within the state on any single day, but not to contain more than a single day's limit of any species. Such resident may transport during any one open season and the next following two days, or at any time thereafter under conditions which the commissioner may prescribe; (b) one deer, one bear, and one moose, which has been lawfully taken and possessed, and but only during an open season or the first two days after the close of the season unless the commissioner prescribes another time when they may be transported. The licensed resident may transport the head or hide of such the deer, bear, or moose for mounting or tanning purposes to a point place within or without outside the state ; but if such deer or moose is not transported by common carrier, the licensee must accompany such deer or moose for the purpose of mounting or tanning; and (c) dressed or undressed fish, taken during the open season for taking the fish, when consigned to the licensed resident and shipped to any place in the state.

Sec. 5. Minnesota Statutes 1982, section 97.45, subdivision 6, is amended to read:

Subd. 6. (1) A licensed nonresident who does not accompany the shipment may transport by common carrier to a point place within or without outside this state in any one season one shipment containing of fish lawfully taken and possessed in any one licensing year upon obtaining a shipping permit from the commissioner or his agent. The shipment may contain: (a) not more than 25 pounds of undressed fish or ; (b) one undressed fish of any size lawfully taken and possessed by him in this state, or containing; or (c) not more than 15 pounds of filleted or dressed game fish so taken and possessed, if packaged as hereinafter provided. A shipping coupon designed for the purposes of this subdivision may be issued for each individual nonresident fishing license, and two coupons for a combination nonresident fishing license, such coupons. A shipping permit shall be issued upon request and without payment of a fee, and such coupons shall be cancelled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered. In the case of a nonresident combination angling license, each licensee shall be eligible for one shipping permit for each licensing year.

(2) ~~Such~~ A licensed nonresident may carry with him who accompanies the

shipment may transport dressed or undressed fish lawfully taken or possessed in any vehicle or on a common carrier to any point place within or without outside the state undressed fish lawfully taken by him, not exceeding the limit, which he is authorized to possess within the state, provided that bullheads may be so transported either dressed or undressed, or may so carry with him filleted or dressed fish lawfully taken by him, not exceeding the possession limit nor containing more than 45 pounds, if packaged as herein after provided.

(3) For the purposes of the foregoing provisions of this subdivision undressed fish of any species may have the heads removed.

(4) *A licensed nonresident who does not accompany the shipment may transport filleted or dressed game fish may be transported by common carrier only if the shipped in a container which bears the name and license number of the shipper; the name of the person preparing the container for shipment; his and the license number of that person as issued under section 98.46, subdivision 5; and the number and, species and net weight of the fish contained; and the net weight thereof in the container.*

(5) Each licensee authorized to prepare dressed game fish for shipment shall maintain a permanent record of the name, address and license number of each licensed fisherman making such a shipment, the name and address of the consignee, the number and, species and net weight of fish contained in the shipment; the net weight thereof, and such. The records shall be available to for inspection by state conservation officers at all times.

(6) Notwithstanding any law to the contrary, a nonresident under the age of 16 may take fish by angling without procuring a license, if their the nonresident's parent or guardian has obtained a nonresident the appropriate fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian.

Sec. 6. Minnesota Statutes 1982, section 97.45, subdivision 7, is amended to read:

Subd. 7. *Any (a) A licensed nonresident licensee who accompanies the shipment may transport by the following wild animals, other than fish, lawfully taken and possessed in any means, consigned to himself only, vehicle or as baggage on a common carrier to any point place within or without outside this state, not to exceed: (1) the number of undressed game birds which he is entitled to possess at any one time, and; (2) one deer, lawfully taken and possessed within this state, and provided that the nonresident licensee shall accompany such game birds or deer except when they are being transported by common carrier and one bear during the time provided in subdivision 4, clause (b); and (3) other wild animals lawfully taken and possessed in Minnesota. A common carriers are hereby permitted to carrier may carry such wild animals as baggage as provided in this clause.*

(b) A licensed nonresident who does not accompany the shipment may transport the wild animals, other than fish, as described in clause (a) by common carrier to any place within or outside the state when the shipment is consigned to the licensed nonresident, provided that a shipping permit must be obtained from the commissioner or his agent for the transportation of any undressed game birds. The permit shall be issued upon request and without payment of a fee, and cancelled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered.

Sec. 7. Minnesota Statutes 1982, section 97.45, subdivision 12, is

amended to read:

Subd. 12. All ~~shipments of~~ protected wild animals *transported* by common carrier, ~~or including shipments~~ carried as baggage, shall have attached a statement signed by the licensee showing his name, address and license number and the number and species of wild animals contained *in the shipment, including fish. If fish are contained, the statement also shall show the number of pounds thereof* and The shipment shall have attached to it any shipping coupon *or permit* required by law *or commissioner's order*.

Sec. 8. Minnesota Statutes 1982, section 609.487, subdivision 2, is amended to read:

Subd. 2. [PEACE OFFICER; DEFINITION.] For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol *and Minnesota conservation officers*.

Sec. 9. [REPEALER.]

Minnesota Statutes 1982, section 97.45, subdivision 5, is repealed.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; including conservation officer in the definition of peace officer for purpose of laws relating to fleeing a peace officer; amending Minnesota Statutes 1982, sections 65B.605, subdivision 2; 97.45, subdivisions 1, 3, 4, 6, 7, and 12; and 609.487, subdivision 2; repealing Minnesota Statutes 1982, section 97.45, subdivision 5."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 709: A bill for an act relating to liens on personal property; adopting the Council of State Government Model Act; proposing new law coded in Minnesota Statutes, chapter 514.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, delete the comma

Page 2, line 18, delete "except"

Page 2, line 30, delete everything after the period

Page 2, delete lines 31 to 36

Page 3, delete lines 1 to 5 and insert "The lien provided for in this section is superior to any other security interest except those which are perfected

prior to the date the lien provided for in this section attaches."

Page 3, line 13, delete "*this act*" and insert "*sections 1 to 4*"

Page 6, line 19, delete "*, but*" and insert "*subject to the rights of any lienholder with priority under section 3. The lien rights of a prior lienholder are automatically transferred to the proceeds of the sale. If the sale or other disposition is made in good faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge for a deficiency in the amount of a prior secured lien. The owner*"

Page 6, line 19, after "*balance*" insert a comma

Page 7, after line 14, insert:

"Sec. 5. [514.99] [RENTAL AGREEMENTS.]

The rental agreement between the owner and the occupant shall set forth (a) the lien rights of the owner upon failure of the occupant to pay rent, and (b) the extent and the limits of insurance carried by the owner and covering the occupant's personal property stored in the leased premises."

And when so amended the bili do pass. Mrs. Adkins questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 548: A bill for an act relating to traffic regulations; providing for limitations on persons who must be brought to detoxification centers; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.121, subdivision 8, is amended to read:

Subd. 8. [ALCOHOL ASSESSMENT.] When the evidentiary test shows an alcohol concentration of 0.07 or more, that result ~~shall~~ *must* be reported to the commissioner of public safety. The commissioner shall record that fact on the driver's record. ~~When the driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report, the commissioner may require that the driver have an alcohol problem assessment meeting the commissioner's requirements. The commissioner shall require that the driver have an alcohol problem assessment at a facility licensed by the commissioner of public welfare or at an assessment program approved by a county board within seven days after the occurrence of any of the following:~~

(a) *The chemical test shows an alcohol concentration of 0.10 or more;*

(b) *The driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report;*

(c) When no test is administered for whatever reason and a peace officer who stops the driver has reasonable cause to believe the person is driving, operating, or in physical control of a motor vehicle while under the influence of alcohol and has a prior alcohol-related driving offense or a prior license revocation pursuant to section 169.123. The court may use the assessment in lieu of a presentence investigation pursuant to a conviction under section 169.121 or when a violation of that section is charged and a conviction for a lesser offense results.

The assessment ~~shall~~ must be at the driver's expense. *If the assessment so indicates, an appropriate referral for treatment must be made. In no event shall* The commissioner ~~deny~~ shall revoke the license of a person who refuses to take the assessment or to undertake treatment, if treatment is indicated by the assessment, for ~~longer than 90 days~~ six months after appropriate notice and hearing. If an assessment is made pursuant to under this section, the commissioner may waive the assessment required by section 169.126.

Sec. 2. Minnesota Statutes 1982, section 169.123, subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine specimen. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a test at the request and direction of a peace officer shall be fully trained in the administration of the tests pursuant to standards promulgated by rule by the commissioner of public safety.

Sec. 3. Minnesota Statutes 1982, section 169.1231, is amended to read:

169.1231 [DRIVING WHILE UNDER THE INFLUENCE; DETOXIFICATION.]

Subdivision 1. [GROUNDS FOR TAKING DRIVER TO DETOXIFICATION CENTER OR ALCOHOL DRUG REHABILITATION CENTER FACILITY.] Whenever a peace officer administers a preliminary screening test to a person and the test results indicate a blood alcohol content of .10 or more, the peace officer shall either take the person to a detoxification center or alcohol drug rehabilitation center facility established pursuant to section 254A.08, or arrange for another authorized person to do so, *when the peace*

officer has reason to believe that the person is in imminent danger of injuring himself or others and the police officer has reason to believe the person is immediately in need of the services provided by a detoxification facility established pursuant to section 254A.08. A peace officer shall may also take, or arrange for another authorized person to take to a detoxification center or alcohol drug rehabilitation center facility established pursuant to section 254A.08, any person who refuses to take a preliminary screening test if the officer has reasonable and probable grounds to believe that the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith with it, and the person reasonably appears to the officer to be too intoxicated to resume driving safely.

The detoxification facility must make an evaluation, an assessment, and if necessary, an appropriate referral before releasing the intoxicated person under subdivision 2.

Subd. 2. [DETOXIFICATION CENTER OR ALCOHOL DRUG REHABILITATION CENTER FACILITY; RELEASE PROCEDURE.] *The intoxicated person admitted to the detoxification center or alcohol drug rehabilitation center to which a person is transported pursuant to facility under subdivision 1 shall hold the person until he is completely sober, unless another responsible person appears and requests that the intoxicated person be released for the purpose of taking him home or to a medical facility. The person requesting release of the intoxicated person shall assure that the intoxicated person does not drive until completely sober; an intentional violation of this assurance is a misdemeanor remain in the facility until an evaluation, an assessment, and, if necessary, an appropriate referral is completed. However, no person may be held for longer than 36 hours unless an emergency admission under section 253B.05 is established.*

Subd. 3. [INTOXICATED PERSON TO PAY COSTS.] *A person taken to a detoxification center or alcohol drug rehabilitation center pursuant to facility under this section shall pay the detoxification center or alcohol drug rehabilitation center facility for the cost of his the stay, transportation, treatment, and other expenses in the detoxification center or alcohol drug rehabilitation center facility, if he the person does not meet the standards of indigency necessary to qualify for the services of the public defender and does not have health insurance coverage which would pay for this cost. If the driving privileges of the person are suspended or revoked under section 169.121 or 169.123, or 171.17, clause (2), the commissioner of public safety may not restore the driving privileges until the commissioner has been notified that the person did not receive detoxification services, or that the person has paid the costs and expenses required under this subdivision."*

Delete the title and insert:

"A bill for an act relating to traffic regulations; providing for mandatory alcohol assessment for drivers in certain cases; providing for commitment of certain driving while intoxicated offenders to detoxification facilities; providing for detoxification evaluation, assessment, and referral; withholding driving privileges for offenders until they have paid the costs for the detoxification services; amending Minnesota Statutes 1982, sections 169.121, subdivision 8; 169.123, subdivision 3; and 169.1231."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 545: A bill for an act relating to welfare; changing laws relating to child support enforcement; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87, subdivision 1a, and by adding subdivisions; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.551, subdivisions 1, 5, and 6, and by adding a subdivision; 518.611, subdivisions 1 and 4, and by adding subdivisions; 518.64, subdivisions 2 and 5; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 256.74, is amended by adding a subdivision to read:

Subd. 5. [ASSIGNMENT OF SUPPORT AND MAINTENANCE RIGHTS.] An applicant for assistance, or a recipient of assistance, under sections 256.72 to 256.87, is considered to have assigned to the public agency responsible for child support enforcement, at the time of application, all rights to child support and maintenance from any other person the applicant may have, in his own behalf or in the behalf of any other family member for whom application is made. The assignment:

(1) Is effective as to both current and accrued child support and maintenance obligations.

(2) Takes effect upon a determination that the applicant is eligible for assistance under sections 256.72 to 256.87.

(3) Terminates when an applicant ceases to receive assistance under sections 256.72 to 256.87, except with respect to the amount of any unpaid support or maintenance obligation, or both, accrued under the assignment.

Sec. 2. Minnesota Statutes 1982, section 256.87, is amended to read:

256.87 [~~CONTRIBUTION BY PARENTS; AMENDMENTS; REPEALS.~~]

Subdivision 1. [ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.] At any time during the continuance of assistance to a child granted under sections 256.72 to 256.87 *except as set forth below*, a parent of a child is liable for the amount of assistance furnished during the two years immediately preceding the commencement of the action which the parent is reasonably able to pay. *Provided, however, that where child support has been previously ordered, the state or county agency providing the assistance, as assignee of the obligee, shall be entitled to judgments for child*

support payments accruing within ten years preceding the date of the commencement of the action to collect. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against the parent for the recovery of the amount of assistance granted, together with the costs and disbursements of the action.

Subd. 1a. [CONTINUING SUPPORT CONTRIBUTIONS.] In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing support contributions by a parent found able to reimburse the county or state agency. *Except as provided in subdivision 4,* the order shall be effective ~~only~~ for the period of time during which the recipient receives public assistance from ~~the any county or state agency and for 90 days thereafter the order shall require support according to chapter 518.~~ An order for continuing contributions is reinstated without further hearing upon notice to the parent by ~~the any county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87.~~ The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance ~~; the amount required to be paid, and the conditions under which income withholding can occur. In any order modifying the amount of support or maintenance, the court may, if appropriate, make the modification retroactive to the date of automatic reinstatement.~~

Subd. 2. [NOT TO BE VESTED RIGHT.] All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed. No recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Subd. 4. [CONTINUING CONTRIBUTIONS TO FORMER RECIPIENT.] *The order for continuing support contributions shall remain in effect following the 90 day period after public assistance granted under sections 256.72 to 256.87 is terminated if:*

(a) the former recipient files an affidavit with the court within 90 days of the termination of assistance requesting that the support order remain in effect;

(b) the public authority serves written notice by mail on the parent responsible for making the support payments at that parent's last known address and notice that the parent may move the court under section 518.64 to modify the order respecting the amount of support or maintenance; and

(c) the former recipient makes an application to use the public authority's collection services.

Subd. 5. [ORDER FOR MODIFICATION.] *In any order modifying the amount of support or maintenance under this section, the court may make the modification retroactive to the date public assistance was terminated or reinstated.*

Subd. 6. [CHILD NOT RECEIVING ASSISTANCE.] *A parent having custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent*

parent. Upon an order to show cause and a motion served on the absent parent, the court shall order child support payments from the absent parent under chapter 518.

Sec. 3. [257.541] [CUSTODY AND VISITATION OF CHILDREN BORN OUTSIDE OF MARRIAGE.]

Subdivision 1. [MOTHER'S RIGHT TO CUSTODY.] The natural mother of a child born to a mother who was not married to the child's father neither when the child was born nor when the child was conceived has sole custody of the child until paternity has been established.

Subd. 2. [FATHER'S RIGHT TO VISITATION.] (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of visitation or custody are determined under sections 518.17 and 518.175.

(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the natural father may petition for rights of visitation or custody in a separate proceeding under section 518.156.

Sec. 4. Minnesota Statutes 1982, section 257.55, subdivision 1, is amended to read:

Subdivision 1. [PRESUMPTION.] A man is presumed to be the natural father of a child if:

(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court;

(b) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) he has acknowledged his paternity of the child in writing filed with ~~the district court~~ or the state registrar of vital statistics;

(2) with his consent, he is named as the child's father on the child's birth certificate; or

(3) he is obligated to support the child under a written voluntary promise

or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child; or

(e) He ~~acknowledges~~ and the child's natural mother ~~acknowledge~~ his paternity of the child in a writing signed by both of them under section 257.34 and filed with the ~~district court~~ or the state registrar of vital statistics; ~~which shall promptly inform the mother of the filing of the acknowledgment, and she does not within a reasonable time after being informed thereof dispute the acknowledgment in a writing filed with the district court or the state registrar of vital statistics.~~ If another man is presumed under this clause to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted.

Sec. 5. Minnesota Statutes 1982, section 257.58, is amended to read:

257.58 [LIMITATION OF ACTIONS; EXCEPTIONS.]

Subdivision 1. [ACTIONS FOR CHILDREN WITHOUT A PRESUMED FATHER.] Except for (a) an action brought by or on behalf of a child whose paternity has not been determined, and (b) an action brought by the public authority responsible for child support enforcement, if a child is over three years old when he or she first receives public assistance in the state of Minnesota, an action to determine the existence of the father and child relationship as to a child who has no presumed father under section 257.55 may not be brought later than three years after the birth of the child, or later than three years after August 1, 1980, whichever is later. An action brought by or on behalf of a child whose paternity has not been determined is not barred until one year after the child reaches the age of majority. If a child is over three years old when he or she first receives public assistance in the state of Minnesota, an action brought by the public authority responsible for child support enforcement is not barred until three years after the public assistance is first provided in this state.

Subd. 2. [HEIRSHIP.] Section 257.57 and this section do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

Sec. 6. Minnesota Statutes 1982, section 257.59, subdivision 1, is amended to read:

Subdivision 1. [COURT JURISDICTION.] Except in Hennepin and Ramsey counties, the county court has jurisdiction of an action brought under sections 257.51 to 257.74. In Hennepin and Ramsey counties, the district court has jurisdiction of an action brought under sections 257.51 to 257.74. The action may be joined with an action for dissolution, annulment, legal separation, custody under chapter 518, or reciprocal enforcement of support.

Sec. 7. Minnesota Statutes 1982, section 257.60, is amended to read:

257.60 [PARTIES.]

The child may be made a party to the action. If the child is a minor and is made a party, a general guardian or a guardian ad litem shall be appointed

by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. ~~The court may appoint the commissioner of public welfare as guardian ad litem for the child.~~ If the child is a minor and the case involves a compromise under section 257.64, subdivision 1 or a lump sum payment under section 257.66, subdivision 4, the child *and the commissioner of public welfare* shall each be made a party ~~and the commissioner of public welfare shall be appointed as guardian ad litem~~ before the court approves a compromise or orders a lump sum payment. The natural mother, each man presumed to be the father under section 257.55, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and shall be given an opportunity to be heard. *A person who may bring an action under section 257.57 may be made a party to the action.* The court may align the parties.

Sec. 8. Minnesota Statutes 1982, section 257.62, subdivision 1, is amended to read:

Subdivision 1. [BLOOD TESTS REQUIRED.] The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood tests ~~or genetic tests, or both.~~ *If the alleged father is dead, the court may, and upon request of a party shall, require the decedent's parents or brothers and sisters or both to submit to blood tests. However, in a case involving these relatives of an alleged father, who is deceased, the court may refuse to order blood tests if the court makes an express finding that submitting to the tests presents a danger to the health of one or more of these relatives that outweighs the child's interest in having the tests performed. Unless the person gives consent to the use, the results of any blood tests of the decedent's parents, brothers, or sisters may be used only to establish the right of the child to public assistance including but not limited to social security and veterans' benefits.* The tests shall be performed by a qualified expert appointed by the court.

Sec. 9. Minnesota Statutes 1982, section 257.62, is amended by adding a subdivision to read:

Subd. 5. [NOTICE.] A party calling a male witness for the purpose of testifying that he had sexual intercourse with the mother at a possible time of conception shall provide all other parties with the name and address of the witness 20 days before the trial or pretrial hearing. If a male witness is produced at the hearing for the purpose stated in this subdivision but the party calling the witness failed to provide the 20-day notice, the court may adjourn the proceeding for the purpose of taking a blood test of the witness prior to hearing the testimony of the witness, if the court finds that the party calling the witness acted in good faith.

Sec. 10. Minnesota Statutes 1982, section 257.62, is amended by adding a subdivision to read:

Subd. 6. [POSITIVE TEST RESULTS.] If the results of the blood tests indicate that the likelihood of the alleged father's paternity is more than 92 percent, upon motion the court shall order the alleged father to pay temporary child support determined according to chapter 518. The alleged father shall pay the support money into court pursuant to the rules of civil procedure to await the results of the paternity proceedings.

Sec. 11. Minnesota Statutes 1982, section 257.64, subdivision 1, is amended to read:

257.64 [PRE-TRIAL ORDERS AND RECOMMENDATIONS.]

Subdivision 1. On the basis of the information produced at the pretrial hearing, *including information as to the financial status of the parties*, the court may, and if requested by a party, shall *evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration would be in the best interest of the child*. On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice;

(b) *recommend* that the alleged father voluntarily acknowledge his paternity of the child *if the parties have agreed on a financial settlement*;

(c) *(b) recommend* that the matter be compromised by an agreement among the alleged father, the mother, and the child, in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the court. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the court shall consider the best interest of the child, in the light of the applicable factors enumerated in section 518.17, subdivision 3, discounted by the improbability, as it appears to the court, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him. When the child reaches 21 years of age or older he may petition the court to disclose the alleged father's identity. The court shall grant the petition if after considering the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

Sec. 12. Minnesota Statutes 1982, section 257.66, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT; ORDER.] The judgment or order shall contain provisions concerning the duty of support, the custody and guardianship of the child, the name of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. *Custody and visitation and all subsequent motions related to them shall proceed and be determined under section 3. These* The remaining matters and all subsequent motions related to them shall proceed and be determined in accordance with chapter 518. The judgment or order may direct the appropriate party to pay all or a proportion of the reasonable expenses of the mother's pregnancy and confinement, after consideration of the relevant facts, including the relative financial means of the parents; the earning ability of each parent; and any health insurance policies held by either parent, or by a spouse or parent of the parent, which would provide benefits for the expenses incurred by the

mother during her pregnancy and confinement.

Sec. 13. Minnesota Statutes 1982, section 257.66, subdivision 4, is amended to read:

Subd. 4. [STATUTE OF LIMITATIONS.] Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump sum payment may be ordered in lieu of periodic payments of support. The court shall limit the parent's liability for past support of the child to the proportion of the expenses that the court deems just, which were incurred in the ~~immediate preceding~~ two years *immediately preceding the commencement of the action.*

Sec. 14. Minnesota Statutes 1982, section 257.69, subdivision 2, is amended to read:

Subd. 2. [GUARDIAN; LEGAL FEES.] The court may order ~~reasonable counsel, expert witnesses, witness~~ and guardian ad litem fees, and other costs of the trial and pre-trial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require a party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the party's proportion of all other fees and costs. *The agency responsible for child support enforcement shall pay the fees and costs for blood tests in a proceeding in which it is a party, is the real party in interest, or is acting on behalf of the child. However, at the close of a proceeding in which paternity has been established under sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the public agency, if the court finds he has sufficient resources to pay the costs of the blood tests.* When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the clerk of court.

Sec. 15. Minnesota Statutes 1982, section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.]

The petition for dissolution of marriage or legal separation shall state and allege:

- (a) The name and address of the petitioner;
- (b) The name and, if known, the address of the respondent;
- (c) The place and date of the marriage of the parties;
- (d) In the case of a petition for dissolution, that either the petitioner or the respondent or both:
 - (1) Has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
 - (2) Has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
 - (3) Has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;
- (e) The name, age and date of birth of each *living* minor or dependent child

of the parties *born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;*

(f) Whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;

(g) In the case of a petition for dissolution, that there has been an irrevocable breakdown of the marriage relationship;

(h) In the case of a petition for legal separation, that there is a need for a decree of legal separation; and

(i) Any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Sec. 16. Minnesota Statutes 1982, section 518.17, is amended by adding a subdivision to read:

Subd. 5. [DEVIATION FROM GUIDELINES.] The court shall not order the noncustodial parent to pay support in an amount below the appropriate amount determined from the guidelines in section 18 for use in public assistance cases unless the court makes express findings of fact as to the reason for the lower order.

Sec. 17. Minnesota Statutes 1982, section 518.551, subdivision 1, is amended to read:

~~Subdivision 1. [ORDER PAYMENT TO PUBLIC AGENCY.] Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.~~

~~Each order shall provide that the obligor's employer, trustee, or other payor of funds shall withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or maintenance.~~

The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance. Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Sec. 18. Minnesota Statutes 1982, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] The peti-

tioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families of with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the public authority 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. shall set child support by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$401 - 500	14%	17%	20%	22%	24%	26%	28%
\$501 - 550	15%	18%	21%	24%	26%	28%	30%
\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%
\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001 and over	25%	30%	35%	39%	43%	47%	50%

Net Income defined as:

Total monthly income less

- *(1) Federal Withholding Tax
- *(2) State Income Tax
- (3) Social Security Deductions
- (4) Mandatory Pension Deductions
- (5) Union Dues
- (6) Dependent Health Insurance Coverage
- (7) Individual Health/Hospitalization Coverage or Medical Expense Deductions not to exceed \$25 a month.

*Standard Deductions apply-use of tax tables recommended

(a) The child support payment guidelines take into consideration the following criteria:

- (1) all earnings, income, and resources of the obligor including real and personal property;
- (2) the basic living needs of the obligor;
- (3) the financial needs of the child or children to be supported; and
- (4) the amount of the aid to families with dependent children grant for the

child or children.

(b) Debts owed to private creditors are not to be considered in establishing a support obligation.

(c) Previous support orders and alimony orders may be considered if the obligor is paying them.

(d) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(e) The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for departure from the guidelines in that case in which the court orders support that deviates from the guidelines.

Sec. 19. Minnesota Statutes 1982, section 518.551, subdivision 6, is amended to read:

Subd. 6. [FAILURE OF NOTICE.] If the court in a dissolution, legal separation or determination of parentage proceeding, finds before issuing the order for judgment and decree, that notification has not been given to the public authority, the court shall ~~order that notification be made and shall not issue its order for judgment and decree until the public authority has made its recommendations set child support according to the guidelines in section 18.~~ In those proceedings in which no notification has been made pursuant to this section and in which the public authority determines that the judgment is ~~not proper and adequate for the care and support of the child or children lower than the child support required by the guidelines in section 18,~~ it ~~may~~ shall move the court for a redetermination of the support payments ordered so that the support payments comply with the guidelines.

Sec. 20. Minnesota Statutes 1982, section 518.551, is amended by adding a subdivision to read:

Subd. 8. [HEALTH INSURANCE OR PLAN.] *The court shall also include in the requirements for each child support order a provision naming the child as a beneficiary on whatever medical, hospitalization or dental insurance or plan is available to the obligor on a group basis through his or her employer or union.*

Sec. 21. Minnesota Statutes 1982, section 518.551, is amended by adding a subdivision to read:

Subd. 9. [ASSIGNMENT OF RIGHTS; JUDGMENT.] *The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 1. When arrearages are reduced to judgment, the court shall grant judgment in favor of, and in the name of, the public agency to the extent that the arrearages are assigned. The public agency may enforce a judgment entered before the assignment of rights as if the judgment were granted to it, and in its name, to the extent that the arrearages in that judgment are assigned.*

Sec. 22. Minnesota Statutes 1982, section 518.611, is amended to read:

518.611 [ASSIGNMENTS INCOME WITHHOLDING.]

Subdivision 1. [ORDER.] Whenever an obligation for support of a de-

pendent child or maintenance of a spouse, or both, ~~in a proceeding for dissolution or legal separation or determination of parentage, has been~~ is determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.

Subd. 2. [NOTICE TO OBLIGOR OF CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The obligee or the public authority determines that the obligor is at least 30 days in arrears;

(b) The obligee or the public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has either failed to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, *ex parte*, to stay service on the payor of funds until the motion to modify is heard; and

(d) The obligee or the public authority serves a copy of the determination of arrearage and a copy of the court's withholding order on the payor of funds.

(e) The obligee shall also serve on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services.

Subd. 3. [MODIFICATION ORDERS.] An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made *outright* by withholding. *The provisions of subdivision 2 do not apply.*

Subd. 4. [EFFECT OF ORDER.] *Notwithstanding any law to the contrary,* the order is binding on the employer, trustee, or other payor of the funds upon service upon him of notice that it has been made. The payor shall withhold from the income payable to the obligor the amount specified in the order and shall monthly or more frequently remit the amounts withheld to the public authority. Amounts received by the public authority which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary ~~assignment~~ *withholding* authorized by this section.

Subd. 5. [ARREARAGE ORDER.] *Nothing in this section shall prevent the court from ordering the payor of funds to withhold amounts to satisfy the obligor's previous arrearage in child support or maintenance payments, the*

obligor's liability for pregnancy and confinement expenses and for blood test costs, and any service fees that may be imposed under section 518.551.

Subd. 6. [PRIORITY.] An order for withholding under this section or execution or garnishment upon a judgment for child support arrearages or preadjudicated expenses shall have priority over an attachment, execution, garnishment, or wage assignment unless otherwise ordered by the court and shall not be subject to the statutory limitations on amounts levied against the income of the obligor.

Subd. 7. [EMPLOYER EXPENSES.] An employer may deduct one dollar from the obligor-employee's remaining salary for each payment made pursuant to a withholding order under this section to cover the employer's expenses involved in the withholding.

Subd. 8. [EMPLOYER OR PAYOR NOTICE.] When a withholding order is in effect and the obligor's employment is terminated or the periodic payment terminates, the obligor's employer or the payor of funds shall notify the public agency responsible for child support enforcement of the termination within 30 days of the termination date. The notice shall include the obligor's home address and the name and address of the obligor's new employer or payor of funds, if known.

Sec. 23. Minnesota Statutes 1982, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] The terms of a decree respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost-of-living for either party as measured by the federal bureau of statistics, any of 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. 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. 24. Minnesota Statutes 1982, section 518.64, is amended by adding a subdivision to read:

Subd. 2a. [SPECIAL PROVISION; COST-OF-LIVING ADJUSTMENT.] Cost-of-living increases pursuant to subdivision 2 for decrees entered into before August 1, 1983 shall be limited to 50 percent of the cost-of-living

increase for periods of time before August 1, 1983. The remaining 50 percent of the increase may be implemented over a period of time as determined by the court.

Sec. 25. Minnesota Statutes 1982, section 518.64, subdivision 5, is amended to read:

Subd. 5. [FORM.] The department of public welfare shall prepare and make available to courts ~~and~~, obligors *and persons to whom child support is owed* a form to be submitted by the obligor *or the person to whom child support is owed* in support of a motion for a modification of an order pursuant to this section or section 256.87. The ~~rule-making~~ *rulemaking* provisions of chapter 14 shall not apply to the preparation of the form.

Sec. 26. [518.641] [COST-OF-LIVING ADJUSTMENTS IN CHILD SUPPORT ORDER.]

Subdivision 1. [REQUIREMENT.] An order for child support shall provide for a biennial adjustment in the amount to be paid based on a change in the cost of living. The order shall specify the cost-of-living index to be applied. The court may use the consumer price index for all urban consumers, Minneapolis-St. Paul (CPI-U), the consumer price index for wage earners and clerical, Minneapolis-St. Paul (CPI-W), or another cost-of-living index published by the department of labor which it specifically finds is more appropriate. The court may specify that the housing component be excluded from the cost-of-living adjustment. Cost-of-living increases under this section shall be compounded. It may also increase the amount by more than the cost-of-living adjustment without making further findings. The adjustment becomes effective on the first of May of the year in which it is made. A court may waive the requirement of the cost-of-living clause if it expressly finds that the obligor's occupation or income, or both, does not provide for cost-of-living adjustment or that the order for child support has a provision such as a step increase that has the effect of a cost-of-living clause. The commissioner of public welfare may promulgate rules under this section in accordance with the rulemaking provisions of chapter 14.

Subd. 2. [CONDITIONS.] No adjustment under this section may be made unless the order provides for it and until the following conditions are met:

(a) the obligee or public authority serves notice of its application for adjustment by mail on the obligor at the obligor's last known address at least 20 days before the effective date of the adjustment;

(b) the notice to the obligor shall inform the obligor that an adjustment in payments shall become effective on the first of May; and

(c) after receipt of notice and before the effective day of the adjustment, the obligor fails to request a hearing on the issue of whether the adjustment should take effect, and ex parte, to stay imposition of the adjustment pending outcome of the hearing.

Subd. 3. [RESULT OF HEARING.] If, at a hearing pursuant to this section, the obligor establishes an insufficient cost of living or other increase in income that prevents fulfillment of the adjusted child support obligation, the court may direct that all or part of the adjustment not take effect. If, at the hearing, the obligor does not establish this insufficient increase in income,

the adjustment shall take effect as of the date it would have become effective had no hearing been requested.

Subd. 4. [FORM.] The department of public welfare shall prepare and make available to the court and obligors a form to be submitted to the department by the obligor in support of a request for hearing under this section. The rulemaking provisions of chapter 14 shall not apply to the preparation of the form.

Subd. 5. [REQUEST FOR COST-OF-LIVING CLAUSE.] A motion for enforcement or modification of an existing child support order shall include a request for a cost-of-living clause. The court may deny the request only upon an express finding that the obligor's occupation, income, or both, does not provide for a cost-of-living adjustment or that the existing child support order either has a cost-of-living clause or sets forth a step increase which has the effect of a cost-of-living adjustment.

Sec. 27. Minnesota Statutes 1982, section 518.645, is amended to read:

518.645 [FORM OF ORDER.]

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued pursuant to sections ~~256.872, subdivision 1, 518.551, subdivision 1, or 518.611, subdivision 1,~~ under this chapter shall be substantially in the following form:

IT IS ORDERED THAT:

1. ~~That~~ The sum of _____ per _____, representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife Respondent/Petitioner)'s income on _____ by (his/her) present employer or other payor of funds, _____, and any future employer or other payor of funds, and shall be remitted ~~at least monthly~~ to: _____, monthly or more frequently, in accordance with the provisions of Minnesota Statutes, Chapter 518. The file number above and the ~~employee's~~ Obligor's name shall be included with each remittance.

2. ~~That~~ The parties are notified that CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(a) _____ or the Obligee determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) _____ or the Obligee serves written notice on the Obligor of its determination that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice, the Obligor either fails to pay all past due payments or to move the Court, Minnesota Statutes, Section 518.64, to modify the order respecting the amount of child support and/or spousal maintenance and, ex parte, to stay service of withholding on the employer or other payor of funds until the motion to modify is heard; and

(d) Not sooner than fifteen days after service of written notice in paragraph

(b) on the Obligor, _____ or the Obligee serves a copy of its determination of a thirty-day delinquency and a copy of the Court's withholding order on the employer or other payor of funds, who will then be obligated to withhold payments from income and forward the amount withheld to _____.

3. ~~That~~ The parties and the employer or other payor of funds are further notified that NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY. Minnesota Statutes, Sections 256.873 and 518.611, Subdivision 4. ~~A VIOLATION OF THIS PROVISION IS A MISDEMEANOR. Minnesota Statutes, section 256.878 518.611.~~

4. ~~That, in the event~~ If the Obligee performs service on serves the employer or other payor of funds under paragraph 2 (d), the Obligee shall also serve the determination and order shall also be served on _____, together with an application to use collection services.

5. ~~That~~ Service of this Order shall be _____

Sec. 28. Minnesota Statutes 1982, section 518B.01, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means: (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (ii) criminal sexual conduct, within the meaning of sections 609.342, 609.343, 609.344, or 609.345, committed against a minor family or household member by an adult family or household member;

(b) "Family or household members" means spouses, parents and children, persons related by consanguinity, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons jointly residing in the same dwelling unit.

Sec. 29. Minnesota Statutes 1982, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] Upon notice and hearing, the court may provide relief as follows:

(a) Restrain any party from committing acts of domestic abuse;

(b) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(c) On the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the parties;

(d) On the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to

chapter 518;

(e) Provide counseling or other social services for the parties, if married, or if there are minor children;

(f) Order the abusing party to participate in treatment or counseling services;

(g) Order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

Sec. 30. Minnesota Statutes 1982, section 518C.17, subdivision 1, is amended to read:

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 518C.01 to 518C.36 shall require that payments be made as the responding court directs *and the responding court shall order support payments under chapter 518*. 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.

Sec. 31. Minnesota Statutes 1982, section 518C.33, subdivision 1, is amended to read:

Subdivision 1. [OBLIGEE AND OBLIGOR IN DIFFERENT COUNTIES BOTH IN THIS STATE.] Sections 518C.01 to 518C.36 apply if both the obligee and the obligor are in this state ~~but in different counties~~.

Sec. 32. Minnesota Statutes 1982, section 548.09, is amended to read:

548.09 [LIEN OF JUDGMENT.]

Subdivision 1. [DOCKETING; SURVIVAL OF JUDGMENT.] Every judgment requiring the payment of money, *including a judgment or decree of dissolution or separate maintenance, a determination of parentage, an order under the reciprocal enforcement of support act, or an order under section 256.87, any of which provide for installment or periodic payments of child support, spousal maintenance, or both*, shall be docketed by the clerk upon the its entry thereof, and, . Upon a transcript of ~~such the~~ docket being filed with the clerk in any other county, ~~such the~~ clerk shall also docket ~~the same it~~. From the time of ~~such~~ docketing the judgment ~~shall be~~ is a lien, ~~to in~~ the amount unpaid ~~thereon~~, upon all real property in the county then or thereafter owned by the judgment debtor. ~~Such The~~ judgment ~~shall survive~~ survives, and the lien thereof ~~continue continues~~, for the period of ten years

next after its entry; and no longer.

Subd. 2. [JUDGMENT CREDITOR'S AFFIDAVIT.] No judgment, except for taxes, shall be docketed until the judgment creditor, or his agent or attorney, shall have ~~has~~ filed with the clerk an affidavit, stating the full name, occupation, place of residence, and post office address of the judgment debtor, to the best of affiant's information and belief; ~~and, .~~ If such the residence ~~be is~~ within an incorporated place having more than 5,000 inhabitants, the street number of both his place of residence and place of business, if he ~~have has~~ one, shall be stated.

Subd. 3. [VIOLATIONS BY CLERK.] If the clerk shall ~~violate~~ violates this provision, neither the judgment nor the docketing thereof shall be ~~is~~ invalid; ~~but he shall be liable to any person damaged thereby in the sum of \$5.~~

Sec. 33. [543.20] [PERSONAL JURISDICTION IN SUPPORT ENFORCEMENT CASES AND PATERNITY SUITS.]

Subdivision 1. [SERVICE.] In addition to the methods of service of process provided in the rules of civil procedure, service of a summons, an order to show cause, or an order or judgment within this state may also be made upon an individual by delivering a copy to him or her personally at his or her place of employment. The employer shall make the individual available for the purpose of delivering a copy. No employer shall deny a process server admittance to the employer's premises for the purpose of making service under this section.

Subd. 2. [APPLICABILITY.] Service at a place of employment applies only to: (a) summons in an action for dissolution, amendment, legal separation, or under the parentage act and under section 256.87; (b) orders to show cause under both section 256.87 and the revised uniform reciprocal enforcement of support act as well as for contempt of court for failure to pay child support; (c) petitions under the domestic abuse act; and (d) motions, orders and judgments for the payment of child support when the court orders personal service.

Subd. 3. [RETALIATION PROHIBITED.] An employer shall not discharge or otherwise discipline an employee as a result of service under this section.

Sec. 34. [REPEALER.]

Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4 are repealed.

Sec. 35. [EFFECTIVE DATE.]

Sections 18, 19, and 26 are effective August 1, 1983. The rest of this act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to welfare; changing laws relating to child support enforcement; providing for determination of paternity; providing for determination and modification of child support; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.66, subdivisions 3

and 4; 257.69, subdivision 2; 518.10; 518.17, by adding a subdivision; 518.551, subdivisions 1, 5, and 6, and by adding subdivisions; 518.611; 518.64, subdivisions 2 and 5, and by adding a subdivision; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; 518C.33, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 804: A bill for an act relating to the general assistance program; creating a flat grant system of payment; authorizing the commissioner of public welfare to provide by rule for the payment of reasonable fees in certain cases to persons assisting recipients in applying for benefits from federal programs; requiring general assistance recipients, with exceptions, to register for work with the department of economic security; authorizing the commissioner of public welfare to adopt temporary rules in certain cases; making various other changes in the general assistance program; authorizing the commissioner of economic security to make wage subsidy payments to certain employers and to allocate funds for certain public service jobs; authorizing the commissioner of economic security to adopt permanent and temporary rules in certain cases; amending Minnesota Statutes 1982, sections 256D.01, subdivision 1; 256D.02, subdivision 4; 256D.06, subdivision 5; 256D.09, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 256D and 268; repealing Minnesota Statutes 1982, sections 256D.02, subdivision 14; and 256D.06, subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 28, after the period, insert "[POLICY; STANDARDS OF ASSISTANCE.]"

Page 1, line 30, strike "funds" and insert "money"

Page 1, line 32, delete "all"

Page 1, line 32, strike "those" and insert "all"

Page 2, line 2, strike "hereby"

Page 2, line 5, strike "shall be" and insert "are" and strike "such"

Page 2, line 7, strike "as may be"

Page 2, line 8, strike "The furnishing"

Page 2, line 9, strike "of such" and insert "Providing this" and strike "and services"

Page 2, lines 11 and 12, strike "shall be" and insert "is"

Page 2, line 23, delete "shall determine" and insert "determines"

Page 3, line 3, strike the first "the"

Page 3, line 6, strike "the"

Page 3, line 12, after "4." insert "[GENERAL ASSISTANCE.]"

Page 3, after line 21, insert:

"Sec. 3. Minnesota Statutes 1982, section 256D.03, is amended by adding a subdivision to read:

"Subd. 2a. [TEMPORARY STATE AND COUNTY SHARES.] Notwithstanding the provisions of subdivision 2, from July 1, 1983, to June 30, 1985, state aid shall be paid to local agencies for 87.5 percent of general assistance grants, up to the standards of section 256D.01, subdivision 1, to persons who become recipients of general assistance after June 30, 1983. Notwithstanding the 50 percent limitation prescribed in section 256D.22, but subject to the other provisions of that section, from July 1, 1983, to June 30, 1985, the commissioner shall reimburse local agencies for all salary expenses necessarily incurred or paid by the local agencies as a direct result of an increase in the number of persons receiving general assistance after June 30, 1983.

This subdivision is repealed June 30, 1985."

Page 3, line 26, strike "be obligated to"

Page 4, line 2, delete "is authorized to" and insert "may"

Page 4, delete lines 3 to 6

Page 4, line 7, delete everything before "This" and insert "authorizing local agencies to retain from the amount recovered under an interim assistance agreement the actual cost, that the commissioner deems reasonable, of providing special assistance to the recipient in processing the recipient's claim for maintenance benefits from another source, or 25 percent of the amount recovered, whichever is greater. The money retained under this section shall be from the state share of the recovery. The local agency may contract with qualified persons to provide the special assistance. The rules adopted by the commissioner shall include the methods by which local agencies shall identify, refer, and assist recipients who may be eligible for benefits under federal programs for the disabled."

Page 4, line 8, strike "shall" and insert "does"

Page 4, lines 14 and 15, delete "is authorized to" and insert "may"

Page 4, after line 18, insert:

"Sec. 6. Minnesota Statutes 1982, section 256D.09, is amended by adding a subdivision to read:

Subd. 3. [EMPLOYMENT PAYMENTS BY GRANT DIVERSION.] Notwithstanding the provisions of subdivision 1, the commissioner may establish by rule or temporary rule a grant diversion program for payment of all or a part of a recipient's grant to an employer who agrees to employ the recipient. The commissioner shall design the program to provide, to the extent possible, employment or employment-related training that will enable recipients to become self-supporting. Any rule adopted by the commissioner:

(a) Shall authorize local agencies to administer the grant diversion program directly or to delegate administration of the program to another unit of government;

(b) Shall require that grants paid to employers be paid pursuant to a written grant diversion contract;

(c) Shall determine the amount of the grant to be paid to the employer and the term of the grant diversion contract;

(d) Shall establish standards to ensure that recipients hired pursuant to grant diversion contracts do not displace other workers;

(e) Shall provide for the amount of the wage to be paid to the recipient, which shall not be less than the minimum wage;

(f) Shall provide for the minimum number of hours per week the recipient must work; and

(g) May establish other terms and conditions for the operation of the grant diversion program."

Page 4, line 23, delete "person"

Page 4, line 24, delete "shall be" and insert "is"

Page 4, line 25, before "comply" insert "be available for work and" and delete the second "the" and insert "reasonable"

Page 4, line 26, delete everything after "search"

Page 4, line 27, delete "subdivision 1" and insert "as required by the commissioner of economic security in permanent or temporary rule"

Page 4, line 28, delete "No person shall be" and insert "A recipient is not"

Page 5, line 5, after the comma, insert "or in an approved chemical dependency domiciliary facility,"

Page 5, line 13, delete "which" and insert "and that"

Page 5, line 27, delete "provided that" and insert ", but"

Page 5, line 28, delete "such" and insert "the"

Page 5, line 36, delete "shall be" and insert "is"

Page 6, line 4, delete "No" and insert "A local agency shall not give" and after "notice" insert ". pursuant to section 256D.10."

Page 6, line 7, delete everything after "I"

Page 6, line 8, delete "section 256D.10"

Page 6, line 11, delete "of section 268.10" and insert "applicable to the work incentive program under section 256.736, subdivision 4, paragraph 4"

Pages 6 to 10, delete section 6

Page 10, line 26, after the semicolon insert "256D.05, subdivision 1a:"

Page 10, line 29, delete "6" and insert "3"

Page 10, line 31, delete "3, 6, 7, and 8" and insert "4, 6, 8, and 9"

Page 10, line 32, delete "4, and 5" and insert "3, 5, and 7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "authorizing the"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "persons assisting" and insert "providing an incentive for local agencies to assist"

Page 1, line 7, after the semicolon, insert "providing for employment of recipients through grant diversion;"

Page 1, line 9, delete "authorizing the"

Page 1, delete lines 10 to 16

Page 1, line 17, delete everything before "amending"

Page 1, line 19, before "256D.06" insert "256D.03, by adding a subdivision;"

Page 1, line 20, after "2" insert ", and by adding a subdivision"

Page 1, line 21, delete "chapters" and insert "chapter" and delete "and 268"

Page 1, line 23, after "14;" insert "256D.05, subdivision 1a;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 60: A bill for an act relating to public utilities; providing for rights of stockholders and directors 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.027] [COOPERATIVE ELECTRIC ASSOCIATION STOCKHOLDER RIGHTS.]

Subdivision 1. [INTENT.] It is the intent of this section to specify those rights which shall be extended to stockholders of cooperative electric associations. The guarantee of these rights, as specified herein, is intended to further the active participation of stockholders 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 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 302A.461 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 stockholders in this section shall apply also to the spouse of the stockholder. In addition to the requirements of section 302A.461, a wholesale or retail electric cooperative shall maintain records of all proceedings of meetings of stockholders 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 which directly establish service charge and rate schedules. Roll call voting is also required on any matter upon the request of one or more directors. Every duly elected director of a retail cooperative electric association shall have the right to inspect under section 302A.461, in person and at any reasonable time, the business records required by this subdivision and maintained by the wholesale cooperative electric association from which it purchases the majority of its electric requirements.

Subd. 4. [OPEN MEETINGS.] Meetings of the board of directors of any retail cooperative electric association must be open to the stockholders of the cooperative and the stockholders' spouses. Stockholders must be given notice of all regularly scheduled meetings except those of an emergency nature. Duly elected directors of retail cooperative associations must be given notice, through their retail cooperative associations, of all meetings of the board of directors of the wholesale cooperative association, except those of an emergency nature, from which the retail cooperative purchases the majority of its electric requirements. Portions of meetings relating to labor negotiations, current litigation, personnel matters, and nonpayment of customer accounts are excluded from the provisions of this subdivision.

Subd. 5. [PETITIONS; VOTING.] Notwithstanding the provisions of section 308.09, upon receipt of a written petition concerning governance matters signed by at least 500 stockholders or five percent of the stockholders, whichever is less, of a retail cooperative electric association, the matter in the petition must be presented to the stockholders of the cooperative for a vote at the next annual meeting. Petitions must be received by the cooperative electric association 60 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 stockholders to influence their vote on a matter to be decided by a vote of the stockholders pursuant to a successful petition submitted under the provisions of subdivision 5 or section 216B.026, subdivision 4, the directors shall provide the organizers of the petition or person presenting the petition the opportunity to include their position on the matter to the stockholders in a substantially similar mode and range of distribution. The organizers of the petition shall pay the costs of such inclusion.

Subd. 7. [OPTIONAL REFERENDUM.] No cooperative shall be bound by the provisions of this section unless adoption has been approved at referendum using the petition and election procedures in section 216B.026. Within 60 days of the effective date of this section, the board of directors of each

cooperative electric association shall notify the stockholders of the provisions of this section and shall explain the process for ratification by petition and election as provided in this subdivision.

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 Judiciary, to which was referred

S.F. No. 674: A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending the competency of witnesses statutes to provide an exemption for professional consultations; amending Minnesota Statutes 1982, sections 13.46, subdivision 1, and by adding a subdivision; 245.69, subdivision 2; and 595.02.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 245.69, subdivision 2, is amended to read:

Subd. 2. [APPROVAL FOR OUTPATIENT INSURANCE.] The commissioner of public welfare ~~has the authority to~~ *may* approve or disapprove public and private mental health centers and public and private mental health clinics for the purposes of section 62A.152, subdivision 2. For the purposes of this subdivision the commissioner shall promulgate both temporary and permanent rules in accordance with sections 14.01 to 14.70. The rules shall require each applicant to pay a fee to cover costs of processing applications and determining compliance with the rules and this subdivision. The commissioner may contract with any state agency, individual, corporation, or association to which he shall delegate all but final approval and disapproval authority to determine compliance or noncompliance.

(a) Each approved mental health center and each approved mental health clinic shall have a multidisciplinary team of professional staff persons as required by rule. A mental health center or mental health clinic may provide the staffing required by rule by means of written contracts with professional persons or with other health care providers. Any personnel qualifications developed by rule shall be consistent with any personnel standards developed pursuant to chapter 214.

(b) Each approved mental health clinic and each approved mental health center shall establish a written treatment plan for each outpatient for whom services are reimbursable through insurance or public assistance. The treatment plan shall be developed in accordance with the rules and shall include a patient history, treatment goals, a statement of diagnosis and a treatment strategy. The clinic or center shall provide access to hospital admission as a bed patient as needed by any outpatient. The clinic or center shall ensure ongoing consultation among and availability of all members of the multidisciplinary team.

(c) As part of the required consultation, members of the multidisciplinary team shall meet at least twice monthly to conduct case reviews, peer consultations, treatment plan development, and in-depth case discussion. Written minutes of these meetings shall be kept at the clinic or center for three years. *The exchange of information which occurs in team meetings or in connection with a quality assurance procedure required by this subdivision or by rule shall not impair any evidentiary given testimony of the outpatient's nurse, psychologist, physician, or the outpatient.*

(d) Each approved center or clinic shall establish mechanisms for quality assurance and submit documentation concerning the mechanisms to the commissioner as required by rule, including:

- (1) Continuing education of each professional staff person;
- (2) An ongoing internal utilization and peer review plan and procedures;
- (3) Mechanisms of staff supervision; and
- (4) Procedures for review by the commissioner or his delegate.

(e) The commissioner shall disapprove an applicant, or withdraw approval of a clinic or center, which the commissioner finds does not comply with the requirements of the rules or this subdivision. A clinic or center which is disapproved or whose approval is withdrawn is entitled to a contested case hearing and judicial review pursuant to sections 14.01 to 14.70 in accordance with chapter 14.

(f) ~~Data on individuals individual outpatients collected by approved clinics and centers, including written minutes of team meetings, is private data on individuals within the welfare system as provided in chapter 13 shall be administered in a manner which provides security for and limits access to the data. The data may not be disclosed except:~~

(1) *To the outpatient who is the subject of the data, subject to the provisions of section 144.335;*

(2) *As expressly authorized in writing by the data subject;*

(3) *As required for administration of services within the center;*

(4) *As required by valid court order;*

(5) *As permitted by state or federal law; and*

(6) *To the commissioner of public welfare, for purposes of auditing compliance with the rules and this subdivision.*

Only necessary and relevant data may be maintained. The clinic or center may deny parental access to data on a minor outpatient when the minor requests the denial and the provider has determined that honoring this request is in the best interests of the minor. Nothing in this section shall be construed to include data collected by the approved clinic or center as data within the welfare system as provided by chapter 13, or to impose any liability on the commissioner pursuant to chapter 13.

(g) Each center or clinic that is approved and in compliance with the commissioner's existing rule on July 1, 1980 is approved for purposes of section 62A.152, subdivision 2, until rules are promulgated to implement

this section.

(h) The commissioner may require approved mental health centers and clinics to submit data on center procedures, staffing, quality assurance mechanisms, and fiscal information, for purposes of evaluation of the rules authorized by this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending Minnesota Statutes 1982, section 245.69, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 398: A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, lines 13 and 17, delete "*self-aggressive*" and insert "*self-abusive*"

Page 6, line 4, strike "shall have"

Page 6, line 5, strike "the right to" and insert "may"

Page 6, line 10, after "facility" insert a comma

Page 7, line 2, delete the semicolon and insert a comma

Page 7, line 3, after "be" insert "*accessible to the*" and delete "*as defined in*" and insert "*pursuant to*"

Page 7, line 4, delete "*, subdivision 1, and*" and insert ". It"

Page 7, line 9, delete "*from personal interviews*"

Page 7, line 10, delete "*conducted by the agency and*"

Page 7, line 17, delete "*need*" and insert "*may*" and after "*or*" insert "*, to the extent possible, the*"

Page 7, line 19, before "All" insert "*During the licensing agency's investigation,*"

Page 7, line 21, after the stricken "records" insert "*classified as investigative data pursuant to section 13.39. After the licensing agency's investigation is complete, the data on individuals collected and maintained shall*

be private data on individuals. All data collected pursuant to this section”

Page 7, line 21, reinstate “shall be”

Page 7, line 23, strike “in”

Page 8, after line 13, insert:

“Notwithstanding the provisions of section 138.163:

(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be false may be destroyed two years after the finding was made;

(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be unsubstantiated may be destroyed four years after the finding was made;

(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be substantiated may be destroyed seven years after the finding was made.”

Page 8, line 23, strike “as are”

Page 8, line 27, after “(2)” insert “or clause (b)(3)”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 742: A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district court in the second and fourth judicial districts; transferring the jurisdiction, cases, records, and employees of those courts to the district court; providing that municipal and probate and county judges learned in the law are district judges; providing the manner of determining whether a judicial vacancy exists; exempting certain judges from hearing certain matters; providing transitional retirement benefits; amending Minnesota Statutes 1982, sections 2.722, subdivision 1, and by adding a subdivision; 484.01; 484.545, subdivision 1; 484.69, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 487, 488A, and 490; repealing Minnesota Statutes 1982, section 487.191.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [COURT STRUCTURE STUDY COMMISSION.]

Subdivision 1. [CREATION.] There is created a court structure study commission to study and evaluate the structure of the state trial courts and report to the legislature on the need for any changes in court organization.

Subd. 2. [MEMBERSHIP; CHAIRMAN.] The commission shall consist of

15 members as follows: three members of the senate appointed by the subcommittee on committees; three members of the house appointed by the speaker of the house; two district court judges, two county or municipal court judges, one member of the supreme court, and two citizens appointed by the chief justice of the supreme court; and two citizens appointed by the governor. The commission shall select a chairman from its membership.

Subd. 3. [PURPOSE.] The commission shall hold appropriate hearings, call witnesses, and study the structure of the court system of the state including the following:

(a) The desirability of continuing the current county, municipal, and district courts or merging them into a unified trial court;

(b) The cost or savings for the counties and the state which will result from a merged trial court;

(c) The benefits of a merged trial court in terms of increased efficiency or shortened trial court calendars, if any;

(d) The constitutional issues involved in a merger of the county, municipal, and district courts;

(e) The appropriateness and best method for adjusting the number of judgeships in various judicial districts based on changing caseload;

(f) Statutory changes necessary and appropriate to improve the functioning of the courts and to implement any recommendations of the commission; and

(g) Any other issues related to court structure the commission deems appropriate.

Subd. 4. [REPORT.] Not later than January 15, 1984, the commission shall report to the legislature on its recommendations for any desirable changes in the structure of the courts of the state.

Subd. 5. [STAFF.] The administrator of the judicial planning committee shall provide staff for the commission. Members shall receive travel and other expenses in the same manner as state employees.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Delete the title and insert:

"A bill for an act relating to courts; establishing a court structure study commission; establishing its powers and duties; requiring a report to the legislature."

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. 949: A bill for an act relating to agriculture; appropriating money for the Minnesota Corn Growers Association; providing for repayment to

the state.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete "*sum of \$30,000 in reimbursement*" and insert "*amount required to reimburse the state*"

Page 2, delete lines 7 and 8

Amend the title as follows:

Page 1, line 3, delete "Growers Association" and insert "Research and Promotion Council"

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

H.F. No. 617: A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "*and shall adopt rules for the collection of permit fees*"

Page 1, line 21, after the period, insert "*The agency shall adopt rules establishing the amounts and methods of collection of any permit fees collected under this subdivision.*"

Pages 1 and 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete line 4

Page 1, line 9, delete "subdivision 9, and"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 893: A bill for an act relating to the lower Red River watershed management board; removing ten year limitation for tax levy by watershed districts which are members of board; amending Laws 1976, chapter 162,

sections 1, as amended, and 2.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources, shown in the Journal for April 11, 1983, be amended to read:

“the bill be amended 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. 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. 447: A bill for an act relating to veterans; reestablishing the board of governors of the Big Island Veterans Camp; providing for its appointment and duties; transferring certain state land to the board; providing for the possible disposition of the land by the board; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.13; 197.15; 197.16; 197.17; 197.18; and 197.19.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for April 4, 1983, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Veterans and General Legislation.”

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. 841: A bill for an act relating to commerce; providing for the testing of the ambient air level of formaldehyde in housing; providing approved testing methods; establishing the limits of liability for builders; amending Minnesota Statutes 1982, section 325F.18, by adding subdivisions; repealing Minnesota Statutes 1982, section 325F.18, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Energy and Housing, shown in the Journal for April 13, 1983, be adopted; that committee recommendation being

“the bill be amended and when so amended the bill do pass.” Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 429: A bill for an act relating to natural resources; extending the existence of the citizen's committee on Voyageurs National Park; authorizing the committee to accept gifts; amending Minnesota Statutes 1982, section 84B.11, subdivision 2; amending Laws 1975, chapter 235, section 2.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources, shown in the Journal for April 11, 1983, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Governmental Operations”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 510: A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the report from the Committee on Energy and Housing, shown in the Journal for April 13, 1983, be adopted; that committee recommendation being

“the bill do pass”. 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. 910: A bill for an act relating to local government; regulating township levies in Crow Wing County; repealing Laws 1941, chapter 451.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April 13, 1983, be amended to read:

“the bill do pass and be re-referred to the Committee on Taxes and Tax Laws.”

Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 1145, 1150 and 1158, reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 1145 to the Committee on Education.

S.F. No. 1150 to the Committee on Health and Human Services.

S.F. No. 1158 to the Committee on Public Utilities and State Regulated Industries.

Report adopted.

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 471: A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 20, delete "*Universty*" and insert "*University*"

Page 1, line 21, delete "*assure*" and insert "*facilitate*"

Page 2, delete lines 5 to 9 and insert:

"Subdivision 1. [EXTENDED TIME.] A student shall be entitled to complete a program according to the requirements in effect at the time the student began the program for 12 months beyond the time usually required to complete a program.

Subd. 2. [PROGRAM TERMINATED.] The provisions of this section do not apply to a program or course which is discontinued by an institution.

Subd. 3. [APPLICABILITY.] The provisions of this section apply to a student enrolled in an area vocational-technical institute, community college, state university, and the University of Minnesota."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 588: A bill for an act relating to the North Suburban Hospital District; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 8, 10, 12, 19, and 23, delete "*Minnesota Statutes,*"

Page 2, line 3, delete "*Minnesota Statutes,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 132: A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 15 to 17 and insert "*services of a chiropractor, the agency providing the service cannot restrict access to the service.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 958: A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 830: A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete everything after "(3)"

Page 1, line 22, delete everything before "a" and insert "an analysis of options to establish"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 149: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, 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 13, strike "and who" and after the first comma insert "is not eligible for medical assistance or general assistance medical care, and,"

Page 3, after line 18, insert:

"Sec. 6. [62E.532] [CLAIMS AGAINST ESTATES.]

If a person receives assistance under sections 62E.51 to 62E.55 in making payments for health services, then on his death, if he is single, or on the death of the person and his surviving spouse, if he is married, and only at a time when he has no surviving child who is under 21 or is blind or totally disabled, the total amount paid for the person under sections 62E.51 to 62E.55, without interest, shall be filed as a claim against the estate of the person in the court having jurisdiction to probate the estate. The claim shall be considered an expense of the last illness of the decedent for the purpose of section 524.3-805. Any statute of limitations that purports to limit any county agency or the commissioner of public welfare obtaining reimbursement for payments made under sections 62E.51 to 62E.55 shall not apply to any claim made under this section for reimbursement for those payments. A county may

retain 20 percent of the amounts collected from estates under this section that are directly attributable to county effort.

Sec. 7. Minnesota Statutes 1982, section 62E.55 is amended to read:

62E.55 [APPEALS.]

The final decision of the commissioner (1) denying an application for status as an eligible person *may be appealed pursuant to section 256.045*, or (2) denying all or part of the charges for a health service may be appealed by any interested party pursuant to chapter 14."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "allowing claims against estates in certain circumstances;"

Page 1, line 6, after the semicolon, delete "and"

Page 1, line 7, before the period, insert "; 62E.55; proposing new law coded in Minnesota Statutes, chapter 62E"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 737: A bill for an act relating to the administrative procedure act; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; requiring the chief hearing examiner and attorney general to send statements of reasons for disapproving rules to the revisor; increasing the six month time period for adopting a rule under certain circumstances; applying the six month adoption deadline to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.14, subdivision 1; 14.15, subdivisions 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; and 14.47, subdivisions 1 and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 8, after "interlibrary" insert "loan"

Page 4, line 26, strike "a copy" and insert "two copies"

Page 4, line 27, reinstate the stricken language and after it insert "to the"

Page 4, line 27, after "general" insert ". The attorney general shall send one copy of the rule"

Page 4, line 29, after "days" insert "after receipt of the rule"

Page 5, line 4, after "submit" insert "two copies of"

Page 5, after line 12, insert:

"Sec. 3. Minnesota Statutes 1982, section 14.12, is amended to read:

14.12 [DEADLINE TO PUBLISH NOTICE.]

The agency shall, within ~~six months~~ 180 days after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish an appropriate notice of intent to adopt a rule in accordance with sections 14.04 to 14.36. If an agency has not given this notice, it shall report to the *legislative commission to review administrative rules*, other appropriate committees of the legislature, and the governor its failure to do so, and the reasons for that failure."

Page 5, line 15, before "No" insert "*Except as otherwise provided in chapter 14.*"

Page 5, line 16, delete the new language

Page 5, line 34, after the period, insert: "*The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency.*"

Page 6, after line 9, insert:

"Sec. 5. Minnesota Statutes 1982, section 14.15, subdivision 1, is amended to read:

Subdivision 1. [TIME OF PREPARATION.] 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 write a report as provided for in section 14.50. *The hearing examiner shall allow the agency three business days after the closing of the hearing record to indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. The agency may not submit additional information during this three-day period. The written acceptance of other amendments shall be added to the hearing record.*"

Page 7, line 15, after "agency" insert a comma and delete " and to"

Page 7, line 16, after "statutes" insert ", the chief hearing examiner, and the legislative commission to review administrative rules"

Page 8, line 6, delete "the average" and insert "a reasonable"

Page 8, line 14, strike "six months" and insert "180 days"

Page 8, line 15, reinstate the stricken "notice of"

Page 8, line 16, reinstate the stricken language before "~~in~~" and after "~~in~~" insert "to"

Page 8, line 16, reinstate the stricken "the state register"

Page 8, delete line 17

Page 8, line 18, delete the new language and insert "for publication"

Page 8, line 19, strike "the rules"

Page 8, line 20, reinstate the stricken "its notice" and after "~~in~~" insert "to" and reinstate the stricken "the state register"

Page 8, lines 20 and 21, delete the new language

Page 8, line 21, strike "six months" and insert "180-days"

Page 8, line 24, after "the" insert "*legislative commission to review administrative rules, other*"

Page 8, line 25, insert a comma after "legislature" and strike the first "to"

Page 8, line 26, delete "*six-month*" and insert "*180-day*"

Page 8, delete lines 27 to 29 and insert "*time limit of this section does not include any days used for review by the chief hearing examiner, the attorney general, or the legislative commission to review administrative rules if the review is required by law.*"

Page 9, line 10, after "1." insert "*The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency.*"

Page 10, line 4, delete "*six months*" and insert "*180 days*"

Page 10, line 6, after the period, insert: "*The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.*"

Even if the 180-day period expires while the attorney general reviews the rule, if the attorney general rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period."

Page 10, line 20, after "agency" insert "*, the chief hearing examiner, the legislative commission to review administrative rules,*"

Page 10, line 32, after "agency" insert "*, the chief hearing examiner, the legislative commission to review administrative rules,*"

Page 11, line 28, after "are" insert "*conveniently*" and strike "for use or"

Page 11, line 29, strike "purchase by" and insert "to" and after "and" strike the comma

Page 12, after line 31, insert:

"Sec. 17. Minnesota Statutes 1982, section 14.47, subdivision 8, is amended to read:

Subd. 8. [SALES AND DISTRIBUTION OF COMPILATION.] Any compilation, reissue, or supplement published by the revisor shall be sold by the revisor for a reasonable fee and its proceeds deposited in the general fund. An agency shall purchase from the revisor the number of copies of the compilation or supplement needed by the agency. The revisor shall provide one copy of any compilation or supplement to ~~all Minnesota county libraries and to any public library upon its request~~ *each county library maintained pursuant to section 134.12 or 375.33 upon its request, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy will be provided to*

any public library in the county upon its request.

Sec. 18. Minesota Statutes 1982, section 14.52, is amended to read:

14.52 [COURT REPORTERS; AUDIO RECORDINGS.]

The office of administrative hearings may maintain a court reporter system and in addition to or in lieu thereof may contract with nongovernmental 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. In *all* cases arising under ~~chapter 176~~, the chief hearing examiner shall use audio magnetic recording devices to keep the record of hearings except when there are more than two primary parties in a case and the chief hearing examiner determines that the use of a court reporter is more appropriate. If the chief hearing examiner determines that the use of a court reporter is more appropriate, the cost of the court reporter shall be paid by the state. If the chief hearing examiner determines that the use of an audio magnetic recording device is more appropriate in a hearing ~~under chapter 176~~, any party to that hearing may provide a court reporter at the party's expense. Court reporters provided by a party shall be selected from the chief hearing examiner's list of non-governmental sources.

The fee charged by a court reporter to a party shall not exceed the fee which would be charged to the state pursuant to the court reporter's contract with the state.

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 sections 14.48 to 14.56 may be obtained only through the office of administrative hearings.

The departmental and classification seniority of an individual who was employed as a court reporter in state service prior to his appointment as a court reporter in the office of administrative hearings pursuant to Laws 1975, Chapter 380, Section 16, shall carry forward and be credited to his employment with the office of administrative hearings."

Page 12, delete section 15

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert: "requiring certain notices to be sent to the legislative commission to review administrative rules;"

Page 1, delete lines 5 and 6

Page 1, line 7, delete everything before "increasing" and delete "six month"

Page 1, line 8, delete "under certain" and insert "when reviews by other agencies are necessary; establishing a deadline for agency action with respect"

Page 1, delete line 9

Page 1, line 10, delete "deadline"

Page 1, line 12, after "14.08;" insert "14.12;"

Page 1, line 13, after "subdivisions" insert "1,"

Page 1, line 14, delete "and"

Page 1, line 15, delete "and" and insert a comma and after "5" insert ", and 8; and 14.52"

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. 912: A bill for an act relating to outdoor recreation; requiring licensing of cross country skiers; creating a cross country ski trail grant-in-aid program; imposing a penalty; appropriating money for recreational purposes; proposing new law coded in Minnesota Statutes, chapter 85.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [85.40] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of sections 1 to 7 the following terms have the meanings given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of natural resources.

Subd. 3. [CROSS COUNTRY SKI GRANT-IN-AID PROGRAM.] "Cross country ski grant-in-aid program" means a program administered by the department, as described in section 5.

Subd. 4. [CROSS COUNTRY SKI RACE.] "Cross country ski race" means a timed skiing event organized for the participation of a large number of skiers at one time over a course prepared specifically for a ski race.

Subd. 5. [CROSS COUNTRY SKI TRAIL.] "Cross country ski trail" means a public pathway designated and promoted for cross country skiing.

Subd. 6. [CROSS COUNTRY SKIING.] "Cross country skiing" means traveling across country over snow by human power on skis. "Cross country skiing" does not require the use of lifts, tows, or other mechanical devices.

Subd. 7. [DEPARTMENT.] "Department" means the department of natural resources.

Sec. 2. [85.41] [USER FEES.]

Subdivision 1. [ON PERSON.] While skiing on cross country ski trails, a person between the ages of 16 and 65 years shall carry on his person a valid cross country ski license. A landowner who grants an easement for a grant-

in-aid ski trail is not required to have a license when skiing on his own property.

Subd. 2. [LICENSE AGENTS.] County auditors are appointed agents of the commissioner for the sale of annual cross country ski licenses and daily permits. A county auditor may appoint subagents within the county or within adjacent counties to sell licenses and permits. Upon appointment the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent at any time. Upon demand of the commissioner, the auditor shall revoke a subagent's appointment. The auditor shall furnish license and permit blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the blanks to be consigned to that subagent. The county auditor shall be responsible for all blanks issued to, and user fees received by agents, except in St. Louis county or in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed upon the county auditor are imposed upon the county. The commissioner may promulgate additional regulations pursuant to section 98.50, subdivision 2.

Any resident desiring to sell annual cross country ski licenses and daily permits may either purchase for cash or obtain on consignment license and permit blanks from a county auditor in groups of not less than ten individual blanks. In selling licenses, the resident shall be deemed a subagent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting and handling of licenses pursuant to section 98.50, subdivision 10.

The county auditor shall promptly deposit all monies received from the sale of licenses and permits with the county treasurer, and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price to each annual licensee, exclusive of the issuing fee, for each annual license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as a commission four percent of all annual license fees, excluding the issuing fee for licenses consigned to subagents.

Unsold blanks in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Subd. 3. [EXEMPTIONS.] Participants in cross country ski races and official school activities are exempt from the license requirement in subdivision 1 if a special use permit has been obtained by the organizers of the event in advance from the agency with jurisdiction over the cross country ski trail. Permits shall require that permit holders return the trail and any associated facility to its original condition if any damage is done by the permittee. Limited permits for special events may be issued and shall require the removal of any trail markers, banners, and other material used in connection with the special event.

Subd. 4. [FORM.] The department shall provide forms and blanks to all agents authorized to issue licenses and daily permits by the commissioner.

The license and daily permit shall attach to the skier's clothing to visibly identify the holder as a licensed skier, and be easily transferable from garment to garment by means of a device prescribed by the commissioner in consultation with the advisory task force. The license and permit shall include the applicant's name and other information deemed necessary by the commissioner.

Subd. 5. [AGENT'S FEE.] The fee for an annual cross country ski license and a daily permit shall be increased by the amount of an issuing fee of 50 cents per license. The issuing fee may be retained by the county auditor or his agent or subagent who sells the license or permit. A license or permit shall indicate the amount of the fee that is retained by the agent. This subdivision does not apply to any license or permit sold by the state, or at a park.

Sec. 3. [85.42] [USER FEE.]

The fee for an annual cross country ski license is \$5. This fee shall be collected at the time the license is purchased. Annual licenses are valid from October 1 through September 30 of the following year. Licenses are not transferable.

The cost for a daily cross country skier permit is \$1. This fee shall be collected at the time the permit is purchased. The daily permit is valid only for the date designated on the permit form.

Sec. 4. [85.43] [DISPOSITION OF RECEIPTS; PURPOSE.]

Fees from cross country ski licenses and permits shall be deposited in the state treasury and may be expended only as appropriated by law for:

(a) grants-in-aid for cross country ski trails sponsored by local units of government and special park districts as provided in section 5; and

(b) maintenance, winter grooming, and associated administrative costs for cross country ski trails under the jurisdiction of the commissioner.

Sec. 5. [85.44] [CROSS COUNTRY SKI TRAIL GRANT-IN-AID PROGRAM.]

The commissioner shall establish a grant-in-aid program for local units of government and special park districts for the acquisition, development, and maintenance of cross country ski trails. Grants shall be available for acquisition of trail easements but may not be used to acquire any lands in fee title. The department shall reimburse all public sponsors of grants-in-aid cross country ski trails based upon criteria established by the department. Prior to the use of any reimbursement criteria, a certain proportion of the revenues shall be allocated on the basis of user fee sales location.

Sec. 6. [85.45] [PENALTY.]

No person may ski on a public cross country ski trail, including a grant-in-aid cross country ski trail, without a valid annual cross country ski license or daily permit. Effective July 1, 1984, any person who violates the provision of this section is guilty of a petty misdemeanor. Any person who violates the provisions of this section before July 1, 1984, shall be issued a warning statement.

Sec. 7. [APPROPRIATION.]

There is appropriated to the department of natural resources from the general fund \$_____ for the period ending June 30, 1985, to carry out the purposes of sections 1 to 6. Of this amount, \$_____ shall be spent to publicize and promote the use of cross country skier licensing.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are 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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 516 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.
		516	538		

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. 1079 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.
		1079	969		

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. 798 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.
798	803				

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. 849 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.
849	929				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 849 be amended as follows:

Page 1, line 11, delete "equal to" and insert "not less than"

Page 1, line 11, delete "thereof"

Page 1, after line 15, insert

"The property shall be appraised in the manner provided in Minnesota Statutes, section 94.10."

And when so amended H.F. No. 849 will be identical to S.F. No. 929, and further recommends that H.F. No. 849 be given its second reading and substituted for S.F. No. 929, 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. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 183: A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring manufacturers of toxic substances to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a toxic substance under certain conditions; requiring employers using toxic substances to provide employees with certain training and information; creating a presumption that toxic substances must be labeled under certain circumstances; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing penalties; providing protection for trade secrets; amending Minnesota Statutes 1982, sections 182.651, by adding a subdivision; 182.653, by adding a subdivision; 182.654, subdivision 7, and by adding a subdivision; 182.655, subdivisions 4, 10, 11, and by adding subdivisions; 182.658; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182.

Reports the same back with the recommendation that the bill be amended

as follows:

Delete everything after the enacting clause and insert:

“Section 1. [SHORT TITLE.]

This act shall be known as the “Employee Right to Know Act of 1983.”

Sec. 2. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 14. “Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:

(a) is regulated by the federal Occupational Safety and Health Administration under title 29 of the Code of Federal Regulations part 1910, subpart Z; or

(b) is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric or pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

(c) is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination. In determining whether a chemical or substance is hazardous under this clause or clause (b), the commissioner shall, if appropriate, apply the criteria contained in the American National Standard Institute’s American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1976, or any later revision of that standard. In addition the commissioner may consider the information contained in appendices which do not appear in the standard and any other available scientific evidence which substantially indicates a chemical or substance or mixture of chemicals and substances is hazardous.

Hazardous substance does not include a substance being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care clinic.

Sec. 3. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 15. “Harmful physical agent” means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee, which may cause substantial acute or chronic personal injury or illness as a direct result of any accidental or incidental exposure, whether usual and customary or reasonably foresee-

able as a consequence of the use or handling of, or other exposure to, the physical agent. This definition includes but is not limited to radiation, whether ionizing or non-ionizing.

Harmful physical agent does not include an agent being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care clinic. The exemption in this clause does not include a physical agent handled in a laboratory that primarily provides a quality control analysis for a manufacturing process.

Sec. 4. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 16. "Technically qualified individual" means a person who, because of education, training, or experience, understands the health risks associated with the hazardous substance or harmful physical agent or mixture handled by the person or under his or her supervision.

Sec. 5. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 17. For the purposes of chapter 182, the determination of what is a hazardous substance or harmful physical agent is part of the occupational safety and health standard concerning that substance or agent adopted under section 182.655, subject only to the rulemaking procedure which the whole standard is subject to under section 182.655.

Sec. 6. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 18. The following substances or mixtures are not hazardous substances if they are:

(a) products intended for personal consumption by employees in the workplace;

(b) consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product;

(c) any article, including but not limited to, an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by an employee;

(d) any hazardous substance that is bound and not released under normal conditions of work or in a reasonably foreseeable occurrence resulting from workplace operations;

(e) products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas; or

(f) any waste material regulated pursuant to the federal Resource Conser-

vation and Recovery Act, P.L. 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

The commissioner may, by inclusion in the standards adopted pursuant to section 182.655, determine whether any of the following may be excluded from the definitions of hazardous substance or harmful physical agent:

(a) products labeled pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, as amended, and the Federal Food, Drug, and Cosmetic Act, as amended;

(b) waste products labeled pursuant to the Resource Conservation and Recovery Act;

(c) any substance received by an employee in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace;

(d) any substance, mixture, or product if present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure; or

(e) products labeled pursuant to 6MCAR sections 4.9214 and 4.9216.

Sec. 7. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 19. "Manufacturer" means anyone who produces, synthesizes, extracts, or otherwise makes, processes, blends, packages or repackages a hazardous substance or harmful physical agent. The term manufacturer also includes anyone who imports into this state or distributes within this state a hazardous substance or harmful physical agent. Manufacturer does not include anyone whose primary business concerning the hazardous substance or harmful physical agent is in retail sales to the public.

Sec. 8. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4a. An employer who is a manufacturer of a hazardous substance or a harmful physical agent or a mixture of substances or agents shall provide an employer who purchases the substance or agent with the information necessary for the purchasing employer to comply with section 9. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, agent or mixture.

For a mixture of hazardous substances, the manufacturer may provide the information required by this section on the entire product mixture, instead of on each hazardous substance in it, if all of the following conditions are met: hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous proportions of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture; information on the mixture will be as effective in protecting employee health as information on the ingredients; and the hazardous substances in the mixture are identified together, with the information on the mixture.

Sec. 9. Minnesota Statutes 1982, section 182.653, is amended by adding

a subdivision to read:

Subd. 4b. Prior to an employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent, the employer shall provide training concerning the hazardous substance or harmful physical agent. The employer shall provide additional instruction whenever the employee may be routinely exposed to any additional hazardous substance or harmful physical agent. For each hazardous substance or harmful physical agent to which the employee may be routinely exposed, the employer's training program shall include:

(a) the name or names of the substance or physical agent including any generic or chemical name, trade name, and commonly used name;

(b) the level, if any and if known, at which exposure to the substance or physical agent has been determined to be hazardous according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the acute and chronic effects of exposure at hazardous levels;

(d) the symptoms of the effects;

(e) any potential for flammability, explosion, or reactivity of the substance or physical agent;

(f) appropriate emergency treatment;

(g) proper conditions for safe use of and exposure to the substance or physical agent;

(h) procedures for cleanup of leaks and spills;

(i) the name, phone number and address of the manufacturer of the hazardous substance or harmful physical agent; and

(j) a written copy of all of the above information.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 13.

Sec. 10. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4c. For each harmful physical agent to which an employee may be exposed, the employer's training program shall include the information required by the standard for that physical agent as determined by the commissioner.

Sec. 11. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4d. Each employer who is in the business of providing a service of collection, processing, or disposal of waste regulated pursuant to the federal Resource Conservation and Recovery Act, P.L. 94-580, shall provide employees who are routinely exposed to this waste a general safety training

program approved by the commissioner. This training program shall be appropriate for the seriousness of the safety hazards commonly encountered by the employees and shall include: training concerning the general safety hazards involved in the collection, processing, or disposal of the waste; proper safety procedures to avoid the deleterious effects of these hazards; and common symptoms of the deleterious effects. Training shall be provided to employees within sixty days of the commissioner's approval of the training program, or, if the employee is employed after this sixty-day period, prior to the employees' initial assignment where they will be routinely exposed to waste. The employer's safety training program shall be submitted to the commissioner for approval within two months of the effective date of this act.

Sec. 12. Minnesota Statutes 1982, section 182.654, subdivision 7, is amended to read:

Subd. 7. ~~Any~~ An employee who has been exposed or is being exposed to ~~toxic materials hazardous substances~~ or harmful physical agents in concentrations or at levels in excess of that provided for by ~~any~~ an applicable standard shall be provided by ~~his~~ the employer with the opportunities provided in section 182.655, subdivision ~~40~~ 10a.

Sec. 13. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 10. An employee and an association, union, or the designated representative of the employee has the right to request and receive from the employer, within a reasonable period of time, access to information the employer is required to provide the employee under section 9.

Sec. 14. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 11. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes constitute a violation of chapter 182 because they present an imminent danger of death or serious physical harm to the employee.

A reasonable belief of imminent danger of death or serious physical harm includes but is not limited to a reasonable belief of the employee that the employee has been assigned to work with a hazardous substance or harmful physical agent under conditions which are inconsistent with the training or information provided by the employer pursuant to section 9, clauses (g) or (h), or section 13.

An employer may not discriminate against an employee for a good faith refusal to perform assigned tasks if the employee has requested or attempted to request that the employer correct the hazardous conditions but the conditions remain uncorrected.

An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if (1) the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and (2) the commissioner determines that the employee, by performing the assigned tasks, would have been placed in imminent danger of death or serious physi-

cal harm; or (3) the employee requests the commissioner to inspect and determine if a hazardous condition exists; and (4) the employer has failed to provide the training required under section 9 prior to the employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent and the employer has failed to provide the information required under section 9 after a request pursuant to section 13 within a reasonable period of time, but not to exceed 24 hours, of the request.

Sec. 15. Minnesota Statutes 1982, section 182.655, subdivision 4, is amended to read:

Subd. 4. The commissioner, in ~~promulgating~~ *adopting* standards dealing with ~~toxic materials~~ *hazardous substances* or harmful physical agents under this section, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if ~~such~~ *the* employee has regular exposure to the hazard dealt with by ~~such~~ *the* standard for the period of ~~his~~ *the employee's* working life. Development of standards under this subdivision shall be based upon research, demonstrations, experiments, and ~~such~~ other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard ~~promulgated~~ *adopted* shall be expressed in the terms of objective criteria and of the performance desired.

Sec. 16. Minnesota Statutes 1982, section 182.655, subdivision 10, is amended to read:

Subd. 10. Any standard ~~promulgated~~ *adopted* under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. ~~Where appropriate, such standards shall also prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by or at the cost of the employer. Such standards shall provide for monitoring or measuring employee exposure at such locations and intervals and in such manner as may be necessary and appropriate for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. The results of such examinations or tests shall be furnished only to the commissioner and, at the request of the employee, to his physician. In the case of hazardous substances or harmful physical agents, it shall be presumed by the commissioner that the labeling of containers containing hazardous substances or harmful physical agents or posting notices in areas where hazardous substances or harmful physical agents are present is necessary to properly apprise employees. This presumption can be rebutted only by a finding by the commissioner that labeling or posting~~

required under other federal or state law is adequate to fulfill the purposes of this subdivision.

Sec. 17. Minnesota Statutes 1982, section 182.655, is amended by adding a subdivision to read:

Subd. 10a. Where appropriate, standards shall prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by or at the cost of the employer. The standards shall also provide for monitoring or measuring employee exposure at the locations and intervals and in the manner as may be necessary and appropriate for the protection of employees. Where appropriate, a standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at the employer's cost, to employees exposed to hazards in order to most effectively determine whether the health of those employees is adversely affected by the exposure. The results of these examinations or tests shall be furnished only to the commissioner, the employee's physician, at the request of the employee, and the employer on request of the employer to the commissioner and with notice to the employee.

Sec. 18. Minnesota Statutes 1982, section 182.655, subdivision 11, is amended to read:

Subd. 11. The commissioner shall ~~provide for~~ *adopt* an emergency temporary standard to take immediate effect upon publication if ~~he the commissioner~~ determines:

(a) That employees are exposed to grave or imminent danger from exposure to ~~hazardous~~ *substances or harmful physical agents determined to be toxic or physically harmful or from new or other hazards*; and

(b) That ~~such the~~ *emergency standard is necessary to protect employees from such the danger. Such The* standard shall be effective until superseded by a standard ~~promulgated~~ *adopted* in accordance with the procedures prescribed in subdivision 2.

Upon publication of ~~such the~~ *standard or standards*, which interested persons may receive upon request and payment of fees, the commissioner shall commence a proceeding in accordance with subdivision 2 and the standard as published shall also serve as a proposed rule for the proceeding; the commissioner shall ~~promulgate~~ *adopt* a standard under this section no later than six months after the publication of the emergency standard.

Sec. 19. [182.6575] [WAIVER PROHIBITED.]

No employer may request or require any employee to waive any rights under section 182.654 or occupational safety and health standards adopted pursuant to this chapter.

Sec. 20. Minnesota Statutes 1982, section 182.658, is amended to read:

182.658 [POSTING REQUIREMENTS.]

The commissioner shall issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under ~~Laws 1973, Chapter 732~~ *chapter 182* including the provisions of applicable standards.

Sec. 21. Minnesota Statutes 1982, section 182.66, subdivision 1, is amended to read:

Subdivision 1. ~~If, upon~~ *After an inspection or investigation, if the commissioner believes that an employer has violated a requirement of section 182.653, subdivisions 2 to 4, or any standard, rule, regulation or order prescribed adopted pursuant to Laws 1973, Chapter 732, he this chapter, the commissioner shall, with reasonable promptness and in no event later than six months following the inspection, issue a written citation to the employer by certified mail a written citation. The citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the act, standard, rule, regulation or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation.*

Sec. 22. Minnesota Statutes 1982, section 182.663, subdivision 3, is amended to read:

Subd. 3. The commissioner shall ~~issue regulations adopt rules~~ requiring employers to maintain accurate records of employee exposures to ~~potentially toxic materials hazardous substances~~ or harmful physical agents which are required to be monitored under ~~Laws 1973, Chapter 732 this chapter. Such regulations~~ *The rules shall provide employees or their representatives with an opportunity to have access to the records thereof. Such regulations The rules shall provide employees or their representatives with an opportunity to observe such the monitoring or measuring and to have access to the records thereto and reports of the monitoring and measuring.* In order to carry out the provisions of this section, ~~such regulations the rules~~ may include provisions requiring employers to conduct periodic inspections. ~~Each~~ *An employer shall promptly notify any an employee who has been or is being exposed to toxic materials hazardous substances or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated adopted under Laws 1973, Chapter 732 chapter 182, and shall inform any employee who is being thus exposed of the corrective action being taken.*

Sec. 23. Minnesota Statutes 1982, section 182.666, is amended by adding a subdivision to read:

Subd. 5a. Any employer who knowingly violates section 11 shall be assessed a fine of up to \$1,000 for each violation. The employer shall also be liable to each aggrieved employee for civil punitive damages of \$200.

Sec. 24. Minnesota Statutes 1982, section 182.668, is amended to read:

182.668 [TRADE SECRETS.]

Subdivision 1. [EMPLOYER CLAIM AS TRADE SECRET.] (a) If an employer or manufacturer receives a request for information that is a trade secret, the employer or manufacturer shall inform the requester that all or part of the requested information is a trade secret but shall provide any part of the requested information that is not a trade secret.

The claim of an employer or manufacturer that information is a trade secret is presumed to be valid. If the claim is challenged by the commissioner on his or her own initiative, or upon receipt of a request by an employer who is a

purchaser of the hazardous substance which is the subject of the trade secret designation, the commissioner shall notify the manufacturer or employer of the challenge by certified mail.

(b) The employer or manufacturer of the hazardous substance shall have 15 days, which time period can be extended by the commissioner for just cause, after receipt of notification to provide the commissioner with a complete justification and statement of the grounds on which the trade secret is being claimed. A claim by the employer or manufacturer that the justification and statement containing the trade secret information is a trade secret shall likewise be presumed to be valid. This justification and statement shall be submitted by certified mail.

(c) The commissioner shall determine whether the requested information is protected as a trade secret within 15 days, after receipt of the justification and statement, or if no justification and statement is filed, within 30 days, exclusive of weekends and legal holidays, of the original notice, and shall notify the employer or manufacturer and any party who has requested the data of that determination by certified mail. If the commissioner determines that the requested information is not protected as a trade secret, the final notice shall also specify a date, not sooner than 15 days, after the date of mailing of the final notice, when the information shall be available upon request.

(d) Prior to the date specified on the final notice, an employer or manufacturer of the hazardous substance may institute an action in an appropriate court for a declaratory judgment as to whether the requested information is subject to protection under this act.

Subd. 2. [TRADE SECRET DISCLOSURE.] All information reported to or otherwise obtained by the commissioner or his representative in connection with any inspection or proceeding under ~~Laws 1973~~, chapter ~~732~~ 182 which contains or which might reveal a trade secret shall be considered confidential except that ~~such~~ the information may be disclosed to other officers or employees concerned with carrying out ~~Laws 1973~~, this chapter ~~732~~ or when relevant in any proceeding under ~~Laws 1973~~, this chapter ~~732~~.

Subd. 3. [PROTECTIVE ORDERS.] The commissioner shall issue ~~such~~ orders as may be appropriate to protect the confidentiality of trade secrets by allowing, upon the request of an employer or manufacturer, any authorized representative of employees in inspections of trade secrets areas or discussions involving trade secrets to be replaced by an employee authorized by the employer; by permitting the employer to screen out trade secret details where photographs are deemed essential to the investigation; and by allowing the employer to restrict samples to be taken where trade secrets might be exposed.

Subd. 4. [PENALTY.] Information provided to an employer, employee, or designated representative pursuant to section 9 which has been determined to be a trade secret pursuant to subdivision 1, shall not be disclosed to anyone except (1) to the employee's authorized physician for medical treatment, or as required (2) for compliance with the federal Resource Conservation and Recovery Act, Public Law 94-580, or (3) in the course of an investigation or proceeding under this chapter. An employer, employee, or designated representative who discloses information in violation of this subdivision and

any person receiving such information, whether directly or indirectly, is guilty of a gross misdemeanor, and shall be liable for damages to the employer or manufacturer, including consequential damages.

Sec. 25. [182.675] [RELATIONSHIP TO COLLECTIVE BARGAINING.]

Although not required, an employee or employer may seek to resolve any dispute arising under this chapter through resolution procedures provided by any applicable labor agreement or, if there is no applicable provision of a labor agreement, through a dispute resolution procedure to be developed by the commissioner. The employee is not deemed to have waived or lost any substantive or procedural rights under this chapter due to resort to the resolution methods and may, absent a provision in a labor agreement to the contrary, pursue all legal remedies under this chapter without any prejudice due to the results of these resolution methods. The commissioner may adopt temporary rules to develop a dispute resolution procedure. Nothing in this chapter is deemed to prevent the creation of additional rights or remedies for employees pursuant to a labor agreement or personnel rule.

Sec. 26. [INSTRUCTION TO REVISOR.]

Whenever the phrase "Laws 1973, Chapter 732" or a like phrase appears in Minnesota Statutes, chapter 182, the revisor of statutes shall substitute the phrase "this chapter" or "chapter 182."

Sec. 27. [EFFECTIVE DATE.]

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 are effective January 1, 1984. Section 14 is effective July 1, 1984. Section 26 is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to labor; providing for occupational safety and health; defining "hazardous substance" and "harmful physical agent"; requiring manufacturers of hazardous substances or harmful physical agents to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a hazardous substance or harmful physical agent under certain conditions; requiring employers using hazardous substances and harmful physical agents to provide employees with certain training and information; creating a presumption that hazardous substances and harmful physical agents must be labeled under certain circumstances; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing protection for trade secrets; providing penalties; amending Minnesota Statutes 1982, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.654, subdivision 7, and by adding subdivisions; 182.655, subdivisions 4, 10, 11, and by adding a subdivision; 182.658; 182.66, subdivision 1; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 79: A bill for an act relating to horse racing; defining certain terms; establishing a racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate race-tracks, conduct horse racing, and engage in certain occupations; prescribing license fees; authorizing the assigning of racing days; establishing a division of pari-mutuel betting in the department of public safety and providing for the powers and duties of the commissioner; authorizing pari-mutuel betting on horse racing and prescribing taxes thereon; providing for the regulation of horse racing and establishing fines; establishing a breeders fund; prohibiting certain acts relating to horse racing and establishing penalties; providing for the recommendation of legislation establishing treatment programs for compulsive gamblers; amending miscellaneous statutes to include pari-mutuel related provisions; providing a withholding tax on certain pari-mutuel winnings and on occupation license holders; clarifying what is not a lottery; defining sports bookmaking and making it a felony; providing for the forfeiture of certain gambling devices, prizes, and proceeds; appropriating money; amending Minnesota Statutes 1982, sections 10A.09, subdivisions 1 and 5; 38.04; 290.09, subdivisions 5 and 29; 290.17, subdivision 2; 290.92, by adding subdivisions; 609.75, subdivisions 1 and 3, and by adding a subdivision; 609.76; 609.761; proposing new law coded as Minnesota Statutes, chapter 299J; proposing new law coded in Minnesota Statutes, chapter 609.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 6, delete "nine" and insert "seven"

Page 3, line 8, delete "five" and insert "four"

Page 3, line 9, delete everything after the period

Page 3, line 10, delete "congressional district."

Page 3, line 12, delete the second "three" and insert "two"

Page 3, line 13, delete "three" and insert "two" and delete "a term" and insert "terms"

Page 3, line 33, delete "or at a licensed racetrack" and insert "under this act"

Page 3, line 35, delete "an" and insert "a financial"

Page 4, line 3, delete "his" and insert "the"

Page 4, line 3, delete "as a" and insert "of the"

Page 4, line 3, delete "member"

Page 4, line 5, delete everything after "is" and insert "as provided under section 15.0575, subdivision 3."

Page 4, delete lines 6 and 7

Page 4, line 10, before the period, insert ", subdivision 4"

Page 4, line 16, after "commission" insert "or any of its members"

- Page 4, line 34, delete “*once*” and insert “*on January 1 of*”
- Page 4, line 35, after “*year*” insert “*submit a*”
- Page 5, line 5, delete “*chief*”
- Page 5, line 7, delete “*He shall*”
- Page 5, line 8, delete “*devote full time to*” and delete “*, which*”
- Page 5, line 15, after the semicolon insert “*and*”
- Page 5, delete lines 16 to 18
- Page 5, line 19, delete “*(d)*” and insert “*(c)*”
- Page 5, line 26, delete “*salaries*” and insert “*total compensation*” and after “*of*” insert “*the executive secretary and*” and delete “*commission*”
- Page 5, line 27, after “*employees*” insert “*assigned to the commission under subdivision 2*” and delete “*chapter 43A*” and insert “*section 43A.18*”
- Page 5, line 36, delete “*or at a licensed racetrack*” and insert “*under this act*”
- Page 6, line 2, delete “*an*” and insert “*a financial*”
- Page 6, line 6, delete “*his*” and insert “*the*”
- Page 6, line 6, delete “*as an employee*” and delete “*or assigned to*”
- Page 6, line 13, before the period, insert “*and consistent with applicable collective bargaining agreements*”
- Page 6, line 26, after “*rules*” insert “*under the provisions of chapter 14, the administrative procedure act,*”
- Page 7, line 8, delete “*above*” and after “*activities*” insert “*set forth under paragraph (a)*”
- Page 7, line 25, delete “*actively*” and insert “*actually*”
- Page 7, line 36, delete “*6*” and insert “*7*”
- Page 8, line 12, delete “*stockholders*” and insert “*shareholders*”
- Page 8, line 21, delete “*a sworn statement*” and insert “*an affidavit*”
- Page 9, line 18, delete “*an initial*” and insert “*a*”
- Page 9, line 22, after “*council*” insert “*or town board*” and after “*city*” insert “*or town*”
- Page 9, line 24, delete “*municipality*” and insert “*city or town*”
- Page 9, line 26, delete “*an initial*” and insert “*a*”
- Page 9, line 29, after the second “*and*” insert “*the applicant’s*”
- Page 9, line 31, delete “*preliminary and*” and delete “*investigations*” and insert “*investigation*”
- Page 10, line 22, delete “*a*” and insert “*each cumulative*”
- Page 10, line 23, delete “*stock*” and insert “*shares*” and delete “*initial*”

and after "*application*" insert "*is filed*"

Page 10, line 24, before "*license*" insert "*the*" and delete "*issuance*" and insert "*is issued*"

Page 11, line 4, delete "*be*"

Page 11, line 5, delete "*certified*" and insert "*provide the affidavit required*"

Page 11, line 7, delete "*, or a refusal to renew a class A license,*"

Page 11, lines 11, 16, 21, and 26, delete "*initial*"

Page 12, line 9, delete "*stockholders*" and insert "*shareholders*"

Page 12, line 18, delete "*a sworn statement*" and insert "*an affidavit*"

Page 13, line 23, delete "*a*" and insert "*each cumulative*"

Page 13, line 24, delete "*stock*" and insert "*shares*" and delete "*initial*" and after "*application*" insert "*is filed*"

Page 13, line 25, before "*license*" insert "*the*" and delete "*issuance*" and insert "*is issued*"

Page 13, line 28, delete "*Suspension,*"

Page 13, line 29, delete "*revocation, and refusal*" and insert "*The commission may suspend, revoke, or refuse*"

Page 13, line 29, delete "*is*" and insert "*on the same grounds*"

Page 13, line 30, after the period, insert "*A license suspension or revocation, or a refusal to renew a class B license, is a contested case under sections 14.57 to 14.70 of the administrative procedure act and is in addition to criminal penalties imposed for a violation of law or rule.*"

Page 15, line 19, delete "*provide for examining*" and insert "*define the scope of any investigation of*"

Page 15, line 20, delete "*the*" and insert "*a class C*" and delete "*for which he is applying*"

Page 15, line 24, delete "*AND RENEWAL*"

Page 15, line 25, delete "*has sufficient qualifications*" and insert "*is qualified*"

Page 15, line 29, delete everything after the period

Page 15, line 30, delete everything before "*Class*"

Page 15, after line 31, insert:

"*Subd. 5. [RENEWAL.] The commission may renew a class C license if it determines that the licensee continues to meet the requirements of subdivision 4.*"

Page 15, line 32, delete "*5*" and insert "*6*"

Page 16, line 2, delete "*The commission*"

Page 16, delete lines 3 to 5

Page 16, line 10, delete "6" and insert "7"

Page 16, line 27, before "OCCUPATIONAL" insert "EXEMPTION FROM"

Page 16, delete lines 28 to 31

Page 16, line 32, delete "except for active members" and insert "is an active member",

Page 16, line 32, after "as" insert "that term is"

Page 16, line 32, after "349.12" insert a comma

Page 16, line 32, after "of" insert "a"

Page 16, line 33, delete "organizations" and insert "organization" and delete "act" and insert "acts" and after "as" insert "a"

Page 16, line 34, delete "workers" and insert "worker" and delete "clerks" and insert "clerk" and before the period, insert "is not required to obtain a class C occupational license"

Page 17, line 15, delete "Revocation and"

Page 17, line 16, delete "suspension of class D licenses, and refusals" and insert "The commission may suspend, revoke, or refuse" and after "renew" insert "a"

Page 17, line 17, delete "licenses, are" and insert "license on the same grounds" and after the period, insert "A license suspension or revocation, or a refusal to renew a class D license, is a contested case under sections 14.57 to 14.70 of the administrative procedure act and is in addition to criminal penalties imposed for a violation of law or rule."

Page 17, line 20, delete "racetrack" and insert "class B or D"

Page 17, line 23, delete "The commission may"

Page 17, delete line 24

Page 17, line 25, delete "which the assignment is made. Assignments" and insert "The commission shall make the initial assignment"

Page 17, line 25, delete "in" and insert "for"

Page 17, line 26, delete "must be made" and delete "that" and insert "the preceding" and delete the comma

Page 17, line 27, delete everything after "(b)"

Page 17, delete line 28 except the period and after the period insert "The commission may also assign racing days for up to three years beyond that year."

Page 17, line 31, before the period, insert "and may assign dates after the July 1 date provided under paragraph (a) to a licensee whose license is issued after that date"

Page 17, line 33, delete "subdivision" and insert "paragraph"

Page 18, line 1, delete "revises" and insert "revise" and delete "or"

Page 18, line 2, delete "assigns" and insert "assign"

Page 18, line 3, delete the period and insert “; or

(4) rescind a racing day or days as provided under subdivision 4.”

Page 18, line 36, delete “regulate” and insert “promulgate rules under the provisions of chapter 14, the administrative procedure act, except rules relating to licensing and assigning of racing days, regulating”

Page 19, line 10, after “under” insert “article 3 of”

Page 19, line 16, delete everything after the period

Page 19, line 17, delete “to” and delete “, which”

Page 19, line 30, delete “He”

Page 19, delete line 31 except “his”

Page 19, line 32, delete “, which”

Page 20, line 3, delete “on a seasonal or part-time basis”

Page 20, line 8, delete everything after the period

Page 20, delete line 9

Page 20, line 11, after “under” insert “article 3 of”

Page 20, line 27, delete everything after the period

Page 20, line 28, delete everything before “his” and after “duties” delete the comma

Page 20, line 29, delete “which”

Page 20, line 31, after “under” insert “article 3 of”

Page 20, line 34, delete “its” and insert “his”

Page 21, line 8, delete “They” and insert “These employees”

Page 21, line 9, before the period insert “consistent with chapter 43A”

Page 21, line 10, delete “salaries” and insert “total compensation”

Page 21, line 11, delete “chapter 43A” and insert “section 43A.18” and after the period, insert “The total compensation of any stewards who are not employees of the division must be commensurate with the compensation of stewards who are division employees.”

Page 21, line 22, delete “or at a licensed racetrack” and insert “under this act”

Page 21, line 24, delete “an” and insert “a financial”

Page 21, line 34, before the period, insert “and consistent with applicable collective bargaining agreements”

Page 22, line 4, before the period, insert “and they shall serve in the unclassified service”

Page 22, line 13, delete “, for violation of law or rules”

Page 22, line 14, delete “promulgated under this act,” and delete “not exceeding \$500;” and insert “as provided under article 3, section 15; and”

Page 22, delete lines 15 to 17

Page 22, line 18, delete "(g)" and insert "(e)"

Page 22, delete lines 31 to 34

Page 22, line 35, delete "5" and insert "4"

Page 24, line 10, delete "except as otherwise"

Page 24, line 11, delete "provided in" and insert "including the provisions of" and delete "in" and insert "any"

Page 24, line 20, delete ", except that:" and insert a period

Page 24, delete lines 21 to 25

Page 24, line 27, after the period insert "From the takeout, the licensee may pay:

(1) a fee to the person or entity conducting the race for the privilege of conducting pari-mutuel betting on the race; and

(2) the costs of transmitting the broadcast of the race."

Page 24, line 32, after "be" insert "remitted and"

Page 25, line 16, delete everything after "(b)"

Page 25, line 17, delete "designate and pay to the commissioner" and insert "There is imposed"

Page 25, line 20, delete "on"

Page 25, line 21, delete everything except "one-half"

Page 25, line 23, delete "(b)" and insert "(a)" and delete "on"

Page 25, line 24, delete everything before "one"

Page 25, after line 25, insert:

"(c) There is imposed a tax equal to one-half of the total breakage for each racing day during the period for which the taxes under paragraphs (a) and (b) are paid, as provided under subdivision 2."

Page 25, line 26, before "The" insert "(d)" and delete "this paragraph" and insert "paragraphs (a), (b), and (c)"

Page 25, line 29, delete "(c)" and insert "(e)" and delete "The commission shall impose" and insert "There is imposed"

Page 25, line 31, delete "tax" and insert "taxes under subdivision 1"

Page 25, line 33, delete everything after the period

Page 25, delete lines 34 to 35

Page 25, line 36, delete "which the tax is paid."

Page 26, lines 6 and 11, delete "tax" and insert "taxes"

Page 26, line 7, delete "is" and insert "are"

Page 26, delete lines 26 to 33 and insert "forward all money received under subdivision 1, paragraph (b), to the state treasurer for deposit in the

Minnesota breeders fund established under article 4. The commissioner shall forward all other money received under this section to the state treasurer for deposit in the general fund."

Page 26, line 35, delete everything before "all"

Page 27, line 1, delete "be" and insert "are"

Page 27, line 7, after "testing" insert ", including pre-race examinations as provided under subdivision 3,"

Page 27, line 9, delete everything after "medication"

Page 27, delete line 10

Page 27, line 11, delete everything before "may"

Page 27, line 13, delete "for" and insert "of"

Page 27, line 14, before "used" insert "to be"

Page 27, line 14, delete everything after "used"

Page 27, line 15, delete everything before the period and insert "for medical testing and define the term "medication". The term "medication" must include anti-inflammatory analgesics and synthetic corticosteroids"

Page 27, after line 21, insert:

"Subd. 3. [PRE-RACE EXAMINATIONS.] The medical officer appointed under article 3, section 3, subdivision 4, or personnel under his supervision, must conduct a pre-race examination on all horses entered at each race. The examination must include removing the horse from the stall and having him trotted on a level, hard surface by an attendant, both away from and towards the examiner, and also trotted in a circular path of both clockwise and counter-clockwise directions. Any horse which displays the typical movements of a sore or lame horse may, at the discretion of the examiner, be disallowed from running at the race entered."

Page 27, line 26, delete "horses which are Minnesota-bred or Minnesota-owned" and insert "'Minnesota-bred horses' or 'Minnesota-owned horses',"

Page 28, line 11, after "hearing" insert a comma

Page 29, line 8, delete "agents" and insert "representatives"

Page 29, line 31, delete "shall" and insert "must"

Page 31, line 22, delete "Minnesota-bred or Minnesota-owned horses" and insert "'Minnesota-bred horses' and 'Minnesota-owned horses'"

Page 32, line 22, delete "applicance" and insert "appliance"

Page 32, line 29, delete "uses" and insert "use"

Page 32, delete lines 32 to 35

Page 32, line 36, delete "6" and insert "5"

Page 33, line 5, delete "7" and insert "6"

Page 33, line 6, delete the comma

Page 33, after line 7 insert:

“Subd. 7. [REPORTING OF INFORMATION.] A person licensed by the commission who has information regarding a violation of the provisions of subdivisions 1 to 6 shall report that information promptly to the commissioner.”

Page 33, line 9, delete “7” and insert “6” and delete “6” and insert “7”

Page 33, line 18, delete the second “or”

Page 33, line 19, delete “approved by the commissioner”

Page 33, line 22, delete “such” and delete “as” and insert “that”

Page 33, line 26, delete “by a steward in”

Page 33, line 27, delete “violation of subdivision 1 or”

Page 34, line 2, after “legislature” delete the comma

Page 34, line 7, delete the comma

Page 35, line 19, delete the first “of” and insert “or”

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 782, 1067, 879, 924, 756, 752, 301, 845, 302, 964, 641, 473, 318, 726, 1048, 548, 545, 60, 674, 398, 742, 841, 510, 471, 132, 958, 830, 737 and 183 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 588, 516, 1079, 798 and 849 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Ramstad moved that the name of Ms. Reichgott be added as a co-author to Senate Resolution No. 51. The motion prevailed.

Mr. Vega moved that the name of Mr. Dahl be added as a co-author to S.F. No. 906. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1175. The motion prevailed.

Mr. Samuelson moved that the names of Messrs. Merriam and Wegscheid be added as co-authors to S.F. No. 1181. The motion prevailed.

Ms. Reichgott and Mr. Ramstad introduced—

Senate Resolution No. 53: A resolution honoring the hundreds of dedicated volunteers of the Minnesota North Star Chapter of the Multiple Sclerosis Society who have contributed long hours of time and effort to the fight against multiple sclerosis.

Referred to the Committee on Rules and Administration.

Mr. Davis moved that H.F. No. 946 be taken from the table and referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Schmitz moved that S.F. No. 1096 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Energy and Housing. The motion prevailed.

Mr. Solon moved that S.F. No. 649 be withdrawn from the Committee on Finance and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

Mr. Samuelson moved that H.F. No. 1111 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

S.F. No. 420: A bill for an act relating to judgments; requiring interest to be paid from the date of an initial judgment; amending Minnesota Statutes 1982, section 549.09.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Frank	Kroening	Olson	Schmitz
Belanger	Frederick	Kronebusch	Pehler	Sieloff
Benson	Frederickson	Laidig	Peterson, C.C.	Solon
Berg	Freeman	Langseth	Peterson, D.C.	Spear
Berglin	Hughes	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Isackson	Lessard	Peterson, R.W.	Ulland
Bertram	Johnson, D.E.	Luther	Petty	Vega
Brataas	Johnson, D.J.	McQuaid	Pogemiller	Waldorf
Chmielewski	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, D. M.	Reichgott	Willet
Dicklich	Knaak	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 506: A bill for an act relating to probate; changing the time for closing certain estates; amending Minnesota Statutes 1982, section 524.3-1003.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Sieloff
Anderson	Dieterich	Kroening	Pehler	Solon
Belanger	Frank	Kronebusch	Peterson,C.C.	Spear
Benson	Frederick	Laidig	Peterson,D.C.	Stumpf
Berg	Frederickson	Langseth	Peterson,D.L.	Taylor
Berglin	Freeman	Lantry	Peterson,R.W.	Ulland
Bernhagen	Hughes	Lessard	Petty	Vega
Bertram	Isackson	Luther	Pogemiller	Waldorf
Brataas	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Nelson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 391: A bill for an act relating to economic development; regulating loans of the small business finance agency; amending Minnesota Statutes 1982, sections 116J.88, subdivisions 4 and 8, and by adding a subdivision; 116J.89, by adding a subdivision; 116J.90, subdivision 2; and 116J.91, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederick	Laidig	Peterson,C.C.	Spear
Berg	Frederickson	Langseth	Peterson,D.C.	Stumpf
Berglin	Freeman	Lantry	Peterson,D.L.	Taylor
Bernhagen	Hughes	Lessard	Peterson,R.W.	Ulland
Bertram	Isackson	Luther	Petty	Vega
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D. M.	Reichgott	Willet
Davis	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 464: A bill for an act relating to port authorities; providing for approval of port authority land sales; amending Minnesota Statutes 1982, section 458.17.

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 53 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Pehler	Schmitz
Anderson	Frank	Kronebusch	Peterson, C. C.	Sieloff
Belanger	Frederick	Laidig	Peterson, D. C.	Solon
Bernhagen	Frederickson	Langseth	Peterson, D. L.	Spear
Bertram	Freeman	Lantry	Peterson, R. W.	Stumpf
Brataas	Isackson	Lessard	Petty	Ulland
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D. J.	Moe, R. D.	Ramstad	Wegscheid
Davis	Jude	Nelson	Reichgott	Willet
Dicklich	Kamrath	Novak	Renneke	
Diessner	Knaak	Olson	Samuelson	

Those who voted in the negative were:

Berg	Hughes	Luther	Moe, D. M.	Waldorf
Berglin	Knutson	Merriam	Taylor	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 870: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

Mr. Pogemiller moved to amend H.F. No. 870 as follows:

Page 1, line 11, delete "*permanent or temporary*" and after "*rules*" insert "*in accordance with chapter 14*"

The motion prevailed. So the amendment was adopted.

H.F. No. 870 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:

Adkins	Diessner	Knutson	Novak	Sieloff
Anderson	Dieterich	Kroening	Olson	Solon
Belanger	Frank	Kronebusch	Pehler	Spear
Benson	Frederick	Laidig	Peterson, C. C.	Stumpf
Berg	Frederickson	Langseth	Peterson, D. C.	Taylor
Berglin	Freeman	Lantry	Peterson, D. L.	Ulland
Bernhagen	Hughes	Lessard	Petty	Vega
Bertram	Isackson	Luther	Pogemiller	Waldorf
Brataas	Johnson, D. E.	McQuaid	Ramstad	Wegscheid
Chmielewski	Johnson, D. J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Nelson	Schmitz	

So the bill, as amended, passed and its title was agreed to.

H.F. No. 157: A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

Ms. Reichgott moved that the amendment made to H.F. No. 157 by the Committee on Rules and Administration in the report adopted April 18, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 157 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Schmitz
Anderson	Dieterich	Kroening	Novak	Sieloff
Belanger	Frank	Kronebusch	Olson	Solon
Benson	Frederick	Laidig	Pehler	Spear
Berg	Frederickson	Langseth	Peterson, C. C.	Stumpf
Berglin	Freeman	Lantry	Peterson, D. C.	Taylor
Bernhagen	Hughes	Lessard	Peterson, D. L.	Ulland
Bertram	Isackson	Luther	Petty	Vega
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D. J.	Mehrkens	Ramstad	Wegscheid
Dahl	Jude	Merriam	Reichgott	Willet
Davis	Kamrath	Moe, D. M.	Renneke	
Dicklich	Knaak	Moe, R. D.	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 771: A bill for an act relating to courts; providing for removal of claims from municipal court to district court; amending Minnesota Statutes 1982, section 488A.01, subdivision 15; and 488A.18, subdivision 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Schmitz
Anderson	Dieterich	Kroening	Novak	Sieloff
Belanger	Frank	Kronebusch	Olson	Spear
Benson	Frederick	Laidig	Pehler	Stumpf
Berg	Frederickson	Langseth	Peterson, C. C.	Taylor
Berglin	Freeman	Lantry	Peterson, D. C.	Ulland
Bernhagen	Hughes	Lessard	Peterson, D. L.	Vega
Bertram	Isackson	Luther	Petty	Waldorf
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D. J.	Mehrkens	Ramstad	Willet
Dahl	Jude	Merriam	Reichgott	
Davis	Kamrath	Moe, D. M.	Renneke	
Dicklich	Knaak	Moe, R. D.	Samuelson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr.

Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Belanger introduced—

S.F. No. 1183: A bill for an act relating to taxation; income; providing a floating rate of interest on overpayments of income and withholding taxes; amending Minnesota Statutes 1982, sections 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; and 290.936.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, R.W. introduced—

S.F. No. 1184: A bill for an act relating to mechanics liens; permitting an award of attorney fees to a party who successfully defends a lien foreclosure; amending Minnesota Statutes 1982, section 514.14.

Referred to the Committee on Judiciary.

Messrs. Ramstad, Ulland and Sieloff introduced—

S.F. No. 1185: A bill for an act relating to taxation; decreasing the maximum corporate tax rate; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Moe, R.D.; Peterson, C.C. and Pogemiller introduced—

S.F. No. 1186: A bill for an act relating to taxation; providing a property tax exemption for satellite broadcasting facilities; providing an income tax exemption for certain income earned and a credit for certain payments made by a corporation providing satellite broadcasting services; providing a sales tax exemption for materials used in constructing a satellite broadcasting facility; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; 290.08, by adding a subdivision; 290.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 1187: A bill for an act relating to agriculture; providing an additional tax on certain capital gains from the sale of agricultural land; limiting certain tax reductions; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; 290.01, subdivisions 20a, as amended, and 20b, as amended; and 290.091; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 1188: A bill for an act relating to government meetings; providing that a meeting of fewer than a majority of a quorum is not subject to the open meeting law; amending Minnesota Statutes 1982, section 471.705, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Freeman, Laidig, Kroening, Belanger and Solon introduced—

S.F. No. 1189: A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1982, section 184.22, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 1190: A bill for an act relating to labor; regulating mediation, fact finding, and other functions of the bureau of mediation services; providing for violations of the labor union democracy act; amending Minnesota Statutes 1982, sections 179.02, subdivision 2, and by adding a subdivision; 179.07; 179.08; 179.083; 179.22; 179.38; 179.71, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 179; repealing Minnesota Statutes 1982, sections 179.05 and 179.23.

Referred to the Committee on Employment.

Messrs. Willet, Merriam and Luther introduced—

S.F. No. 1191: A resolution memorializing the President and Congress of the United States to take immediate steps to curb the sources of acid rain.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederick, Benson, Mrs. Kronebusch, Messrs. Knutson and Anderson introduced—

S.F. No. 1192: A bill for an act relating to property tax refund; clarifying the definition of homestead; disallowing the credit for months in which certain welfare benefits are received by the claimant; amending Minnesota Statutes 1982, section 290A.03, subdivision 6; 290A.04, by adding a subdivision; repealing Minnesota Statutes 1982, sections 256.879; and 290A.22.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Novak moved that S.F. No. 47 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Novak moved that the Senate concur in the amendments by the House

to S.F. No. 47 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 47: A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing multiple sale of stamps with a single issuing fee; appropriating money; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

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 54 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kronebusch	Nelson	Schmitz
Belanger	Frederickson	Laidig	Novak	Sieloff
Benson	Freeman	Langseth	Olson	Solon
Berg	Hughes	Lantry	Pehler	Spear
Berglin	Isackson	Lessard	Peterson, C.C.	Stumpf
Bernhagen	Johnson, D.E.	Luther	Peterson, D.C.	Taylor
Brataas	Johnson, D.J.	McQuaid	Peterson, D.L.	Vega
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Knaak	Merriam	Ramstad	Wegscheid
Diessner	Knutson	Moe, D. M.	Reichgott	Willett
Dieterich	Kroening	Moe, R. D.	Renneke	

Those who voted in the negative were:

Anderson	Davis	Frederick	Samuelson	Ulland
Bertram	Dicklich	Kamrath		

So the bill, as amended, was repassed and its title was agreed to.

MEMBERS EXCUSED

Messrs. DeCramer, Purfeerst and Storm were excused from the Session of today. Mr. Dahl was excused from the Session of today until 12:25 p.m. Mr. Novak was excused from the Session of today until 12:20 p.m. Mr. Peterson, R.W. was excused from the Session of today at 12:25 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 21, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, April 21, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Gerald J. Bruhn.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Frank	Laidig	Peterson, D.C.	Storm
Benson	Frederick	Langseth	Peterson, D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrrens	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Moe, D.M.	Reichgott	Willet
Dahl	Jude	Moe, R.D.	Renneke	
Davis	Kamrath	Nelson	Samuelson	
DeCramer	Knaak	Novak	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Pehler from the Committee on Education, to which was re-referred

S.F. No. 839: A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 24, after "college," insert "*an area vocational-technical institute,*"

Page 2, line 2, reinstate the stricken "trade"

Page 2, line 2, before "vocational" insert ", *business, or*"

Page 2, line 2, delete "*technical*"

Page 2, line 2, strike "which may be"

Page 2, line 8, strike "that" and insert "*the*"

Page 2, line 8, strike "therefor" and insert "*for the benefit*"

Page 2, line 11, strike "herein" and insert "*in this section*"

Page 2, line 11, strike "such" and insert "*the*"

Page 2, line 12, strike "shall have"

Page 2, line 13, strike "said" and insert "*the*"

Page 2, line 14, strike "hereunder" and insert "*according to this section*"

Page 2, line 17, delete "*benefits*" and strike "as provided for herein"

Page 2, line 17, before "shall" insert "*benefits*"

Page 2, line 24, strike the comma

Page 2, line 25, after "law" insert "*or regulation*"

Page 2, line 26, strike ", rule or regulation of any department thereof,"

Page 2, line 27, strike "said"

Page 2, line 27, before "veteran" insert "*the*"

Page 2, lines 28 and 30, strike "he" and insert "*the veteran*"

Page 2, line 30, after "*thereof*" insert a comma

Page 3, line 29, delete "*such*" and insert "*an*"

Page 4, line 18, delete the second "that" and insert "who"

Page 4, line 23, delete "*his/her*" and insert "*the*"

Page 4, line 27, delete "*as defined herein*"

Page 4, line 27, delete "*his*"

Page 4, line 28, delete "*state supported*" and insert "*public post-secondary*"

Page 4, line 28, delete "*of*"

Page 4, delete line 29

Page 4, line 30, delete "*vocational school*"

Page 4, line 32, delete "*he*" and insert "*the dependent*"

Page 4, line 33, after "*Minnesota*" insert "*post-secondary*"

Page 4, line 34, delete everything after "*institution*"

Page 4, line 35, delete everything before "*shall*"

Page 4, line 36, delete "*established by the*" and insert "*not to exceed \$250 per year*"

Page 5, delete lines 1 and 2

Page 5, line 3, delete "*institutions*"

Page 5, line 3, delete "*he*" and insert "*the dependent*"

Page 5, line 3, delete "*such*" and insert "*the*"

Page 5, line 7, delete "*subdivision*" and insert "*section*"

Page 5, line 8, delete "*he*" and insert "*the person*"

Page 5, line 16, delete "*his*" and insert "*the*"

Page 5, line 22, delete "*subdivision*" and insert "*section*"

Page 5, line 23, delete "*father*" and insert "*spouse or parent*" in both places

Page 5, line 25, delete "*subdivision*" 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. Pehler from the Committee on Education, to which was referred

H.F. No. 159: A bill for an act relating to education; requiring school boards to adopt and review discipline policies including rules of conduct for pupils, and grounds and procedures for removal of pupils from class; amending Minnesota Statutes 1982, section 127.27, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 127.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, delete "*local*"

Page 1, line 24, delete "*of this act*"

Page 2, line 16, delete "*therein*" and insert "*in the policy*"

Page 2, line 29, delete "*those*" and insert "*the*"

Page 3, line 1, delete "*provided that a pupil*" and insert "*which*"

Page 3, line 1, delete "*be removed from a*" and insert "*exceed*"

Page 3, line 2, delete everything before "*three*"

Page 3, line 3, before the semicolon, insert "*for a violation of a rule of conduct*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 519: A bill for an act relating to taxation; property; clarifying the

valuation of agricultural land located in cities; amending Minnesota Statutes 1982, section 273.11, subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 403: A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 86: 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 duties and powers to school boards, school districts, the state board of education; modifying certain components of foundation aid; modifying the method for calculating transportation aid; suspending certain special education rules; providing for community education aid and levy; providing for AVTI instructional aid; providing certain powers to intermediate school districts; modifying certain provisions relating to teacher mobility programs; modifying certain duties of the council on quality education; establishing certain programs relating to high technology; modifying the method of payment of certain aids and credits to school districts and related matters; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 121.15; 120.17, subdivision 3; 121.503; 121.505; 121.904, subdivision 4a, as amended; 121.908; 121.936, by adding a subdivision; 123.32, by adding a subdivision; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.702, subdivision 1a; 123.705; 123.933, subdivision 3; 124.14, subdivision 1; 124.15, subdivision 5; 124.155, subdivisions 1, and 2, as amended; 124.17, subdivision 2d; 124.19, subdivision 3; 124.201, subdivision 2; 124.2122, subdivisions 1 and 2; 124.2124, subdivision 1; 124.2126, subdivision 3; 124.2127, subdivision 1; 124.2132, subdivision 1; 124.214, subdivision 2; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3, and by adding a subdivision; 124.273, subdivision 4; 124.32, subdivisions 3a, 5, and 5a; 124.43, subdivision 1; 124.572, subdivision 2; 124.646, subdivision 1; 125.60, subdivisions 3 and 7; 126.54, subdivision 1; 129B.01, subdivisions 1 and 2; 129B.02; 129B.04; 129B.05; 129B.09, subdivisions 1 and 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 273.1392; 275.125, subdivisions 2d, 5, 5b, 9, 11a, 11b, and by adding subdivisions; 354.094, subdivisions 1, 1a, and by adding a subdivision; 354.66, subdivisions 4, 9, and by adding a subdivision; 354A.091, subdivision 1, 1a, and by adding a subdivision; 354A.094, subdivisions 4, 9, and by adding a subdivision; 375.335;

475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, by adding a section; Laws 1969, chapter 775, section 3, subdivision 2, as amended; section 3, by adding a subdivision; and chapter 1060, by adding sections; Laws 1981, chapter 358, article VII, section 29, as amended; and Laws 1982, chapter 548, article IV, section 21; proposing new law coded in Minnesota Statutes, chapters 121; 124; 124A; 125; 126; 129B; and 134; repealing Minnesota Statutes 1982, sections 122.542; 122.90; 124.2123; 124.2124; 124.2125; 124.2128; 124.24; 124.251; 124.271; 124.273, subdivisions 1 and 2; 124.32, subdivision 1; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 125.60, subdivisions 2a and 7; 129B.09, subdivision 5; 134.03; 134.06; 134.16; 134.19; 134.352; 275.125, subdivisions 6b, 6c, 6d, 7a, 7c, and 8; 354.66, subdivision 9; 354A.094, subdivision 9; and 375.33.

Reports the same back with the recommendation that the bill be amended as follows:

Page 89, after line 30, insert:

"Subd. 21. [PINE POINT SCHOOL.] There is appropriated from the general fund to Independent School District No. 309, Pine Point School, the sum of \$57,000 for payment of obligations. The sum shall be available until June 30, 1985."

Page 89, line 31, delete "21" and insert "22"

Page 110, line 2, delete "Carleton" and insert "Carlton"

Page 112, after line 13, insert:

"Sec. 30. [INDEPENDENT SCHOOL DISTRICT NO. 784.]

Subdivision 1. [ISSUE OBLIGATIONS.] Notwithstanding the provisions of Minnesota Statutes, section 475.58, or any other law to the contrary, Independent School District No. 784, Appleton, without an election, may issue obligations in the amount of not more than \$100,000, which mature at later than December 31, 1988, for roof repair of district facilities. The obligations shall be repaid from the proceeds of Minnesota Statutes, sections 124.245 and 275.125, subdivisions 11a and 11b, received before the maturity of the obligation.

Subd. 2. [NO LOCAL APPROVAL.] The provisions of subdivision 1 shall be effective without local approval, according to Minnesota Statutes, section 645.023, subdivision 1, clause (a)."

Page 112, line 28, delete "and 25" and insert ", 25, and 30"

Renumber the sections of article 7 in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1060: A bill for an act relating to taxation; requiring certain information on income tax forms; amending Minnesota Statutes 1982, section 290.39, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 9 to 13 and insert:

"Subd. 4. [FORMS DESIGN.] The commissioner shall design the individual income tax returns and envelopes to expedite the sorting of returns into refund claims and returns requiring an additional payment, if the commissioner finds that expediting the sorting will be cost effective when accounting for any increase or decrease in interest income and administrative costs to the state."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 608: A bill for an act relating to insurance; accident and health; exempting administrators of self insured health plans established by collective bargaining agreement from certain regulatory provisions; amending Minnesota Statutes 1982, section 60A.23, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "shall" and insert "does"

Page 2, line 24, strike "such" and insert "that"

Page 2, line 29, strike "shall" and insert "may"

Page 2, line 36, strike "shall be" and insert "is"

Page 3, line 12, strike "promulgate administrative" and insert "adopt"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 584: A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, before "For" insert "Subdivision 1. [SCOPE.]"

Page 1, line 10, delete the colon and insert a period

Page 1, line 11, delete "(1)" and insert "Subd. 2. [ARTIST.]"

Page 1, lines 13, 15, and 18, delete the semicolon and insert a period

Page 1, line 14, delete "(2)" and insert "Subd. 3. [ART.]"

Page 1, line 16, delete "(3)" and insert "Subd. 4. [ART DEALER.]"

Page 1, line 19, delete "(4)" and insert "Subd. 5. [PERSON.]"

Page 1, line 20, delete "; and" and insert a period

Page 1, line 21, delete "(5)" and insert "Subd. 6. [CONSIGNMENT.]"

Page 1, line 21, delete "that" and insert "the delivery of possession of an art work by an artist to an art dealer by which"

Page 1, lines 22 and 25, delete "consignor" and insert "artist"

Page 1, line 23, delete "consignee" and insert "art dealer"

Page 1, line 23, delete "consignee's" and insert "art dealer's"

Page 1, line 25, delete "such" and insert "that work of"

Page 2, line 4, delete "whenever" and insert "if"

Page 2, line 21, delete the comma

Page 3, line 12, delete "the Uniform Commercial"

Page 3, line 13, delete "Code" and insert "chapter 336"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 230: A bill for an act relating to insurance; prohibiting sex discrimination under Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 903: A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

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 Economic Development and Commerce, to which was referred

H.F. No. 801: A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, subdivision 5.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 989: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8; 13.03, subdivisions 2, 3, and 4, and by adding subdivisions; 13.04, subdivisions 2 and 3; 13.05, subdivisions 3, 7, and 9; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.43, subdivision 2; 13.44; 13.67; and proposing new law coded in Minnesota Statutes, chapter 13.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 2 and insert:

“Sec. 2. Minnesota Statutes 1982, section 13.02, is amended by adding a subdivision to read:

Subd. 8a. [NOT PUBLIC DATA.] “Not public data” means any government data which is classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.”

Page 2, line 26, delete “access to government data or” and before “government” insert “public”

Page 2, line 27, after “which” insert “has commercial value and”

Page 3, line 4, strike “so”

Page 3, line 9, after the period, insert “Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law which was the basis for the denial.”

Page 3, delete lines 18 to 22, and insert:

“If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, then the correct classification of the data shall be presumed to be private.”

Page 4, after line 1, insert:

“The presiding officer shall make his decision as to whether or not the data is discoverable under the rules of civil, criminal, or administrative procedure appropriate to the action.”

Page 4, line 2, delete everything before the comma and insert “In addition”

Page 4, line 8, after the period, insert “The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties.”

Page 4, line 16, after “shall” insert “make his decision as to whether or not to order the data to be released under the rules of civil, criminal, or administrative procedure appropriate to the action. In addition, the presiding officer shall”

Page 4, line 27, delete everything after "*death*" and insert a period

Page 4, delete lines 28 to 36

Pages 5 and 6, delete section 9

Page 6, line 21, strike "shall be" and insert "is"

Page 6, line 25, strike ", provided that" and insert "if"

Page 7, after line 7, insert:

"Sec. 12. Minnesota Statutes 1982, section 13.05, subdivision 10, is amended to read:

Subd. 10. [INTERNATIONAL DISSEMINATION PROHIBITED.] No state agency or political subdivision shall transfer or disseminate any private or confidential data on individuals to the private international organization known as Interpol, *except through the Interpol-United States National Central Bureau, United States Department of Justice.*"

Page 8, line 2, strike "All" and insert "A"

Page 8, line 3, strike "classifications" and insert "classification"

Page 8, line 6, strike "shall expire" and before "24" insert "expires" and strike "the"

Page 8, line 7, strike "classification" and insert "it"

Page 8, after line 18, insert:

"Sec. 16. Minnesota Statutes 1982, section 13.41, is amended by adding a subdivision to read:

Subd. 5. [RELEASING DATA.] *Any licensing agency may make any data classified as private or confidential pursuant to this section accessible to an appropriate person or agency if the licensing agency determines that failure to make the data accessible is likely to create a clear and present danger to public health or safety.*"

Page 8, line 21, after "2." insert "[PUBLIC DATA.]"

Page 9, after line 13, insert:

"Sec. 19. Minnesota Statutes 1982, section 13.46, 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 13.05;
- (b) pursuant to a valid court order;
- (c) pursuant to a statute specifically 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.

In the case of data on individual clients or patients of public or private community mental health centers of mental health divisions of counties and other providers under contract to deliver mental health services, it shall be treated as provided in subdivisions 7, 8, and 9.

Sec. 20. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

Subd. 7. [MENTAL HEALTH CENTER DATA.] Data on individual clients and patients of public or private community mental health centers of mental health divisions of counties and other providers under contract to deliver mental health services shall not be disclosed, except:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order; or

(c) pursuant to a statute specifically authorizing access to or disclosure of private data.

Sec. 21. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

Subd. 8. [ACCESS FOR AUDITING.] To the extent required by state or federal law, qualified representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier.

Sec. 22. Minnesota Statutes 1982, section 13.46, is amended by adding a subdivision to read:

Subd. 9. [FRAUD.] In cases of suspected fraud, in which access to mental health data maintained by public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services is necessary to a proper investigation, the county board or the appropriate prosecutorial authority shall refer the matter to the commissioner of public welfare. The commissioner and his agents, while maintaining the privacy rights of individuals and families, shall have access to mental health data to conduct an investigation. If, as a result of the investigation, the commissioner deems it appropriate, he shall refer the matter to the appropriate legal authorities and may disseminate to those authorities whatever mental health data are necessary to properly prosecute the case."

Page 9, line 23, delete "and maintained" and insert "in surveys of indi-

viduals conducted'"

Page 9, line 30, delete "*and maintained*" and insert "*in surveys of businesses conducted*"

Page 10, line 4, delete "*, studies,*"

Page 10, lines 9 and 11, delete "*, study,*"

Page 11, after line 9, insert:

"Sec. 28. Minnesota Statutes 1982, section 144.335, subdivision 2, is amended to read:

Subd. 2. [PATIENT ACCESS.] Upon request a provider shall supply to a patient complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient in terms and language the patient can reasonably be expected to understand.

Upon a patient's written request, a provider at a reasonable cost to the patient shall furnish to the patient: ~~(a)~~ copies of the patient's health record, including but not limited to laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's health condition; ~~(b)~~, or the ~~pertinent~~ portion of the record relating to a ~~specific~~ condition; ~~or~~ ~~(c)~~ *specified by the patient. With the consent of the patient, the provider may instead furnish only a summary of the record.*

Subd. 2a. [EXCEPTION; NONFACILITY PROVIDERS.] *Notwithstanding the provisions of subdivision 2, if a provider, as defined in subdivision 1, clause (b) (1), reasonably determines that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to harm himself or another, he may withhold the information from the patient and may supply the information ~~may be supplied~~ to an appropriate third party or to another provider, as defined in subdivision 1, clause (b) (1). The other provider or third party may release the information to the patient.*

A provider as defined in subdivision 1, clause (b)(2), shall release information upon written request unless, prior to the request, a provider as defined in subdivision 1, clause (b)(1), has designated and described the specific basis for withholding the information as provided by this subdivision.

Sec. 29. Minnesota Statutes 1982, section 253B.03, subdivision 8, is amended to read:

Subd. 8. [MEDICAL RECORDS.] A patient has the right to access to his medical records. Notwithstanding the provisions of section 144.335, ~~subdivision 2,~~ every person subject to a proceeding or receiving services pursuant to this chapter shall have complete access to all of his medical records relevant to his commitment."

Page 11, line 11, delete "*Sections 1 to 22 are*" and insert "*This act is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, before the semicolon, insert "*, and by adding a subdivision,*"

Page 1, line 10, delete "*2,*" and after "*3*" delete the comma

Page 1, line 11, delete "subdivisions 2 and 3" and insert "subdivision 2"

Page 1, line 12, delete the first "and" and after "9" insert ", and 10"

Page 1, line 13, before "13.43" insert "13.41, by adding a subdivision;" and after "13.44" insert "; 13.46, subdivision 2, and by adding subdivisions" and before "and" insert "144.335, subdivision 2;" and after "and" insert "253B.03, subdivision 8;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 388: A bill for an act relating to education; establishing a state board of vocational-technical education to govern post-secondary and adult vocational education; establishing the powers and duties of the state board of vocational-technical education; clarifying the powers and duties of school boards; abolishing the state board for vocational education; clarifying certain matters related to the transfer of powers; requiring a plan for cooperation between certain community colleges and area vocational-technical institutes; appropriating money; proposing new law coded in Minnesota Statutes, chapter 136B; repealing Minnesota Statutes 1982, sections 121.11, subdivision 1; and 124.53.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 17, insert:

"Sec. 2. Minnesota Statutes 1982, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Salary or Range			
	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1981	Effective July 1, 1984
Administration, department of commissioner	\$44,000	\$47,000		
Administrative hearings office chief				
hearing examiner	38,000	40,000		
Agriculture, department of commissioner	38,000	40,000		
Commerce, department of commissioner of banks	34,000	36,500		
commissioner of insurance	34,000	36,500		
commissioner of securities and real estate	34,000	36,500		

director of consumer services	28,000	30,000	
Community college system chancellor	44,000	46,000	
Corrections, department of commissioner	42,000	45,000	
ombudsman	33,000	35,000	
Economic security, department of commissioner	43,000	45,000	
Education, department of commissioner	43,000	45,000	
Energy, planning and development department of commissioner			46,000
Finance, department of commissioner	48,000	50,000	
Health, department of commissioner	47,000	49,000	
Higher education coordinating board executive director	40,000	42,000	
Housing finance agency executive director	39,000	41,000	
Human rights, department of commissioner	31,000	33,000	
Indian affairs board executive director	27,000	29,000	
Iron range resources and rehabilitation board commissioner	30,000	31,000	
Labor and industry, department of commissioner	38,000	40,000	
judge of the workers' compensation court of appeals	38,000	40,000	
Mediation services, bureau of director	36,000	38,000	
Natural resources, department of commissioner	44,000	47,000	
Personnel, department of commissioner	44,000	47,000	
Pollution control			

agency director	38,000	40,000	
Public safety, department of commissioner	38,000	41,000	
Public service, department of commissioner, public utilities commission director	34,000 34,000	36,000 36,000	
Public welfare, department of commissioner	44,000	48,000	
Revenue, department of commissioner	44,000	47,000	
State university system chancellor	44,000	46,000	
Transportation, department of commissioner	44,000	48,000	
Transportation, regulation board, board member	32,000		
Veterans affairs, department of commissioner	31,000	33,000	
<i>Vocational-technical education board, chancellor</i>			\$ _____

Sec. 3. Minnesota Statutes 1982, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions pursuant to this subdivision: the departments of administration; agriculture; corrections; economic security; education; employee relations; energy, planning and development; finance; health; human rights; labor and industry; natural resources; public safety; public service; public welfare; revenue; transportation; and veterans affairs; the banking, securities and real estate, insurance and consumer services divisions of the department of commerce; the housing finance and pollution control agencies; the state board of investment; ~~and~~ the offices of the secretary of state, state auditor and state treasurer; *and the state board of vocational-technical education.*

A position designated by an appointing authority pursuant to this subdivision must meet the following standards and criteria:

(a) The designation of the position would not be contrary to the provisions of other law relating specifically to that agency;

(b) The person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(c) The duties of the position would involve significant discretion and substantial involvement in the development, interpretation and implementation of agency policy;

(d) The duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(e) There would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(f) The position would be at the level of division or bureau director or assistant to the agency head; and

(g) The commissioner has approved the designation as being consistent with the standards and criteria in this subdivision."

Page 3, line 10, delete "purposes" and insert "purpose"

Page 3, line 10, delete "requesting and"

Page 3, line 10, delete "state and"

Page 3, line 11, delete "and for carrying out state"

Page 3, line 12, delete "coordination as provided by state and federal statutes"

Page 5, line 9, after the period, insert "*The chancellor may be paid an allowance not to exceed \$_____ annually for miscellaneous expenses in connection with his duties. The provisions of chapter 16A shall not apply to these expenditures but the state board shall prescribe the manner, amount and purpose of the expenditures and report to the legislature on the expenditures by November 15 of each even-numbered year.*"

Page 5, line 10, delete "shall" and insert "may"

Page 5, delete lines 11 to 18 and insert "*up to seven positions including one confidential secretary in the unclassified service provided the positions meet the standards and criteria established for unclassified positions in section 43A.08, subdivision 1a. The board may appoint other employees in the classified service necessary to carry out its duties and responsibilities consistent with chapter 43A.*"

Page 5, line 19, delete "The chancellor or"

Page 5, delete line 20

Page 5, line 21, delete everything before "The"

Page 5, line 21, after "commissioner" insert "of employee relations"

Page 8, line 11, delete "7" and insert "9"

Page 8, line 22, delete "2" and insert "4"

Page 9, line 10, delete "3" and insert "5"

Page 10, after line 1, insert:

"*Subd. 9. [TRANSFER OF POSITIONS.] All classified and unclassified*

positions and incumbent employees in adult vocational, post-secondary, operational support sections of the vocational-technical education division, including the assistant commissioner, fiscal accounting and logistical support staff on the effective date of this section, are transferred to the state board of vocational-technical education. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioners' plans or the terms of an agreement between the exclusive representatives of public employees and the state or one of its appointing authorities."

Page 11, line 7, delete "6, 10, and" and insert "8,"

Page 11, line 7, after "12" insert ", and 14"

Page 11, line 8, after "5," insert "6,"

Page 11, line 8, delete "8,"

Page 11, line 8, delete "and" and insert "10,"

Page 11, after "11" insert ", and 13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "setting a salary for the chancellor of the vocational-technical education board; permitting unclassified positions for employees of the state board of vocational-technical education;"

Page 1, line 12, after "money;" insert "amending Minnesota Statutes 1982, sections 15A.081, subdivision 1; and 43A.08, subdivision 1a;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 776: A bill for an act relating to state government; reorganizing functions related to water; abolishing the water planning board and the southern Minnesota rivers basin board; transferring duties to the environmental quality board; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 473.878, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1982, chapter 114A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, delete the period and insert ", except that"

Page 3, line 9, delete "Incumbents of"

Page 3, delete lines 10 to 17 and insert "Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the commissioner's or managerial plans for unrepresented employees or the terms of an agreement between the exclusive representa-

tives of public employees and the state or one of its appointing authorities.”

Page 5, line 2, delete “4” and insert “2”

Page 5, line 3, delete “may” and insert “shall”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 654: A bill for an act relating to state departments and agencies; authorizing a study by the department of energy, planning and development of a possible merger of the departments of health and public welfare into a new state department to be called the department of human services; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete “*commissioner of energy, planning and development*” and insert “*director of the state planning agency*”

Page 1, line 26, delete “*commissioner of energy, planning and development*” and insert “*director of the state planning agency*”

Amend the title as follows:

Page 1, lines 3 and 4, delete “department of energy, planning and development” and insert “state planning agency”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 883: A bill for an act relating to transportation; modifying the definition of truck-tractor to include the power unit of automobile carriers; allowing quarterly registration of trucks; adjusting the motor vehicle registration tax on certain trailers; requiring proof of payment of the federal heavy use tax on heavy trucks; increasing the maximum allowable width on vehicles from 8 to 8-1/2 feet; modifying vehicle length requirements to allow longer semitrailers and vehicle combinations; modifying the gross weight seasonal increase to include all axle combinations; modifying the distance a peace officer may require a vehicle to travel to a scale; increasing width requirement on loads of baled hay before flashing amber lights are required; amending Minnesota Statutes 1982, sections 168.011, subdivision 12; 168.013, subdivision 1d, and by adding a subdivision; 168.018; 169.01, subdivision 7; 169.80, subdivision 2; 169.81, subdivisions 2 and 3; 169.825, subdivision 11; 169.85; 169.862; and 169.871, subdivision 1; repealing Minnesota Statutes 1982, sections 169.80, subdivision 2a; and 169.81, subdivisions 3a, 3b, and 7.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 2 and 3, delete section 4

Page 10, line 16, after "bus," insert "except a bus registered in Minnesota,"

Page 10, line 22, after the period, insert "A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule or ordinance."

Pages 12 and 13, delete section 12 and insert:

"Sec. 11. Minnesota Statutes 1982, Section 169.871, subdivision 1, is amended to read:

Subdivision 1. [CIVIL LIABILITY.] The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.825 and 169.832 to 169.851 and 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.825 and 169.832 to 169.851 and 169.87 is liable for a civil penalty as follows:

(a) If the total gross excess weight is not more than 3,000 pounds, one cent per pound for each pound in excess of the legal limit;

(b) If the total gross excess weight is more than 3,000 pounds but not more than 4,000 pounds, five cents per pound for each pound in excess of the legal limit;

(c) If the total gross excess weight is more than 4,000 pounds but not more than 6,000 pounds, 15 cents per pound for each pound in excess of the legal limit; or

(d) If the total gross excess weight is more than 6,000 pounds, 30 cents per pound for each pound in excess of the legal limit.

A motor carrier, as defined in section 221.011, subdivision 15, that provides both the tractor and the trailer when assuming shipment of unprocessed or raw farm products shall assume full liability for civil penalty under this subdivision.

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. A peace officer who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall give written notice to the driver that he or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

Sec. 12. Minnesota Statutes 1982, Section 169.872, is amended by adding a subdivision to read:

Subd. 1a. The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed by permit under sections 169.86 and 169.862 and a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit permitted under sections 169.86 or 169.862 is liable for a civil penalty at a rate of five cents per pound for each pound in excess of the weight permitted under

section 169.86 or 169.862, or \$100, whichever is greater.

Any penalty imposed upon a defendant under this section shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation may not be applied toward payment of the civil penalty. A peace officer who cites a driver for a violation of the weight limitations established by permit pursuant to section 169.86 or 169.862 shall give written notice to the driver that the driver or another may also be liable for the civil penalty provided in this subdivision in the same or separate proceedings.

Page 13, line 14, delete “and” and after “11” insert “and 12”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete “allowing quarterly registration”

Page 1, line 5, delete “of trucks;”

Page 1, line 14, after “scale” insert “and defining a suitable place for unloading an overweight vehicle”

Page 1, line 14, after the semicolon, insert “modifying the civil penalty for overweight vehicles;”

Page 1, line 18, delete “168.018;”

Page 1, line 20, delete “and”

Page 1, line 21, after the semicolon, insert “and 169.872, 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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 605 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.
605	471				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 605 be amended as follows:

Page 2, line 5, before “A” insert “*Subdivision 1. [EXTENDED TIME.]*”

Page 2, line 5, delete “of two”

Page 2, line 6, delete “years or less in duration”

Page 2, line 7, delete “point of admission to” and insert “time the student began” and delete “a period of”

Page 2, line 8, after “time” insert “usually” and delete “that” and insert

“a”

Page 2, line 8, delete “For”

Page 2, delete lines 9 to 14 and insert:

Subd. 2. [PROGRAM TERMINATED.] The provisions of this section do not apply to a program or course which is discontinued by an institution.

Subd. 3. [APPLICABILITY.] The provisions of this section apply to a student enrolled in an area vocational-technical institute, community college, state university, and the University of Minnesota.

And when so amended H.F. No. 605 will be identical to S.F. No. 471, and further recommends that H.F. No. 605 be given its second reading and substituted for S.F. No. 471, 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. 958 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.
958	830				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 958 be amended as follows:

Page 1, line 21, delete everything after “(3)”

Page 1, line 22, delete “*recommendations relating to the establishment of*” and insert “*an analysis of options to establish*”

And when so amended H.F. No. 958 will be identical to S.F. No. 830, and further recommends that H.F. No. 958 be given its second reading and substituted for S.F. No. 830, 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. 519, 1060 and 989 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 159, 403, 608, 584, 230, 903, 801, 605 and 958 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Johnson, D.E. moved that the name of Mr. Nelson be added as a co-author to S.F. No. 1133. The motion prevailed.

Mr. Willet moved that the names of Messrs. Nelson and Dahl be added as co-authors to S.F. No. 1191. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 516: A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Schmitz
Anderson	Diessner	Knaak	Nelson	Sieloff
Belanger	Dieterich	Knutson	Novak	Solon
Benson	Frank	Kroening	Olson	Spear
Berg	Frederick	Kronebusch	Peterson, D.C.	Storm
Bernhagen	Frederickson	Langseth	Peterson, D.L.	Stumpf
Bertram	Freeman	Lantry	Peterson, R.W.	Taylor
Brataas	Hughes	Lessard	Petty	Ulland
Chmielewski	Isackson	Luther	Pogemiller	Vega
Dahl	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Davis	Johnson, D.J.	Mehrkens	Reichgott	Wegscheid
DeCramer	Jude	Moe, D. M.	Renneke	

Messrs. Pehler, Purfeerst and Willet voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1079: A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Renneke
Anderson	Diessner	Knutson	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Laidig	Peterson, C.C.	Spear
Berglin	Frederickson	Langseth	Peterson, D.C.	Storm
Bernhagen	Freeman	Lantry	Peterson, D.L.	Stumpf
Bertram	Hughes	Lessard	Peterson, R.W.	Taylor
Brataas	Isackson	Luther	Petty	Ulland
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Moe, D.M.	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, R.D.	Reichgott	Willet

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED**CONFIRMATION**

Mr. Chmielewski moved that the report from the Committee on Employment, reported April 13, 1983, 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 April 13, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

**BUREAU OF MEDIATION SERVICES
DIRECTOR**

Paul Goldberg, 176 Kent Street, St. Paul, Ramsey County, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Chmielewski moved that the report from the Committee on Employment, reported April 13, 1983, 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 April 13, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

Kenneth L. Sovereign, 4415 Olson Lake Trail North, Lake Elmo, Washington County, effective February 18, 1982, for a term expiring the first Monday in January, 1986.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Dieterich moved that the report from the Committee on Public Utilities and State Regulated Industries, reported April 14, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Dieterich moved that the foregoing report be now adopted. The motion prevailed.

Mr. Dieterich moved that in accordance with the report from the Committee on Public Utilities and State Regulated Industries, reported April 14, 1983, the Senate, having given its advice, do now consent to and confirm

the appointment of:

**DEPARTMENT OF PUBLIC SERVICE
DIRECTOR**

Ray Bohn, 1042 Beatrice Street, Eagan, Dakota County, effective March 15, 1983, for a term expiring the first Monday in January, 1987.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 43 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Schmitz
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Berg	Frank	Lantry	Peterson, D.C.	Spear
Berglin	Frederick	Lessard	Peterson, R.W.	Stumpf
Bertram	Freeman	Luther	Petty	Vega
Chmielewski	Hughes	Moe, D. M.	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Moe, R. D.	Purfeerst	Willet
Davis	Jude	Nelson	Reichgott	
DeCramer	Knutson	Novak	Samuelson	

Those who voted in the negative were:

Anderson	Isackson	Kronebusch	Olson	Sieloff
Benson	Johnson, D.E.	Laidig	Peterson, D.L.	Storm
Brataas	Kamrath	McQuaid	Ramstad	Taylor
Frederickson	Knaak	Mehrkens	Renneke	Ulland

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Pehler, Dicklich, Nelson, Waldorf and Taylor introduced—

S.F. No. 1193: A bill for an act relating to education; appropriating money for high technology programs to the board of regents of the University of Minnesota, the higher education coordinating board, and the state university board.

Referred to the Committee on Finance.

Messrs. Novak; Johnson, D.J. and Pehler introduced—

S.F. No. 1194: A bill for an act relating to taxation; changing the tax paid on aviation gasoline; amending Minnesota Statutes 1982, section 296.02, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Novak; Moe, R.D.; Mehrkens; Kroening and Ulland introduced—

S.F. No. 1195: A resolution memorializing the United States Congress to vote favorably on the bill H.R. 1646, the Railroad Retirement Solvency Act of 1983.

Messrs. Bertram and Frank introduced—

S.F. No. 1196: A bill for an act relating to taxation; sales; providing an exemption for sales by community service organizations; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.J. introduced—

S.F. No. 1197: A bill for an act relating to state government; defining the nature and scope of the state budget reserve account; amending Minnesota Statutes 1982, section 16A.15, subdivision 1, and by adding subdivisions; repealing Minnesota Statutes 1982, section 16A.153.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED SUSPENSION OF RULES

Mr. Novak moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1195 and that the rules of the Senate be so far suspended as to give S.F. No. 1195 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 1195: A resolution memorializing the United States Congress to vote favorably on the bill H.R. 1646, the Railroad Retirement Solvency Act of 1983.

S.F. No. 1195 was read the second time.

S.F. No. 1195 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Renneke
Anderson	Diessner	Knutson	Novak	Samuelson
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Langseth	Peterson, C.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.C.	Stumpf
Bertram	Freeman	Lessard	Peterson, D.L.	Taylor
Braatas	Hughes	Luther	Peterson, R.W.	Ulland
Chmielewski	Isackson	McQuaid	Pogemiller	Vega
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Moe, D. M.	Ramstad	Willet
DeCramer	Kamrath	Moe, R. D.	Reichgott	

So the resolution passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Merriam; Moe, R.D. and Bernhagen introduced—

Senate Resolution No. 54: A Senate resolution proclaiming Minnesota Environmental Awareness Day.

WHEREAS, Minnesota is one of the most aesthetically beautiful states in the country; and

WHEREAS, Minnesota has clean air and clear water to sustain its healthy and hardy people; and

WHEREAS, Minnesota sustains abundant fish and wildlife; and

WHEREAS, Minnesota is famous for its natural diversity including prairies, hardwood and coniferous forests, lakes, streams, and rivers; and

WHEREAS, Minnesota affords an abundance of recreational opportunities including biking, canoeing, boating, hiking, snowmobiling, bird-watching, hunting, and fishing; and

WHEREAS, Minnesota has two nationally significant water resources of Lake Superior and the Mississippi River; and

WHEREAS, Minnesota is noted for its excellent state, county, and local parks and trails; and

WHEREAS, it has been 13 years since the original earth day and recognizable improvement of the environment has ensued; and

WHEREAS, all of the above important attributes of this state are due to the fact that Minnesota's environment is clean, and the State of Minnesota has been a leader among the states in environmental protection and maintaining a high quality of life for its citizens; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that Saturday, April 23, 1983, is Environmental Awareness Day in Minnesota. We, the people of Minnesota, recognize that our natural environment is one of our greatest resources for the health, well being, and prosperity of our populace. On Environmental Awareness Day all people of Minnesota should take note of the benefits a clean environment and a bountiful natural heritage bring to our state and our people.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to enroll a copy of this resolution, to be authenticated by his signature and that of the Chairman of the Rules and Administration Committee of the Senate, and that it be presented to representatives of the environmental movement.

Mr. Moe, R.D., for Mr. Merriam, moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 170, 889 and 679, which the committee recommends to pass.

S.F. No. 634, which the committee recommends to pass with the following amendments offered by Messrs. Peterson, C.C.; Johnson, D.J. and Willet:

Mr. Peterson, C.C. moved to amend S.F. No. 634 as follows:

Page 3, line 21, after "compensation" insert "for more than 20 hours in any year"

Page 3, line 26, delete "monthly" and insert "annual"

Page 3, line 31, delete "\$25" and insert "\$15"

Page 4, line 4, delete "No person licensed"

Page 4, delete lines 5 and 6

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved to amend S.F. No. 634 as follows:

Page 8, line 12, after the period, insert "This section does not apply to the Lake Superior fishery."

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend S.F. No. 634 as follows:

Page 5, line 1, delete "and"

Page 5, line 2, before the period, insert ", and purchase of fish from private hatcheries for stocking purposes"

The motion prevailed. So the amendment was adopted.

S.F. No. 887, which the committee recommends to pass, after the following motion:

Mr. Laidig moved to amend S.F. No. 887 as follows:

Page 2, after line 16, insert:

"Sec. 3. Minnesota Statutes 1982, section 174.03, is amended by adding a subdivision to read:

Subd. 1a. Only the criteria outlined by the statewide transportation plan, as prepared pursuant to section 174.03 and adopted by the Minnesota department of transportation in July, 1978, shall be used in the prioritization of highway projects on which highway funds shall be expended."

Page 2, line 18, delete "Section 1 is" and insert "Sections 1 and 3 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring certain criteria in the expending of highway funds for highway projects;"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, after "subdivision" insert "; and 174.03, by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kronebusch	Peterson, D.L.	Taylor
Belanger	Frederickson	Laidig	Ramstad	Ulland
Benson	Isackson	McQuaid	Renneke	
Berg	Johnson, D.E.	Mehrkens	Sieloff	
Bernhagen	Knaak	Olson	Storm	

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Peterson, D.C.	Spear
Berglin	Diessner	Lantry	Peterson, R.W.	Stumpf
Bertram	Dieterich	Luther	Pogemiller	Vega
Chmielewski	Frank	Nelson	Purfeerst	Waldorf
Dahl	Hughes	Novak	Reichgott	Wegscheid
Davis	Johnson, D.J.	Pehler	Schmitz	Willet
DeCramer	Jude	Peterson, C.C.	Solon	

The motion did not prevail. So the amendment was not adopted.

On motion of Mr. Luther, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that S.F. No. 183, No. 141 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Frank moved that S.F. No. 393, No. 85 on General Orders, be stricken and returned to the author. The motion prevailed.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Mr. Willet, for the Committee on Finance, introduced—

S.F. No. 1198: A bill for an act relating to state government; providing for deficiencies in appropriations for the expenses of state government with certain conditions; appropriating money.

Under the rules of the Senate, laid over one day.

MEMBERS EXCUSED

Mr. Merriam was excused from the Session of today. Mr. Samuelson was excused from the Session of today until 10:45 a.m.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 10:00 a.m., Monday, April 25, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

THIRTY-NINTH DAY

St. Paul, Minnesota, Monday, April 25, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Harry Walsh.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kronebusch	Pehler	Solon
Anderson	Dieterich	Laidig	Peterson, C.C.	Spear
Belanger	Frank	Langseth	Peterson, D.C.	Storm
Benson	Frederick	Lantry	Peterson, D.L.	Stumpf
Berg	Frederickson	Lessard	Peterson, R.W.	Taylor
Berglin	Freeman	Luther	Petty	Ulland
Bernhagen	Hughes	McQuaid	Pogemiller	Vega
Bertram	Isackson	Mehrkens	Purfeerst	Waldorf
Brataas	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Chmielewski	Jude	Moe, D.M.	Reichgott	Willet
Dahl	Kamrath	Moe, R.D.	Renneke	
Davis	Knaak	Nelson	Samuelson	
DeCramer	Knutson	Novak	Schmitz	
Dicklich	Kroening	Olson	Sieloff	

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.

April 19, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
73		37	April 19	April 19
81		38	April 19	April 19
351		39	April 19	April 19
552		40	April 19	April 19
589		41	April 19	April 19
	68	42	April 19	April 19
	268	43	April 19	April 19
	316	44	April 19	April 19
	364	45	April 19	April 19

Sincerely,

Joan Anderson Growe
Secretary of State

April 20, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1983 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 1983	Date Filed 1983
96		46	April 20	April 20

Sincerely,

Joan Anderson Growe
Secretary of State

April 21, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 101.

Sincerely,

Rudy Perpich, Governor

April 21, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
101		47	April 21	April 21
	25	48	April 21	April 21
	624	49	April 21	April 21
	633	50	April 21	April 21

Sincerely,

Joan Anderson Growe
Secretary of State

April 22, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 186, 233, 240, 356 and 369.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 115, 530, 1195, 402, 827 and 833.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1983

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. 708: A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17, subdivision 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05; 345.06;

345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 347.05; 347.06; 357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

Senate File No. 708 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1983

Mr. Peterson, R.W. moved that the Senate do not concur in the amendments by the House to S.F. No. 708, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 936: A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 5.

Senate File No. 936 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1983

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House

to S.F. No. 936 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 936: A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 2, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 3.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Solon
Anderson	Dieterich	Laidig	Peterson, C.C.	Spear
Belanger	Frank	Langseth	Peterson, D.C.	Storm
Benson	Frederick	Lantry	Peterson, D.L.	Stumpf
Berg	Frederickson	Lessard	Peterson, R.W.	Ulland
Berglin	Freeman	Luther	Petty	Vega
Bernhagen	Hughes	McQuaid	Pogemiller	Waldorf
Bertram	Isackson	Mehrrens	Purfeerst	Wegscheid
Brataas	Johnson, D.J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D.M.	Reichgott	
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Kroening	Novak	Sieloff	

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 refuses to concur in the Senate amendments to House File No. 381:

H.F. No. 381: A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 7, as amended, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding a subdivision; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota

Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Otis, Tomlinson and Dempsey have been appointed as such committee on the part of the House.

House File No. 381 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 21, 1983

Mr. Petty moved that H.F. No. 381 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 870:

H.F. No. 870: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Rodosovich, Clawson and Sviggum have been appointed as such committee on the part of the House.

House File No. 870 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 21, 1983

Mr. Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 870, 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. 91, 859, 1107, 1147, 744, 1058, 1092, 1124, 779 and 1006.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 21, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees

indicated.

H.F. No. 91: A bill for an act relating to public utilities; providing for rights of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 60, now on General Orders.

H.F. No. 859: A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivision; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 512, now on General Orders.

H.F. No. 1107: A bill for an act relating to the Minnesota veterans home; clarifying the treatment of assets for purposes of calculating maintenance charges; amending Minnesota Statutes 1982, section 198.03.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 1147: A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; requiring a report to the legislature.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1096.

H.F. No. 744: A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 717.

H.F. No. 1058: A bill for an act relating to limited partnerships; providing for withdrawals of certain partners; providing for liabilities of partners; amending Minnesota Statutes 1982, sections 322A.27; and 322A.33.

Referred to the Committee on Judiciary.

H.F. No. 1092: A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1119.

H.F. No. 1124: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminat-

ing certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; amending Minnesota Statutes 1982, sections 10A.275; 10A.31, subdivision 2; 10A.32, subdivision 3b; 10A.335; 11A.24, subdivision 6; 15.06, subdivision 1; 16.861, subdivision 3; 17A.06, subdivision 3; 32.212; 32.213; 35.251; 43A.18, subdivision 5; 45.16, subdivision 2; 48.605, subdivision 1; 60A.07, subdivision 8; 60A.17, subdivision 7a; 93.20, subdivision 9; 98.46, subdivision 16; 100.27, subdivision 9; 112.85, subdivision 2; 116D.05; 116G.03, subdivision 5; 116J.70, subdivision 2a; 120.80, subdivision 1; 120.81, subdivision 1; 121.904, subdivision 11b; 168.021, subdivision 2; 169.451; 169.974, subdivision 2; 169.974, subdivision 6; 169.99, subdivision 1; 171.131, subdivision 2; 179.70, subdivision 1; 238.04, subdivision 2; 244.09, subdivision 1; 252A.13, subdivision 2; 253B.19, subdivision 5; 256.871, subdivision 7; 256.976, subdivision 4; 260.185, subdivision 1; 260.193, subdivision 6; 268.18, subdivision 2; 273.13, subdivisions 6 and 7d; 275.125, subdivision 1; 282.38, subdivisions 1 and 2; 290.012, subdivision 2; 297.02, subdivision 5; 298.28, subdivision 1; 326.241, subdivision 1; 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivision 1; 327B.09, subdivision 1; 340.069; 354.532, subdivision 4; 363.03, subdivision 10; 367.41, subdivisions 1 and 5; 367.42, subdivision 1; 375B.01; 381.12, subdivision 2; 383A.35; 398A.01, subdivision 8; 462.355, subdivision 4; 462.36, subdivision 1; 462.445, subdivision 14; 462C.04, subdivision 2; 474.03; 508A.46; 515A.1-102; 518.24; and 525.619; amending Laws 1982, chapter 581, section 18, subdivision 4; and Laws 1982, Third Special Session chapter 1, article II, section 7; repealing Minnesota Statutes 1982, section 609.01, subdivision 2; repealing Laws 1976, chapters 2, section 62; and 173, section 53; Laws 1981, chapter 224, section 18; Laws 1982, chapters 416, section 1; 424, sections 3 and 8; and 642, section 8.

Referred to the Committee on Rules and Administration.

H.F. No. 779: A bill for an act relating to liquor; authorizing the cities of Roseau and Karlstad to issue one on-sale license to an Eagles Club.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 1006: A bill for an act relating to intoxicating liquor; authorizing a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1043.

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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 289: A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "either of"

Page 1, line 13, delete "Highland Park" and insert "Como Park Conservatory, Harriet Island,"

Page 1, line 14, delete "houses" and insert "house"

Page 2, after line 11, insert:

"Sec. 2. [ST. PAUL; ON-SALE NON-INTOXICATING MALT LIQUOR AND ON-SALE WINE LICENSES FOR THE DOWNTOWN COUNCIL.]

Notwithstanding sections 340.11, subdivision 20, 340.14, subdivision 3, and any other contrary provision of law, charter, or ordinance, the governing body of the city of St. Paul may issue "on-sale" non-intoxicating malt liquor and "on-sale" wine licenses to the St. Paul Downtown Council for use only at the annual Taste of the Twin Cities Festival to commemorate the July 4th holiday at the state capitol and on its surrounding property.

The fee for each license issued under this section is \$53.50.

Sec. 3. [HENNEPIN COUNTY; SHORT-TERM LIQUOR LICENSE.]

Notwithstanding any law to the contrary, Hennepin County, by resolution of its county board, may issue, with or without fee, to a nonprofit organization or corporation, one-day on-sale licenses for the sale and serving of intoxicating liquor in or upon any building or property of Hennepin County in connection with any convention, banquet, conference, meeting or social event conducted by the nonprofit organization. The licensee may dispense intoxicating liquor only to persons attending the event. The licensee's authority shall expire upon termination of the event. All dispensing of intoxicating liquor shall be in accordance with the terms and conditions prescribed by resolution of the county board."

Page 2, line 13, delete "This act is" and insert "Sections 1 and 2 are"

Page 2, after line 15, insert:

"Section 3 is effective upon approval by the county board of Hennepin County and compliance with the provisions of Minnesota Statutes, section 645.021, subdivision 3."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "the city of St. Paul" and insert "liquor licensing"

Page 1, line 2, after "city" insert "of St. Paul"

Page 1, line 4, delete "Highland Park" and insert "Como Park Conservatory, Harriet Island,"

Page 1, line 5, delete "houses" and insert "house"

Page 1, line 5, before the period, insert “; authorizing the city of St. Paul to issue on-sale non-intoxicating malt liquor and on-sale wine licenses to the Downtown Council for use at the Taste of the Twin Cities Festival; authorizing Hennepin County to issue short-term liquor licenses”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 886: A bill for an act relating to intoxicating liquor; authorizing Clearwater County to issue an off-sale license in Itasca Township.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1043: A bill for an act relating to intoxicating liquor; authorizing a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, before the period, insert “*and located within the municipality*”

Page 2, after line 15, insert:

“Sec. 2. [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. Spear from the Committee on Judiciary, to which was referred

S.F. No. 373: A bill for an act relating to negligence; regulating the liability of good samaritans; amending Minnesota Statutes 1982, section 604.05.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete “*including a public volunteer*” and insert “*except persons who are reasonably expecting to receive compensation or who are acting within the course of their employment or within the scope of their duties as part of a police, fire, rescue, sheriff, or life support transportation service*”

Page 1, line 16, delete “*or*” and insert “*and*” and after “*wanton*” insert “*or reckless*”

Page 1, line 17, delete everything after “*care*”

Page 1, lines 18 and 19, delete the new language

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 142: A bill for an act relating to agricultural and residential homesteads; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the legislature; postponing certain realty sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; limiting the right to maintain actions for deficiency judgements; proposing new law coded as Minnesota Statutes, chapter 583.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 26, after "12" insert "*for a period longer than one year*"

Page 2, line 34, delete "MORTGAGEE" and insert "MORTGAGOR"

Page 3, line 3, delete "a"

Page 3, line 4, delete "*proclamation*" and insert "*the effective date of sections 1 to 12*"

Page 3, line 12, delete "*granting*"

Page 3, line 13, delete "*of the*" and delete "*would be equitable and just*" and insert "*is necessitated by general economic conditions*"

Page 5, line 33, after the period, insert "*In the case of contracts for deed, the court shall ensure that the payment required by the contract vendee is sufficient to adequately maintain the vendor's standard of living.*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 190: A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Brown, Dodge, Fillmore and Olmsted counties; proposing new law coded in Minnesota Statutes, chapter 517.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 517.041, is amended to read:

517.041 [POWER TO APPOINT COURT COMMISSIONER; DUTY.]

The county court of the combined county court district of Benton and Stearns may appoint as court commissioner a person who was formerly employed by that county court district as a court commissioner.

The county court of the third or fifth judicial districts may appoint as court

commissioner for Brown, Dodge, Fillmore and Olmsted counties respectively a person who was formerly employed by those counties as a court commissioner.

The sole duty of ~~the~~ *an* appointed court commissioner is to solemnize marriages."

Amend the title as follows:

Page 1, line 4, delete "proposing new"

Page 1, line 5, delete everything before the period and insert "amending Minnesota Statutes 1982, section 517.041"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1146: A bill for an act relating to statutes; conforming certain laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 65B.51, subdivision 1; 154.03; and 573.01.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 3, insert:

"Sec. 3. Minnesota Statutes 1982, section 570.02, subdivision 2, is amended to read:

Subd. 2. [GROUNDS.] (a) A writ of attachment which serves to acquire quasi in rem jurisdiction over a defendant may be issued in the following situations:

(1) When the defendant's property, present within the state, is the subject of or directly related to the controversy between the parties; ~~or~~

(2) When a nonresident or foreign corporation owns or has an interest in tangible property which is permanently or regularly present within the state; ~~or~~

(3) When a resident, domiciliary, or domestic corporation owns or has an interest in tangible property which is present, no matter how irregularly, within the state; ~~or~~

(4) When a person, resident or nonresident, or a corporation, domestic or foreign, owns or has an interest in any kind of property, tangible or intangible, which is present within the state, and no more convenient forum exists in the United States; or

(5) When a person, resident or nonresident, or corporation, domestic or foreign, owning or having an interest in any kind of property, tangible or intangible, which is present within the state, would be subject to in personam jurisdiction under the due process clause, even though the state jurisdictional statutes do not ~~so~~ provide *it*.

(b) An order of attachment which serves only to secure property and not to acquire jurisdiction over the defendant may be issued ~~in the following situa-~~

tions:

(1) *When actual notice and an opportunity for a hearing is provided to a person, resident or nonresident, a corporation, domestic or foreign; and*

(+) (2) *When a person, resident or nonresident, a corporation, domestic or foreign, owns or has any interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment against the defendant; or*

~~(2) When a valid in personam action has been instituted and a person, resident or nonresident, or corporation, domestic or foreign, owns or has an interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment, when rendered, against the defendant, if:~~

(i) *That person or corporation with intent to defraud or delay his creditors has removed or is about to remove property from this state; or*

(ii) *That person or corporation has assigned, disposed of, or secreted or is about to assign, dispose of, or secrete, property with intent to defraud or delay his creditors."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before "and" insert "570.02, subdivision 2;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 419: A bill for an act relating to insurance; fire; hail; requiring the insured, in case of loss, to show the damaged property and related records to the company and consent to be examined under oath; providing for the exchange of information on losses or potential losses between companies and authorized persons; providing for the appraisal of losses; specifying the procedure to be used in selecting appraisers; amending Minnesota Statutes 1982, sections 65A.01, subdivision 3; 65A.26; 65A.29; and 299F.054, subdivisions 1, 2, 4, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 2 to 4, reinstate the stricken language

Page 5, line 33, delete "same" and insert "oath"

Page 5, line 36, delete "be" and insert "are" and delete "such" and insert "a"

Page 6, line 1, delete "as may be"

Page 8, line 13, delete "An" and insert "A written" and delete "in writing"

Page 8, line 28, delete the comma

Page 9, line 8, delete "An" and insert "A written" and delete "in writing"

Page 10, lines 7 and 14, strike "When" and insert "If"

Page 10, line 11, strike "as"

Page 10, line 24, delete "shall" and insert "may"

Page 10, line 25, delete "nor" and insert "or"

Page 10, line 30, delete "therefor"

Page 10, line 36, strike "shall be" and insert "is"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 721: A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

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 Economic Development and Commerce, to which was referred

H.F. No. 959: A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

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 Economic Development and Commerce, to which was referred

H.F. No. 953: A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

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 Economic Development and Commerce, to which was referred

H.F. No. 558: A bill for an act relating to commerce; altering certain interest rate provisions on renegotiations of conventional and cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1982, section 47.20, subdivision 2, is

amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section the terms defined in this subdivision have the meanings given them:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional or cooperative apartment loan.

(d) Appraisal and survey of real property securing a conventional loan or real property owned by a cooperative apartment corporation of which a share or shares of stock or a membership certificate or certificates are to secure a cooperative apartment loan.

(e) A single service charge, which includes any consideration, not otherwise specified herein as an "actual closing cost" paid by the borrower and received and retained by the lender for or related to the acquisition, making, refinancing or modification of a conventional or cooperative apartment loan, and also includes any consideration received by the lender for making a borrower's interest rate commitment or for making a borrower's loan commitment, whether or not an actual loan follows the commitment. The term service charge does not include forward commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional or cooperative apartment loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge.

(f) Charges and fees necessary for or related to the transfer of real or personal property securing a conventional or cooperative apartment loan or the closing of a conventional or cooperative apartment loan paid by the borrower and received by any party other than the lender.

(2) "Contract for deed" means an executory contract for the conveyance of real estate, the original principal amount of which is less than \$100,000. A commitment for a contract for deed shall include an executed purchase agreement or earnest money contract wherein the seller agrees to finance any part or all of the purchase price by a contract for deed.

(3) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less

than \$100,000, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration, and which is not made pursuant to the authority granted in subdivision 1, clause (3) or (4). The term mortgage does not include contracts for deed or installment land contracts.

(4) "Cooperative apartment loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a security interest on a share or shares of stock or a membership certificate or certificates issued to a stockholder or member by a cooperative apartment corporation, which may be accompanied by an assignment by way of security of the borrower's interest in the proprietary lease or occupancy agreement in property issued by the cooperative apartment corporation and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration.

(5) "Cooperative apartment corporation" means a corporation or association organized under sections 308.05 to 308.18 or chapter 317, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in the corporation or association, to occupy one or more residential units in a building owned or leased by the corporation or association.

(6) "Forward commitment fee" means a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of residential units, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of apartments as defined in section 515.02 to be created out of existing structures pursuant to the Minnesota condominium act, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make cooperative apartment loans to two or more credit worthy purchasers, including future purchasers, of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation; provided, that the forward commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(7) "Borrower's interest rate commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees that, if a conventional or cooperative apartment loan is made following issuance of and pursuant to the commitment, the conventional or cooperative apartment loan shall be made at a rate of interest not in excess of the rate of interest agreed to in the commitment, provided that the rate of interest agreed to in the commitment is not in excess of the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower.

(8) "Borrower's loan commitment" means a binding commitment made

by a lender to a borrower wherein the lender agrees to make a conventional or cooperative apartment loan pursuant to the provisions, including the interest rate, of the commitment, provided that the commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the commitment is issued and the commitment when issued and agreed to shall constitute a legally binding obligation on the part of the mortgagee or lender to make a conventional or cooperative apartment loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower; provided that a lender who issues a borrower's loan commitment pursuant to the provisions of a forward commitment is authorized to issue the borrower's loan commitment at a rate of interest not to exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(9) "Finance charge" means the total cost of a conventional or cooperative apartment loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional or cooperative apartment loan or against a seller of real property securing a conventional loan or a seller of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation securing a cooperative apartment loan, or any other party to the transaction except any actual closing costs and any forward commitment fee. The finance charges plus the actual closing costs and any forward commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional or cooperative apartment loan. 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.

(10) "Lender" means any person making a conventional or cooperative apartment loan, or any person arranging financing for a conventional or cooperative apartment loan. The term also includes the holder or assignee at any time of a conventional or cooperative apartment loan.

(11) "Loan yield" means the annual rate of return obtained by a lender over the term of a conventional or cooperative apartment loan and shall be computed as the annual percentage rate as computed in accordance with sections 226.5 (b), (c) and (d) of Regulation Z, 12 C.F.R. section 226, but using the definition of finance charge provided for in this subdivision. 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.

(12) "Monthly index of the federal ~~national~~ home loan mortgage association corporation auction yields" means the ~~gross~~ net weighted average yield

of accepted offers in the ~~second free market system conventional home mortgage auction held by eight month forward commitment program of the federal national home loan mortgage association corporation~~ in a month.

(13) "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

(14) "Residential unit" means any structure used principally for residential purposes or any portion thereof, and includes a unit in a townhouse or planned unit development, a condominium apartment, a non-owner occupied residence, and any other type of residence regardless of whether the unit is used as a principal residence, secondary residence, vacation residence or residence of some other denomination.

(15) "Vendor" means any person or persons who agree to sell real estate and finance any part or all of the purchase price by a contract for deed. The term also includes the holder or assignee at any time of the vendor's interest in a contract for deed."

Page 1, line 11, after "4a." insert "[MAXIMUM INTEREST RATE.]"

Page 1, lines 14, 15, 21, and 26, strike "national" and insert "home loan"

Page 1, lines 15, 16, and 21, strike "association" and insert "corporation"

Page 1, line 22, after "month" insert "*plus an additional three-eighths of one percent per annum*"

Page 2, line 1, strike "association" and insert "corporation"

Page 2, line 10, strike "national" and insert "home loan" and strike "association free market"

Page 2, line 11, strike "system conventional home mortgage auction" and insert "*corporation eight month forward commitment purchase program*"

Page 2, line 23, delete "provided that" and insert "if"

Page 2, line 26, after "made" insert "*and the effective annual percentage rate for the entire term of the loan or contract is disclosed*"

Page 4, delete section 2 and insert:

"Sec. 3. Minnesota Statutes 1982, section 47.20, subdivision 6a, is amended to read:

Subd. 6a. [LOAN ASSUMPTIONS AFTER MAY 8, 1981.] If the purpose of a conventional loan, or loan made pursuant to the authority granted in subdivision 1, clause (3) or (4), 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 a new interest rate not to exceed the lender's current market rate of interest on similar loans at the time of the transfer, the most recently published monthly index of the federal ~~national home loan mortgage association corporation~~ auction yields as compiled by the federal ~~national mortgage association~~ or the existing interest rate provided for by the terms of the note, whichever is greater. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument."

Page 4, line 31, before "Section" insert "This act is effective the day after final enactment." and delete "1" and insert "2"

Page 4, line 32, delete "the effective" and insert "that"

Page 4, line 33, delete "of that section"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "changing the index for determining the maximum lawful interest rate for conventional mortgages, cooperative apartment loans, and contracts for deed;"

Page 1, line 6, delete "subdivision" and insert "subdivisions 2," and after "4a" insert ", and 6a"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 954: A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 1 and 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 462: A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

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 Local and Urban Government, to which was referred

H.F. No. 1062: A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, subdivision 2.

Reports the same back with the recommendation that the bill do pass.

Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 1122: A bill for an act relating to the town of Flowing; permitting the town to conduct elections and town business in a nearby city.

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 Local and Urban Government, to which was referred

H.F. No. 741: A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; 386.36; 580.24; 580.25; 582.03; 582.04; repealing Minnesota Statutes 1982, section 357.181.

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 Local and Urban Government, to which was referred

H.F. No. 694: A bill for an act relating to Ramsey County; providing for the membership, terms, and procedures of the medical center commission; amending Minnesota Statutes 1982, section 383A.41, subdivisions 2, 3, and 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 445: A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 10, 11, and 27, strike "such"

Page 3, lines 21 and 22, strike "such"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 906: A bill for an act relating to economic development; creating a preference for Minnesota residents in the awarding of public contracts; creating a preference for Minnesota labor and materials; amending Minne-

sota Statutes 1982, section 16.073; proposing new law coded in Minnesota Statutes, chapter 16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, after "the" insert "design,"

Page 2, line 13, delete "responsible"

Page 2, line 13, after "lowest" insert "responsible"

Page 2, line 14, delete "five" and insert "ten"

Page 2, line 14, delete "that of"

Page 2, line 15, delete the first "bidder" and insert "bid"

Pages 2 to 4, delete section 2 and insert:

"Sec. 2. [16.0721] [PREFERENCE FOR MINNESOTA AND AMERICAN MADE MATERIALS.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Public agency" has the meaning assigned to it in section 1, subdivision 1, clause (b), and includes any contractor acting pursuant to a contract with a public agency;

(b) "Materials" means any goods, supplies, equipment or any other tangible products or materials, including foods;

(c) "Manufactured" means mined, grown, produced, manufactured, fabricated or assembled;

(d) "Manufactured in Minnesota" means manufactured in whole or in substantial part within Minnesota or that the majority of its components were manufactured in whole or in substantial part in Minnesota;

(e) "Manufactured in the United States" means manufactured in whole or in substantial part within the United States or that the majority of the component parts thereof were manufactured in whole or in substantial part in the United States;

(f) "Purchase" means acquire by purchase or lease.

Subd. 2. [PURCHASE PREFERENCE.] Notwithstanding the provisions of any other law to the contrary, no materials may be purchased by a public agency for use for governmental purposes which are not manufactured in Minnesota or the United States, except as may be provided in this section. When all other factors are substantially equal, preference must be given first to those products which are manufactured to the greatest extent in Minnesota, and second to those products which are manufactured to the greatest extent in the United States. To the extent possible, specifications must be written so as to permit the public agency to purchase materials manufactured in Minnesota.

Subd. 3. [EXEMPTIONS.] Subdivision 2 does not apply if the person having contracting authority in respect to the purchase determines that (1) the materials are not manufactured in Minnesota or the United States in suffi-

cient or reasonably available quantities, (2) the price or bid of the materials exceeds by more than ten percent the price or bid of available and comparable materials manufactured outside of Minnesota or the United States, (3) the quality of the materials is substantially less than the quality of comparably priced available materials manufactured outside of Minnesota or the United States, or (4) the purchase of the materials manufactured in Minnesota or the United States is otherwise not in the public interest. Subdivision 2 also does not apply if the materials are purchased with a view to commercial resale or with a view to use in the production of goods for commercial sale.

Subd. 4. [OTHER LAW SUPERSEDED.] The provisions of this section supersede Minnesota Statutes, section 16.073.

Sec. 3. [REPEALER.]

Sections 1 and 2 are repealed June 30, 1985."

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete "section 16.073;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

H.F. No. 250: 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 1982, section 61A.03; proposing new law coded in Minnesota Statutes, chapter 72A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, strike "shall" and insert "may" and after "or" strike "be issued"

Page 1, line 16, strike "the same" and insert "it"

Page 1, line 18, strike "shall be" and insert "are"

Page 1, line 22, strike "any" and insert "a"

Page 1, line 23, strike "shall be" and insert "is"

Page 1, line 24, strike "grace of"

Page 1, line 25, after "month" insert "grace period" and strike "which"

Page 1, line 26, strike "may be subject to an interest charge," and strike "month"

Page 2, line 1, strike "shall" and insert "will"

Page 2, line 1, strike ", which" and insert ". The"

Page 2, line 1, after "may" insert "subject the late payment to a finance

charge and"

Page 2, line 2, strike "month of" and after "grace" insert "*period,*"

Page 2, line 7, strike "is" and insert "*has been*"

Page 2, line 11, strike "and," and insert "; *that*"

Page 2, line 14, strike the second comma and insert "; *and that*"

Page 2, line 16, strike "classed" and insert "*classified*"

Page 2, line 23, strike "shall be deemed" and insert "*are*"

Page 2, line 24, strike "such" and strike "shall avoid" and insert "*voids*"

Page 2, lines 25 and 28, strike the comma

Page 2, lines 29 and 32, strike "shall" and insert "*will*"

Page 2, line 29, strike "such as" and insert "*the amount*"

Page 2, line 34, strike the second and third commas

Page 2, line 36, strike "shall have" and insert "*has*"

Page 3, line 1, after "fifth" insert a comma

Page 3, lines 1, 6, 20, and 24, strike "such" and insert "*the*"

Page 3, line 2, strike ", and" and insert a period

Page 3, line 2, strike "shall provide" and insert "*provides*"

Page 3, line 3, strike "shall" and insert "*must*"

Page 3, line 3, strike "shall be" and insert "*is*"

Page 3, line 4, strike "shall" and insert "*does*"

Page 3, line 4, strike "any" and insert "*an*"

Page 3, line 4, strike the comma

Page 3, line 5, strike "which" and insert "*. The*"

Page 3, line 5, strike "stipulate that" and insert "*condition*"

Page 3, line 6, strike "shall be conditioned"

Page 3, line 7, strike the semicolon and insert a period

Page 3, line 8, strike "shall" and insert "*is*" and strike "be" and strike "*nor*"

Page 3, line 9, strike "nor" and insert "*or*"

Page 3, line 11, after "provision" insert "*(1)*"

Page 3, line 12, strike "years" and insert "*years*"

Page 3, line 18, strike ". Such" and insert "; *(2) that the*"

Page 3, line 18, strike "shall"

Page 3, line 19, strike "be" and insert "*is*"

Page 3, line 20, strike ", and the policy shall provide" and insert "; *(3)*"

and strike "except"

Page 3, line 21, strike "when" and insert "unless"

Page 3, line 21, strike "exceeding" and insert "more than"

Page 3, line 22, strike "therefor" and insert "for it"

Page 3, line 22, strike "it shall be"

Page 3, line 23, strike "further stipulated in the policy" and insert "(4)"

Page 3, line 27, strike ", and" and insert "; (5)"

Page 3, lines 27 and 34, strike "any such" and insert "an"

Page 3, line 28, strike "shall" and insert "does"

Page 3, line 29, strike "shall equal" and insert "equals"

Page 3, line 29, strike "exceed" and insert "exceeds"

Page 3, line 30, strike "such" in both places and insert "the" in both places

Page 3, line 31, strike "shall have" and insert "has"

Page 3, line 33, after the semicolon, insert "and (6) that" and strike "as"

Page 3, line 34, strike "herein" and insert "those"

Page 3, line 34, strike "shall" and insert "in this section will"

Page 3, line 35, strike "; but" and insert a period

Page 3, line 35, strike "shall" and insert "is"

Page 3, line 35, strike "be"

Page 4, lines 3 and 4, strike "shall be" and insert "is"

Page 4, line 4, strike "such" and insert "that"

Page 4, line 5, strike "shall" and insert "has"

Page 4, line 5, strike "have"

Page 4, line 6, strike "from such" and insert "after the"

Page 4, lines 6, 7, and 8, strike the comma

Page 4, line 11, strike "shall" and insert "will"

Page 4, line 11, strike "upon" and insert "within two months after"

Page 4, line 11, strike ", or not later"

Page 4, line 12, strike everything before the semicolon

Page 4, line 17, after "describing" insert "the policy"

Page 4, line 18, strike "the same, and so specifying" and insert "stating"

Page 4, line 19, after the second comma, insert "so"

Page 4, line 23, strike "shall" and insert "must"

Page 4, line 25, delete "shall" and insert "must"

Page 4, line 35, delete "clause" and insert "paragraph" and after "(a)" insert ", clause" and after "(2)" insert a comma

Page 5, lines 1, 3, 15, 18, 23, and 26, delete "clause" and insert "paragraph"

Page 5, lines 1, 3, and 15, after "(a)" insert ", clause"

Page 5, line 3, after "(2)" insert a comma

Page 5, line 3, delete "shall" and insert "may"

Page 5, line 3, delete "higher" and insert "lower"

Page 5, line 4, delete "used to compute" and insert "credited to the policyholder's premium in computing"

Page 5, line 5, delete "plus one percent"

Page 5, line 6, delete "per annum"

Page 5, line 11, after the comma, insert "the commissioner shall substitute"

Page 5, line 12, delete "shall be substituted by the"

Page 5, line 13, delete "commissioner"

Page 5, line 15, delete "shall" and insert "must"

Page 5, lines 22 and 25, delete "such" and insert "the"

Page 6, lines 5 and 7, delete "clause" and insert "paragraph"

Page 6, lines 6 and 27, delete "clauses" and insert "paragraphs"

Page 6, lines 10 and 27, delete "shall" and insert "must"

Page 6, line 12, delete "shall" and insert "may"

Page 7, line 8, delete "shall" and insert "do"

Page 7, lines 11 and 24, delete "clause" and insert "paragraph"

Page 7, line 16, delete "shall apply" and insert "applies"

Page 7, line 16, delete "which are"

Page 7, line 20, delete "chapter" and insert "section"

Page 7, after line 20, insert:

"Sec. 2. [65B.134] [COMPREHENSIVE COVERAGE; GLASS BREAKAGE.]

Any policy of automobile insurance, as defined in section 65B.14, subdivision 2, providing comprehensive coverage, whether designated as such or included in a policy providing broader coverage, must provide at the option of the insured complete coverage for repair or replacement of all damaged safety glass without regard to any deductible or minimum amount."

Page 7, line 24, delete "shall be" and insert "is"

Page 7, line 27, before "Sections" insert "Section 2 is effective July 1, 1983, and applies to all policies of automobile insurance issued or renewed

after that date.”

Page 7, line 27, delete “2” and insert “3”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “requiring automobile insurance policy option of safety glass coverage without a deductible;”

Page 1, line 7, delete “chapter” and insert “chapters 65B and”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1168: A bill for an act relating to insurance; automobile; authorizing the commissioner to adopt rules on nonrenewals of policies; amending Minnesota Statutes 1982, section 65B.17.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 60C.09, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] A covered claim is any unpaid claim, including one for unearned premium, which:

(a) Arises out of and is within the coverage of an insurance policy issued by a member insurer if the insurer becomes an insolvent insurer after April 30, 1979;

(b) Arises out of a class of business which is not excepted from the scope of Laws 1971, Chapter 145 by section 60C.02; and

(c) Is made by:

(i) A policyholder, or an insured beneficiary under a policy, who, at the time of the insured event, was a resident of this state; or

(ii) A person designated in the policy as having an insurable interest in or related to property situated in this state at the time of the insured event; or

(iii) An obligee or creditor under any surety bond, who, at the time of default by the principal debtor or obligor, was a resident of this state; or

(iv) A third party claimant under a liability policy or surety bond, if: (a) the insured or the third party claimant was a resident of this state at the time of the insured event; (b) the claim is for bodily or personal injuries suffered in this state by a person who when he suffered the injuries was a resident of this state; or (c) the claim is for damages to real property situated in this state at the time of damage; or

(v) A direct or indirect assignee of a person who except for the assignment might have claimed under (i), (ii) or (iii).

A covered claim also includes any unpaid claim which arises or exists within 30 days after the time of entry of an order of liquidation with a finding of insolvency by a court of competent jurisdiction unless prior thereto the insured replaces the policy or causes its cancellation or the policy expires on its expiration date.

Sec. 2. Minnesota Statutes 1982, section 65B.17, is amended to read:

65B.17 [RENEWAL; NOTICE NOT TO RENEW.]

*Subdivision 1. [GENERAL REGULATIONS.] No insurer shall fail to renew an automobile insurance policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 60 days advance notice of its intention not to renew. ~~Said~~ The notice ~~shall~~ *must* contain the specific underwriting or other reason or reasons for ~~such~~ *the* nonrenewal. When the failure to renew is based upon a termination of the agency contract, the notice ~~shall~~ *must* so state. This section ~~shall~~ *does* not apply:*

- (a) If the insurer has manifested its willingness to renew; or
- (b) In case of nonpayment of the renewal premium;

*Provided that, notwithstanding the failure of an insurer to comply with this section, the policy ~~shall terminate~~ *terminates* on the effective date of any other automobile insurance policy procured by the insured, with respect to any automobile designated in both policies. Renewal of a policy ~~shall~~ *does* not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of ~~such~~ *the* renewal. No insurer shall fail to renew an automobile policy solely because of the age of the insured. No insurer shall refuse to renew an automobile insurance policy for reasons which are arbitrary or capricious. *No insurer shall refuse to renew an automobile insurance policy in violation of rules adopted pursuant to subdivision 2.* An insurer may refuse to renew an automobile insurance policy in case of nonpayment of dues to an association or organization, other than an insurance association or organization, where payment of dues is a prerequisite to obtaining or continuing such insurance; provided, however, that this provision for nonrenewal for failure to pay dues shall not be applicable to persons who are retired at age 62 years of age or older or who are disabled, according to social security standards.*

No insurer shall take any action in regard to an automobile insurance policy on the statements or charges of any person made to the insurer concerning alleged unsafe driving habits of an insured unless the insurer shall concurrently disclose to the insured the name and address of the person from which the insurer received the information.

Subd. 2. [RULEMAKING.] The commissioner may adopt rules pursuant to chapter 14, including temporary rules, to specify the grounds for nonrenewal of an automobile policy. The rules must limit the basis for nonrenewal to the following factors:

- (a) *the reasons stated for cancellation in section 65B.15;*
- (b) *payments made for collision, bodily injury liability, or property damage liability coverage;*
- (c) *moving violations of a driver; and*

(d) other factors deemed reasonable by the commissioner.

The rules must specify the manner in which these factors will be considered and may reflect the severity or reoccurrence of any moving violation, the amount of any payment made, and the number of vehicles insured.

Subd. 3. [ADMINISTRATIVE PENALTY.] The rules adopted under this section may provide for imposition of a monetary penalty not greater than \$500 per occurrence upon insurers who are found to be in violation of any rule provision.

Sec. 3. Minnesota Statutes 1982, section 65B.48, subdivision 3, is amended to read:

Subd. 3. Self-insurance, subject to approval of the commissioner, is effected by filing with the commissioner in satisfactory form:

(1) a continuing undertaking by the owner or other appropriate person to pay tort liabilities or basic economic loss benefits, or both, and to perform all other obligations imposed by sections 65B.41 to 65B.71;

(2) evidence that appropriate provision exists for prompt administration of all claims, benefits, and obligations provided by sections 65B.41 to 65B.71; ~~and~~

(3) evidence that reliable financial arrangements, deposits, or commitments exist providing assurance, substantially equivalent to that afforded by a policy of insurance complying with sections 65B.41 to 65B.71, for payment of tort liabilities, basic economic loss benefits, and all other obligations imposed by sections 65B.41 to 65B.71-; *and*

(4) a nonrefundable application fee of \$500.

Sec. 4. Minnesota Statutes 1982, section 65B.48, is amended by adding a subdivision to read:

Subd. 3a. To carry out the purposes of subdivision 3, the commissioner may adopt rules pursuant to chapter 14, including temporary rules. These rules may:

(a) establish reporting requirements;

(b) establish standards or guidelines to assure the adequacy of the financing and administration of self-insurance plans;

(c) establish bonding requirements or other provisions assuring the financial integrity of entities that self-insure; and

(d) establish other reasonable requirements to further the purposes of this section.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the date after final enactment."

Amend the title as follows:

Page 1, line 2, delete everything after "insurance;" and insert "covered claims under the insurance guaranty act; rulemaking power of commissioner on nonrenewal of auto insurance and self-insurance; application fee for self-insurers;"

Page 1, line 4, delete "section" and insert "sections 60C.09, subdivision 1,"

Page 1, line 5, before the period, insert "; and 65B.48, subdivision 3, and by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 572: A bill for an act relating to public welfare; authorizing the establishment of community work experience programs on a pilot demonstration basis; proposing new law coded in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "*experience*" insert "*and training*"

Page 1, line 13, delete "*is authorized to*" and insert "*may*"

Page 1, lines 14 and 15, delete "*have the following duties*"

Page 1, line 23, after the period, insert "*The commissioner shall prohibit use of participants in the programs to do work that was part or all of the duties or responsibilities of an authorized public employee position established as of January 1, 1983.*"

Page 2, line 1, after "*implementation*" insert "*and on the cost effectiveness*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 490: A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 800: A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "thereof" and insert "*of the hospital*"

Page 1, line 16, strike "to" and insert "may"

Page 1, line 17, strike "same" and insert "records"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 724: A bill for an act relating to public welfare; continuing to allow personal care attendants' services as services under medical assistance; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 14, before the period, insert "*provided by an individual, not a relative, who is qualified to provide the services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 783: A bill for an act relating to welfare; proposing a moratorium on new construction and new certification of nursing home beds; providing a limit on inpatient chemical dependency treatment; requiring a second medical opinion prior to reimbursement for certain elective surgeries; making medicare certification a condition of medical assistance reimbursement; amending Minnesota Statutes 1982, sections 256.045, subdivision 3; 256.966, subdivision 1; 256.968; 256B.02, subdivision 8; 256B.03, subdivision 2, as amended; 256B.04, by adding a subdivision; 256B.061; 256B.064, subdivision 2; 256B.27, subdivisions 3 and 4; and 256B.48, by adding a subdivision; and Laws 1981, chapter 360, article II, section 54, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 245.62, is amended to read:

245.62 [COMMUNITY MENTAL HEALTH PROGRAM; TAX LEVY CENTER.]

Subdivision 1. [ESTABLISHMENT.] Any city, county, town, or any combination thereof, or private nonprofit corporation may establish a community mental health services program and may establish clinics and staff same with persons specially trained in psychiatry and related fields center.

Subd. 2. [DEFINITION.] A community mental health center is a private nonprofit corporation or public agency approved under the temporary and permanent rules promulgated by the commissioner pursuant to subdivision 4.

Subd. 3. [CLINICAL DIRECTOR.] All community mental health center services shall be provided under the clinical direction of a licensed consulting psychologist licensed under sections 148.88 to 148.98, or a physician who is board certified or eligible for board certification in psychiatry, and who is licensed under section 147.02.

Subd. 4. [RULES.] The commissioner shall promulgate temporary and permanent rules to establish standards for the designation of an agency as a community mental health center. These standards shall include, but are not limited to:

(a) provision of mental health services in the prevention, identification, treatment and aftercare of emotional disorders, chronic and acute mental illness, mental retardation and developmental disabilities, and alcohol and drug abuse and dependency, including the services listed in section 245.61 except detoxification services;

(b) establishment of a community mental health center board pursuant to section 245.66; and

(c) approval pursuant to section 245.69, subdivision 2.

Sec. 2. Minnesota Statutes 1982, section 245.66, is amended to read:

245.66 [COMMUNITY MENTAL HEALTH CENTER BOARDS.]

Every city, county, town, combination thereof or nonprofit corporation establishing a community mental health center ~~under contract with a county board or human service board shall, before it may come within the provisions of sections 245.61 to 245.69 and receive funds from the county board or human service board,~~ shall establish a community mental health center board. The community mental health center ~~boards~~ board may include county commissioner representatives from each participating county and shall be representative of local health departments, medical societies, hospital boards, lay associations concerned with mental health, mental retardation and chemical dependency, labor, agriculture, business, civic and professional groups and the general public. Membership may include a representative from any county which purchases substantial services from the community mental health board. ~~the local population, including at least health and human service professions and advocate associations, other fields of employment, and the general public.~~ Each community mental health center board shall be responsible for the governing ~~governance and performance~~ of its center and shall be responsible for the performance of the center under any contracts entered into with a county board of commissioners or human services board. This governing shall include determination of the services to be provided by the community mental health center, establishment of the annual budget, appointment of the center director, and establishment of personnel standards and compensation for employees of the center.

Sec. 3. Minnesota Statutes 1982, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] In counties in which the commissioner of welfare has not appointed a local welfare referee, any person applying for or receiving any of the forms of public assistance described in subdivision 2 whose application for assistance is denied, not acted upon

with reasonable promptness, or whose assistance is suspended, reduced, or terminated by a local agency, or any patient or relative aggrieved by an order of the commissioner under section 252.27, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant or, recipient, patient or relative shows good cause why the request was not submitted within the 30 day time limit. A local agency or, applicant or, recipient, patient or relative aggrieved by a ruling of a local welfare referee may appeal the ruling to the state agency by filing a notice of appeal with the state agency within 30 days after receiving the ruling of the local welfare referee. A state welfare referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of public welfare. In appeals from rulings of local welfare referees, the hearing may be limited, upon stipulation of the parties, to a review of the record of the local welfare referee.

Sec. 4. Minnesota Statutes 1982, section 256.966, subdivision 1, is amended to read:

Subdivision 1. [IN GENERAL.] For the biennium ending June 30, ~~1983~~ 1985, the annual increase in the cost per service unit paid to any vendor under medical assistance and general assistance medical care shall not exceed eight percent. The period for measuring growth shall be the state fiscal year. *The actual acquisition cost of prescription drug ingredients is not subject to the eight percent increase limit or any other cost limitation and shall be fully reimbursed. For vendors enrolled in the general assistance medical care program, the annual increase in cost per service unit allowable during state fiscal year 1984 shall not exceed eight percent. The basis for measuring growth shall be the cost per service unit that would have been reimbursable in state fiscal year 1983 if payments had not been rateably reduced and if payments had been based on the 50th percentile of usual and customary billings for medical assistance in 1979. The increase in cost per service unit allowable for vendors in the general assistance medical care program during state fiscal year 1985 shall not exceed eight percent. The basis for measuring growth shall be state fiscal year 1984.*

Sec. 5. Minnesota Statutes 1982, section 256.967, is amended to read:

256.967 [MEDICAL CARE PAYMENTS; LIMITATIONS ON FEES.]

All payments for vendors of medical care under general assistance medical care shall be based upon this standard: the 50th percentile of usual and customary fees based upon medical assistance billings during calendar year ~~1978~~ 1979. All payments for vendors of medical care under medical assistance shall be limited to the 50th percentile of usual and customary fees based upon billings during calendar year 1979 for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, mental health centers, psychologists, public health clinics, and independent laboratory and x-ray services.

Sec. 6. Minnesota Statutes 1982, section 256.968, is amended to read:

256.968 [LIMITATION ON INPATIENT CHEMICAL DEPENDENCY

TREATMENT.]

The commissioner of public welfare shall limit medical assistance and general assistance medical care reimbursement for treatment of alcoholism, chemical dependency or drug addiction which is rendered in a licensed hospital or certified nursing home to ~~40~~ 30 days unless need for extended care is certified by the attending physician *and has received prior approval from the commissioner.*

Sec. 7. Minnesota Statutes 1982, section 256B.02, subdivision 8, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

(1) Inpatient hospital services. *A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish a proposed list of elective surgeries that require a second medical opinion prior to reimbursement in the State Register. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal.*

(2) Skilled nursing home services and services of intermediate care facilities.

(3) Physicians' services.

(4) Outpatient hospital or *physician-directed clinic services. The physician-directed clinic staff shall include at least two physicians, one of whom is on the premises whenever the clinic is open, and all services shall be provided under the direct supervision of the physician who is on the premises.*

(5) *Community mental health center services, as defined in rules adopted by the commissioner pursuant to section 256B.04, subdivision 2, and provided by a community mental health center as defined in section 245.62, subdivision 2.*

~~(5)~~ (6) Home health care services.

~~(6)~~ (7) Private duty nursing services.

~~(7)~~ (8) Physical therapy and related services.

~~(8)~~ (9) Dental services, excluding cast metal restorations.

~~(9)~~ (10) Laboratory and x-ray services.

~~(10)~~ (11) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the

department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formulary committee shall review and comment on the formulary contents. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the administrative procedure act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the administrative procedure act.

~~(11)~~ (12) Diagnostic, screening, and preventive services.

~~(12)~~ (13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

~~(13)~~ (14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency

for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

~~(14)~~ (15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

~~(15)~~ (16) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

~~(16)~~ (17) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

Sec. 8. Minnesota Statutes 1982, section 256B.04, subdivision 14, is amended to read:

Subd. 14. [COMPETITIVE BIDDING.] The commissioner shall utilize volume purchase through competitive bidding under the provisions of chapter 16, to provide the following items:

(1) Eyeglasses;

(2) *Oxygen. The commissioner shall provide for oxygen needed in an emergency situation on a short-term basis, until the vendor can obtain the necessary supply from the contract dealer;*

~~(2)~~ (3) Hearing aids and supplies; and

~~(3)~~ (4) Durable medical equipment, including but not limited to:

(a) hospital beds;

(b) commodes;

(c) glide-about chairs;

(d) patient lift apparatus;

(e) wheelchairs and accessories;

(f) oxygen administration equipment;

(g) respiratory therapy equipment; and

(h) electronic diagnostic, therapeutic and life support systems.

Counties that are able to negotiate a volume purchase for any of the above items through their own competitive bidding process shall seek an exemption from the provisions of this subdivision from the commissioner when the price negotiated by the county is lower than the price available to the commis-

sioner.

Sec. 9. Minnesota Statutes 1982, section 256B.04, is amended by adding a subdivision to read:

Subd. 16. [UTILIZATION REVIEW.] Establish on a statewide basis a new program to safeguard against unnecessary or inappropriate use of medical assistance services, against excess payments, against unnecessary or inappropriate hospital admissions or lengths of stay, and against underutilization of services in pre-paid health plans, long term care facilities or any health care delivery system subject to fixed rate reimbursement. In implementing the program, the state agency shall utilize both pre-payment and post-payment review systems to determine if utilization is reasonable and necessary. The determination of whether services are reasonable and necessary shall be made by the commissioner in consultation with a professional services advisory group appointed by the commissioner. An aggrieved party may appeal the commissioner's determination pursuant to the contested case procedures of chapter 14.

Sec. 10. Minnesota Statutes 1982, section 256B.06, subdivision 1, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the Social Security Act, 42 U.S.C. Sections 670 to 676; or

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the Social Security Act, 42 U.S.C. Sections 670 to 676; or

(3) Who is eligible for or receiving public assistance, or a woman who is pregnant, as medically verified, and who would be eligible for assistance under the aid to families with dependent children program if the child had been born and living with the woman; or

(4) Who is ~~eligible for or receiving~~ *meets the categorical eligibility requirements of the supplemental security income for the aged, blind and disabled program and the other eligibility requirements of this section;* or

(5) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(6) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(7) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(8) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(9) Who alone, or together with his spouse, does not own real property

other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in unplatted land. Occupancy or exemption shall be determined as provided in chapter 510 and applicable law, including continuing exemption by filing notice under section 510.07. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship; and

(10) Who individually does not own more than ~~\$2,000~~ \$2,700 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than ~~\$4,000~~ \$5,400 in cash or liquid assets, plus \$200 for each additional legal dependent. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

(11) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1, unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(12) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing

home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(13) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 11. Minnesota Statutes 1982, section 256B.07, is amended to read:

256B.07 [EXCEPTIONS IN DETERMINING RESOURCES.]

A local agency may, within the scope of regulations set by the commissioner of public welfare, waive the requirement of liquidation of excess assets when the liquidation would cause undue hardship. Household goods and furniture in use in the home, wearing apparel, ~~insurance policies with cash surrender value not in excess of \$1,500 per insured person, and~~ personal property used as a regular abode by the applicant or recipient, ~~a prepaid funeral contract not in excess of \$750 per person plus accrued interest of not more than \$200, and a lot in a burial plot~~ shall not be considered as resources available to meet medical needs.

Sec. 12. Minnesota Statutes 1982, section 256B.14, subdivision 2, is amended to read:

Subd. 2. [ACTIONS TO OBTAIN PAYMENT.] The state agency shall promulgate rules to determine the ability of responsible relatives to contribute partial or complete repayment of medical assistance furnished to recipients for whom they are responsible. *In determining the income contribution for parents of children in out of home placement, the state agency shall use the standard set forth in 12 MCAR S 2.027 until the promulgation of the rule required under this subdivision.* These rules shall not require repayment when payment would cause undue hardship to the responsible relative or his or her immediate family. The county agency shall give the responsible relative notice of the amount of the repayment. If the state agency or county agency finds that notice of the payment obligation was given to the responsible relative, but that the relative failed or refused to pay, a cause of action exists against the responsible relative for that portion of medical assistance granted after notice was given to the responsible relative, which the relative was determined to be able to pay.

The action may be brought by the state agency or the county agency in the county where assistance was granted, for the assistance, together with the costs of disbursements incurred due to the action.

In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing contributions by a responsible relative found able to repay the county or state agency. The order shall be effective only for the period of time during which

the recipient receives medical assistance from the county or state agency.

Sec. 13. Minnesota Statutes 1982, section 256B.17, subdivision 4, is amended to read:

Subd. 4. [PERIOD OF INELIGIBILITY.] In any case where the uncompensated value of transferred resources exceeds \$12,000, the commissioner shall require a period of ineligibility which exceeds 24 months, provided that the period of ineligibility bears a reasonable relationship to the excess uncompensated value of the transferred asset. For any uncompensated transfer, the period of ineligibility shall be calculated by dividing the transferred amount by the statewide average monthly skilled nursing facility per diem for the previous calendar year to determine the number of months of ineligibility. The individual shall remain ineligible until this fixed ineligibility period has expired, subject to the exclusions contained in section 14.

Sec. 14. Minnesota Statutes 1982, section 256B.17, is amended by adding a subdivision to read:

Subd. 5. [EXCLUSIONS FOR HOMESTEAD TRANSFERS.] Notwithstanding subdivision 4, an individual shall not be ineligible if the transferred property is a homestead as defined by section 256B.06, subdivision 1, and one of the following conditions applies:

(1) a satisfactory showing is made that the individual can reasonably be expected to return to the homestead as a permanent residence;

(2) title to the home was transferred to the individual's spouse, child who is under age 21, or blind or permanently and totally disabled child as defined in the supplemental security income program;

(3) a satisfactory showing is made that the individual intended to dispose of the home at fair market value or for other valuable consideration;

(4) the local agency determines that denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being.

Sec. 15. Minnesota Statutes 1982, section 256B.17, is amended by adding a subdivision to read:

Subd. 6. [CONFORMANCE WITH FEDERAL LAW.] Notwithstanding the other provisions of this section, uncompensated property transfers shall be treated no more restrictively than allowed by federal law.

Sec. 16. Minnesota Statutes 1982, section 256B.27, subdivision 3, is amended to read:

Subd. 3. The commissioner of public welfare, with the written consent of the recipient, shall be allowed access to all personal medical records of medical assistance recipients solely for the purposes of investigating whether or not: (a) a vendor of medical care has submitted a claim for reimbursement, a cost report or a rate application which the vendor knows to be false in whole or in part; or (b) the medical care was medically necessary. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. The determination of abuse or provision of services not medically necessary shall be made by the commissioner in consultation with a review organiza-

tion as defined in section 145.61 or other an advisory committees committee of vendors as appointed by the commissioner on the recommendation of appropriate professional organizations. Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner of public welfare pursuant to this section.

Sec. 17. Minnesota Statutes 1982, section 256B.48, is amended by adding a subdivision to read:

Subd. 4. [MEDICARE CERTIFICATION REQUIRED.] A nursing home that offers skilled nursing facility care is not eligible to receive medical assistance payments unless it is certified by the commissioner of health for both medicare and medical assistance under United States Code, Title 42, sections 1395 et seq. and 1396 et seq.

Sec. 18. Minnesota Statutes 1982, section 256D.03, subdivision 3, is amended to read:

Subd. 3. [GENERAL ASSISTANCE MEDICAL CARE; ELIGIBILITY.] State aid shall be paid to local agencies or counties for 90 percent of the cost of general assistance medical care paid by the local agency or county pursuant to section 256D.02, subdivision 4a on behalf of persons eligible according to standards established by the commissioner of public welfare in accordance with the rates established by rule of the commissioner. Persons eligible for benefits under sections 256D.01 to 256D.21 and persons not eligible for federal health care benefits whose nonexempt property, as determined according to medical assistance standards, has an equity value no greater than \$1,000 and whose income is not in excess of the medical assistance standards shall be eligible for general assistance medical care and have free choice in the selection of a vendor of the medical care. Any local agency or county may, from its own resources, make payments for medical care for persons not otherwise eligible for the care pursuant to standards established by the commissioner. Persons with excess income and resources may qualify for benefits under this subdivision by spending down. Treatment of income and resources in calculation of the spenddown shall be the same as in the medical assistance program pursuant to chapter 256B.

The commissioner of public welfare shall promulgate rules to establish administrative and fiscal procedures for payment of the state share of the medical costs incurred by the counties under section 256D.02, subdivision 4a. The rules may include:

(a) procedures by which state liability for the costs of medical care incurred pursuant to section 256D.02, subdivision 4a may be deducted from county liability to the state under any other public assistance program authorized by law;

(b) procedures for processing claims of counties for reimbursement by the state for expenditures for medical care made by the counties pursuant to section 256D.02, subdivision 4a;

(c) procedures by which the local agencies may contract with the commissioner of public welfare for state administration of general assistance medical care payments;

(d) standards of eligibility, utilization of services and payment levels which

shall conform to those of medical assistance pursuant to chapter 256B; and

(e) general criteria and procedures for the identification and prompt investigation of suspected fraud, theft, abuse, presentment of false or duplicate claims, presentment of claims for services not medically necessary, or false statements or representations of material facts by a vendor of general assistance medical care, and for the imposition of sanctions against such vendor of medical care. The rules relating to sanctions shall be consistent with the provisions of section 256B.064, subdivisions 1a to 2.

Sec. 19. Minnesota Statutes 1982, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE: SERVICES.] (a) Notwithstanding the provisions of sections 256D.01 to 256D.21 and 261.23, or any other law to the contrary, for the biennium ending June 30, 1983, state aid shall be paid to local agencies or counties for 90 percent of general assistance medical care paid by the local agency or county on behalf of persons eligible for general assistance or persons meeting the income and resource criteria established in the program for aid to families with dependent children. Nothing in this provision shall be construed to modify the spenddown required in appropriate cases for general assistance medical care. Reimbursement for medical care provided under sections 256D.01 to 256D.21 or 261.23 under the general assistance medical care program shall be limited to the following categories of service only: inpatient hospital care, outpatient hospital care, services provided by medicare certified rehabilitation agencies, prescription drugs, eyeglasses, physician's services, medical transportation, and dental care. In addition, payments of state aid shall be made for day treatment services provided by a mental health center established under sections 245.61 to 245.69, subdivision 1, and funded through chapter 256E and for prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.

(b) ~~At the option of~~ *In order to contain costs, the county board and shall, with the approval of the commissioner of public welfare, reimbursement for inpatient hospital care, outpatient hospital care, and prescription drugs may be limited to designated select vendors of medical care providers who can provide the most economical care consistent with high medical standards and may contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall encourage county boards to submit proposals for demonstration projects designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under section 256B.02, subdivision 8, except that where counties enter into prepaid capitation agreements, payments shall be as provided in section 256.966, subdivision 2.*

(c) ~~The commissioner of public welfare may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. Reductions below the cost per service unit allowable under section 256.966, shall be permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical~~

dependency or mental illness may be reduced no more than 45 percent; payments for all other inpatient hospital care may be reduced no more than 35 percent. Reductions below the payments allowable under section 256.067 for the remaining general assistance medical care services allowable under this provision may be reduced no more than 25 percent. There shall be no copayment required of any recipient of benefits for any services provided under this subdivision.

(d) If the commissioner or county refuses to pay all or part of the charge for a health service, they shall not be liable for the unpaid portion of the charge. Any county may, from its own resources, provide medical payments for which state payments are not made.

Sec. 20. Minnesota Statutes 1982, section 256D.03, is amended by adding a subdivision to read:

Subd. 5. [DIVISION OF COSTS.] The state shall pay 90 percent of the cost of general assistance medical care paid by the local agency or county pursuant to this section. However, for counties who contract with health maintenance organizations or other providers to deliver services under a prepaid capitation agreement, the state shall pay 95 percent of the cost per person enrolled.

Sec. 21. Minnesota Statutes 1982, section 256D.03, is amended by adding a subdivision to read:

Subd. 6. [DUTIES OF THE COMMISSIONER.] The commissioner shall promulgate temporary and permanent rules as necessary to establish:

(a) standards of eligibility, utilization of services, and payment levels;

(b) standards for quality assurance, surveillance, and utilization review procedures that conform to those established for the medical assistance program pursuant to chapter 256B, including general criteria and procedures for the identification and prompt investigation of suspected fraud, theft, abuse, presentment of false or duplicate claims, presentment of claims for services not medically necessary, or false statements or representations of material facts by a vendor of general assistance medical care, and for the imposition of sanctions against such vendor of medical care. The rules relating to sanctions shall be consistent with the provisions of section 256B.064, subdivisions 1a and 2;

(c) administrative and fiscal procedures for payment of the state share of the medical costs incurred by the counties under section 256D.02, subdivision 4a. Rules promulgated pursuant to this clause may include: (1) procedures by which state liability for the costs of medical care incurred pursuant to section 256D.02, subdivision 4a may be deducted from county liability to the state under any other public assistance program authorized by law; (2) procedures for processing claims of counties for reimbursement by the state for expenditures for medical care made by the counties pursuant to section 256D.02, subdivision 4a; and (3) procedures by which the local agencies may contract with the commissioner of public welfare for state administration of general assistance medical care payments.

Sec. 22. Minnesota Statutes 1982, section 260.191, subdivision 2, is amended to read:

Subd. 2. All orders under this section shall be for a specified length of time set by the court not to exceed one year. However, before the order has expired and upon its own motion or that of any interested party, the court has ~~continuing jurisdiction to renew the order or shall~~, after notice to the parties and a hearing, *renew the order for another year or make some other disposition of the case, until the individual is no longer a minor. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.*

Sec. 23. Minnesota Statutes 1982, section 260.242, subdivision 2, is amended to read:

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to subdivision 1, clause (a), the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of subdivision 1 shall not of itself include the guardianship of the estate of the ward.

(d) If the ward is in foster care, the court shall, upon its own motion or that of the guardian, conduct a dispositional hearing within 18 months of the foster care placement and once every two years thereafter to determine the future status of the ward including, but not limited to, whether the child should be continued in foster care for a specified period, should be placed for adoption, or should, because of the child's special need or circumstances, be continued in foster care on a permanent or long-term basis. When the court has determined that the special needs of the ward are met through a permanent or long-term foster care placement, no subsequent dispositional hearings are required.

Sec. 24. Minnesota Statutes 1982, section 261.23, is amended to read:

261.23 [COSTS OF HOSPITALIZATION.]

The costs of hospitalization of such indigent persons exclusive of medical and surgical care and treatment shall not exceed in amount the full rates fixed and charged by the Minnesota general hospital under the provisions of sections 158.01 to 158.11 for the hospitalization of such indigent patients. *For indigent persons hospitalized pursuant to sections 261.21 to 261.232, the state shall pay ninety percent of the cost of the hospitalization of indigent persons under the provisions of sections 261.21 to 261.232 shall be paid by the state and ten percent allowable under the general assistance medical care program and ten percent of the allowable cost of hospitalization shall be*

paid by the county of the residence of ~~such~~ the indigent persons at ~~such~~ the times as ~~may be~~ provided for in ~~such~~ the contract; and in case of an injury or emergency requiring immediate surgical or medical treatment, for a period not to exceed 72 hours, 90 percent of the cost *allowable under the general assistance medical care program* shall be paid by the state and ten percent of the cost shall be paid by the county from which ~~such~~ the patient, if indigent, is certified. If the county of residence of the patient is not the county in which the patient has legal settlement for the purposes of poor relief, then the county of residence may seek reimbursement from the county in which the patient has settlement for the purposes of poor relief for all costs it has necessarily incurred and paid in connection with the hospitalization of said patient.

Sec. 25. [LEGISLATIVE AUDIT COMMISSION STUDY.]

The legislative audit commission shall investigate the feasibility, costs, benefits, and related issues associated with the state assuming the powers, duties and responsibilities of the fiscal intermediary for the medicare program under United States Code, Title 42, sections 1395 et seq. The commission shall make any recommendations it deems appropriate to the legislature and the governor no later than January 15, 1984.

Sec. 26. [RULES.]

The commissioner of public welfare may promulgate temporary and permanent rules as necessary to implement sections 4, 5, 18 to 21, and 24. The commissioner shall promulgate temporary and permanent rules to establish standards and criteria for deciding which medical assistance services require prior authorization and for deciding whether a second medical opinion is required for an elective surgery. The commissioner shall promulgate permanent rules to establish the methods and standards for determining inappropriate utilization of medical assistance services.

Sec. 27. [APPROPRIATION.]

\$329,800 is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1985 for the purposes of implementing the statewide program to review utilization under section 256B.04, subdivision 14. The approved complement of the department of public welfare is increased by 15 full-time positions for this purpose.

Sec. 28. [EFFECTIVE DATE.]

Sections 1 to 9 and 13 to 27 are effective the day following final enactment. Sections 10 and 11 are effective July 1, 1983. Sections 13 to 15 apply to transfers made on or after the effective date of those sections, regardless of the individual's status in relation to eligibility for medical assistance."

Delete the title and insert:

"A bill for an act relating to public welfare; defining mental health center and providing board membership; providing medical assistance and general assistance medical care limits on inpatient chemical dependency treatment; altering eligibility standards and other provisions of the medical assistance and general assistance programs; requiring limits on annual medical care increases; requiring a second medical opinion prior to reimbursement for certain elective surgeries; providing medical assistance reimbursement for

mental health center services; making medicare certification a condition of medical assistance reimbursement for skilled nursing home care; amending the general assistance medical care program; providing for annual review of court-ordered child placement; providing for dispositional hearings for state wards; appropriating money; amending Minnesota Statutes 1982, sections 245.62; 245.66; 256.045, subdivision 3; 256.966, subdivision 1; 256.967; 256.968; 256B.02, subdivision 8; 256B.04, subdivision 14, and by adding a subdivision; 256B.06, subdivision 1; 256B.07; 256B.14, subdivision 2; 256B.17, subdivision 4, and by adding subdivisions; 256B.27, subdivision 3; 256B.48, by adding a subdivision; 256D.03, subdivisions 3, 4, and by adding subdivisions; 260.191, subdivision 2; 260.242, subdivision 2; and 261.23."

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 Elections and Ethics, to which was referred

S.F. No. 919: A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, delete "231, 233,"

Page 1, line 22, after "215," insert "and" and delete ", and 415"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 999: A bill for an act relating to public welfare; establishing a medical assistance prepayment demonstration project; appropriating money; proposing new law coded in Minnesota Statutes, chapter 256B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [256B.70] [PREPAYMENT DEMONSTRATION PROJECT.]

Subdivision 1. [PURPOSE.] The commissioner of public welfare shall establish a medical assistance demonstration project to determine whether prepayment combined with better management of health care services is an effective mechanism to ensure that all eligible individuals receive necessary health care in a coordinated fashion while containing costs. For the purposes of this project, waiver of certain statutory provisions is necessary in accordance with this section.

Subd. 2. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given.

(a) "Commissioner" means the commissioner of public welfare. For the remainder of this section, the commissioner's responsibilities for methods and policies for implementing the project will be proposed by the project advisory committees and approved by the commissioner.

(b) "Demonstration provider" means an individual, agency, organization, or group of the aforementioned entities that participates in the demonstration project according to criteria, standards, methods, and other requirements established for the project and approved by the commissioner.

(c) "Eligible individuals" means those persons eligible for medical assistance benefits as defined in section 256B.06.

(d) "Limitation of choice" means suspending freedom of choice while allowing eligible individuals to choose among the demonstration providers.

Subd. 3. [GEOGRAPHIC AREA.] The commissioner shall designate the geographic areas in which eligible individuals may be included in the demonstration project. The geographic areas shall include one urban, one suburban, and at least one rural county. In order to encourage the participation of long-term care providers, the project area may be expanded beyond the designated counties for eligible individuals over age 65.

Subd. 4. [LIMITATION OF CHOICE.] The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6. Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner.

Subd. 5. [PROSPECTIVE PER CAPITA PAYMENT.] The project advisory committees with the commissioner shall establish the method and amount of payments for services. The commissioner shall annually contract with demonstration providers to provide services consistent with these established methods and amounts for payment. Notwithstanding section 62D.02, subdivision 1, payments for services rendered as part of the project may be made to providers that are not licensed health maintenance organizations on a risk-based, prepaid capitation basis.

If allowed by the commissioner, a demonstration provider may contract with an insurer, health care provider, nonprofit health service plan corporation, or the commissioner, to provide insurance or similar protection against the cost of care provided by the demonstration provider or to provide coverage against the risks incurred by demonstration providers under this section. The recipients enrolled with a demonstration provider are a permissible group under group insurance laws and the Nonprofit Health Service Plan Corporations Act. Under this type of contract, the insurer or corporation may make benefit payments to a demonstration provider for services rendered or to be rendered to a recipient. Any insurer or nonprofit health service plan corporation licensed to do business in this state is authorized to

provide this insurance or similar protection.

Payments to providers participating in the project are exempt from the requirements of sections 256.966 and 256B.03, subdivision 2. The commissioner shall complete development of capitation rates for payments before delivery of services under this section is begun.

Subd. 6. [SERVICE DELIVERY.] Each demonstration provider shall be responsible for the health care coordination for eligible individuals. Demonstration providers:

(1) Shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in section 256B.02, subdivision 8, in order to ensure appropriate health care is delivered to enrollees.

(2) Shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for eligible individuals enrolled in the program.

(3) May contract with other health care and social service practitioners to provide services to enrollees.

(4) Shall institute recipient grievance procedures according to the method established by the project, utilizing applicable requirements of chapter 62D. Disputes not resolved through this process shall be appealable to the commissioner as provided in subdivision 11.

Subd. 7. [ENROLLEE BENEFITS.] All eligible individuals enrolled by demonstration providers shall receive all needed health care services as defined in subdivision 6.

All enrolled individuals have the right to appeal if necessary services are not being authorized as defined in subdivision 11.

Subd. 8. [PREADMISSION SCREENING WAIVER.] Except as applicable to the project's operation, the provisions of section 256B.091 are waived for the purposes of this section for recipients enrolled with demonstration providers.

Subd. 9. [REPORTING.] Each demonstration provider shall submit information as required by the commissioner, including data required for assessing client satisfaction, quality of care, cost, and utilization of services for purposes of project evaluation. Required information shall be specified before the commissioner contracts with a demonstration provider.

Subd. 10. [INFORMATION.] Notwithstanding any law or rule to the contrary, the commissioner may allow disclosure of the recipient's identity solely for the purposes of (a) allowing demonstration providers to provide the information to the recipient regarding services, access to services, and other provider characteristics, and (b) facilitating monitoring of recipient satisfaction and quality of care. The commissioner shall develop and implement measures to protect recipients from invasions of privacy and from harassment.

Subd. 11. [APPEALS.] A recipient may appeal to the commissioner a demonstration provider's delay or refusal to provide services. The commissioner shall appoint a panel of health practitioners, including social service

practitioners, as necessary to determine the necessity of services provided or refused to a recipient. The deliberations and decisions of the panel replace the administrative review process otherwise available under chapter 256B. The panel shall follow the time requirements and other provisions of the Code of Federal Regulations, title 42, sections 431.200 to 431.246. The time requirements shall be expedited based on request by the individual who is appealing for emergency services. If a service is determined to be necessary and is included among the benefits for which a recipient is enrolled, the service must be provided by the demonstration provider as specified in subdivision 5.

Sec. 2. [TEMPORARY RULES.]

The commissioner of public welfare shall adopt temporary rules which meet the requirements of sections 14.29 to 14.36. Notwithstanding the provisions of section 14.35, the temporary rules promulgated to implement sections 1 to 3 shall be effective for 360 days and may be continued in effect for an additional 900 days if the commissioner gives notice by publishing a notice in the state register and mailing notice to all persons registered with the commissioner to receive notice of rulemaking proceedings in connection with sections 1 to 3. The temporary rules shall not be effective beyond December 31, 1986, without meeting the requirements of sections 14.13 to 14.20.

Sec. 3. [APPROPRIATION.]

There is appropriated from the general fund to the commissioner of public welfare the sum of \$..... for the purposes of sections 1 and 2. This appropriation is available for the biennium ending June 30, 1985.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment. If the project implementation phase has not begun by June 30, 1985, sections 1 to 3 are repealed on that date.'

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Finance, to which was referred

H.F. No. 76: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, 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. [115B.01] [CITATION.]

Sections 1 to 20 may be cited as the Environmental Response and Liability Act.

Sec. 2. [115B.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 20, the following terms have the meanings given them.

Subd. 2. [ACT OF GOD.] “Act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

Subd. 3. [AGENCY.] “Agency” means the pollution control agency.

Subd. 4. [DIRECTOR.] “Director” means the director of the pollution control agency.

Subd. 5. [FACILITY.] “Facility” means:

(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;

(b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or

(c) Any site or area where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

“Facility” does not include any consumer product in consumer use.

Subd. 6. [FEDERAL SUPERFUND ACT.] “Federal Superfund Act” means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.

Subd. 7. [FUND.] “Fund” means the environmental response, compensation and compliance fund established under section 20.

Subd. 8. [HAZARDOUS SUBSTANCE.] “Hazardous substance” means:

(a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1321(b)(2)(A);

(b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412; and

(c) Any hazardous waste.

“Hazardous substance” does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

Subd. 9. [HAZARDOUS WASTE.] “Hazardous waste” means:

(a) Any hazardous waste as defined in section 116.06, subdivision 13, and

any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and

(b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under 42 U.S.C. Section 6903, which is listed or has the characteristics identified under 42 U.S.C. Section 6921, not including any hazardous waste the regulation of which has been suspended by act of Congress.

Subd. 10. [NATURAL RESOURCES.] "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

Subd. 11. [OWNER OF REAL PROPERTY.] "Owner of real property" means a person who is in possession of, has the right of control, or controls the use of real property, including without limitation a person who may be a fee owner, lessee, renter, tenant, lessor, contract for deed vendee, licensor, licensee, or occupant.

Any person owning or holding a remainder or other nonpossessory interest or estate in real property shall become an owner of real property only from and after the time that person's interest or estate in the real property vests in actual possession or after that person obtains the unconditioned right to possession or control of the real property.

Subd. 12. [PERSON.] "Person" means any individual, partnership, association, public or private corporation, or other entity, including the United States government, any interstate body, and the state and any agency, department or political subdivision of the state.

Subd. 13. [POLLUTANT OR CONTAMINANT.] "Pollutant or contaminant" means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions, (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.

Subd. 14. [RELEASE.] "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

by (a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;

(b) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. Section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory

commission under 42 U.S.C. Section 2210;

(c) Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. Section 7912(a)(1) or 7942(a); or

(d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25.

Subd. 15. [REMEDY OR REMEDIAL ACTION.] "Remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance, or a pollutant or contaminant, into the environment, to prevent, minimize or eliminate the release in order to protect the public health or welfare or the environment.

"Remedy" or "remedial action" includes, but is not limited to:

(a) Actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances, pollutants or contaminants, or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring and maintenance reasonably required to assure that these actions protect the public health and welfare and the environment; and

(b) The costs of permanent relocation of residents and businesses and community facilities when the agency determines that, alone or in combination with other measures, relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or pollutants or contaminants, or may otherwise be necessary to protect the public health or welfare.

"Remedy" or "remedial action" does not include offsite transport of hazardous substances, pollutants or contaminants, or contaminated materials or their storage, treatment, destruction, or secure disposition offsite unless the agency determines that these actions:

(1) Are more cost effective than other remedial actions;

(2) Will create new capacity to manage hazardous substances in addition to those located at the affected facility, in compliance with section 116.07 and subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq.; or

(3) Are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of the hazardous substances, pollutants or contaminants, or contaminated materials.

Subd. 16. [REMOVE OR REMOVAL.] "Remove" or "removal" means:

(a) The cleanup or removal of a released hazardous substance, or a pollutant or contaminant, from the environment;

(b) Necessary actions taken in the event of a threatened release of a haz-

ardous substance, or a pollutant or contaminant, into the environment;

(c) Actions necessary to monitor, assess, and evaluate a release or threatened release of a hazardous substance, or a pollutant or contaminant;

(d) Disposal or processing of removed material; or

(e) Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threatened release.

“Remove” or “removal” includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. Section 5121 et seq.

Subd. 17. [RESPOND OR RESPONSE.] “Respond” or “response” means remove, removal, remedy, and remedial action.

Subd. 18. [WATER.] “Water” has the meaning given to the term “waters of the state” in section 115.01, subdivision 9.

Sec. 3. [115B.03] [RESPONSIBLE PERSON.]

Subdivision 1. [GENERAL RULE.] For the purposes of sections 1 to 20, and except as provided in subdivisions 2 and 3, a person is responsible for a release or threatened release of a hazardous substance, or a pollutant or contaminant, from a facility if the person:

(a) Possessed with the right of control, controlled the use of, or operated the facility: (1) when the hazardous substance, or pollutant or contaminant, was placed or came to be located in or on the facility; (2) when the hazardous substance, or pollutant or contaminant, was located in or on the facility but before the release; or (3) during the time of the release or threatened release;

(b) Owned or possessed the hazardous substance, or pollutant or contaminant, and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance, or pollutant or contaminant; or

(c) Knew or reasonably should have known that the waste he accepted for transport to a disposal or treatment facility contained a hazardous substance, or pollutant or contaminant, and either selected the facility to which it was transported or disposed of it in a manner contrary to law.

Subd. 2. [EMPLOYEES AND EMPLOYERS.] When a person who is responsible for a release or threatened release as provided in subdivision 1 is an employee who is acting in the scope of his employment:

(a) The employee is subject to liability under section 4 or section 5 only if his conduct with respect to the hazardous substance was negligent under circumstances in which he knew that the substance was hazardous and that his conduct, if negligent, could result in serious harm; and

(b) His employer shall be considered a person responsible for the release or threatened release and is subject to liability under section 4 or section 5

regardless of the degree of care exercised by the employee.

Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a person responsible for the release or threatened release of a hazardous substance from a facility in or on the property unless that person:

(a) Was engaged in the business of generating, transporting, storing, treating, or disposing of a hazardous substance at the facility or disposing of waste at the facility, or knowingly permitted others to engage in such a business at the facility;

(b) Knowingly permitted any person to make regular use of the facility for disposal of waste;

(c) Knowingly permitted any person to use the facility for disposal of a hazardous substance;

(d) Knew or reasonably should have known that a hazardous substance was located in or on the facility at the time right, title, or interest in the property was first acquired by the person and engaged in conduct by which he associated himself with the release; or

(e) Took action which significantly contributed to the release after he knew or reasonably should have known that a hazardous substance was located in or on the property.

In determining whether any person acquiring any right, title, or interest in the real property or the owner of real property knew or reasonably should have known that a hazardous substance was located in or on the facility at the time he either acquired his interest in the property or became an owner of real property, he may rely upon a written warranty, representation, or undertaking set forth in any instrument conveying any right, title, or interest in the real property executed by the person conveying the right, title, or interest, or set forth in any memorandum of any such instrument executed for the purpose of recording. The written warranty, representation, or undertaking is admissible as evidence in any action involving the acquiring person's knowledge or duty to know of the location of a hazardous substance on or in the property and is prima facie evidence of the facts set forth in it and of the acquiring person's knowledge or duty to investigate; or

Any liabilities or causes of action accruing hereunder during the time the owner of real property is in possession with the right of control or has control of the real property shall not accrue against such other persons holding any right, title, or interest in the real property.

Sec. 4. [115B.04] [LIABILITY FOR RESPONSE COSTS AND NATURAL RESOURCES; LIMITATIONS AND DEFENSES.]

Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 10, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following response costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes:

(a) All reasonable and necessary costs of removal, or remedial action in-

curred by the state, a political subdivision of the state or the United States;

(b) Any other reasonable and necessary costs or expenses incurred by any person to remove a hazardous substance; and

(c) All damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.

Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] *There is no liability under this section for response costs or damages which result from the release of a pollutant or contaminant.*

Subd. 3. [LIABILITY FOR A THREATENED RELEASE.] *Liability under this section for a threatened release of a hazardous substance is limited to the recovery by the agency of reasonable and necessary response costs as provided in section 17, subdivision 6.*

Subd. 4. [TRANSPORTATION OF HOUSEHOLD REFUSE.] *A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.*

Subd. 5. [DEFENSE TO CERTAIN CLAIMS BY POLITICAL SUBDIVISIONS AND PRIVATE PERSONS.] *It is a defense to a claim by a political subdivision or private person for recovery of the costs of its response actions under this section that the hazardous substance released from the facility was placed or came to be located in the facility before April 1, 1982, and that the response actions of the political subdivision or private person were not authorized by the agency as provided in section 17, subdivision 12. This defense applies only to response costs incurred on or after July 1, 1983.*

Subd. 6. [DEFENSE FOR INTERVENING ACTS.] *It is a defense to liability under this section that the release or threatened release was caused solely by:*

(a) An act of God;

(b) An act of war;

(c) An act of vandalism or sabotage; or

(d) An act or omission of a third party or the plaintiff.

“Third party” for the purposes of clause (d) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.

The defense provided in clause (d) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or

omissions of a third party and the consequences that could foreseeably result from those acts or omissions.

Subd. 7. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] *It is a defense to liability under this section that:*

(a) The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., and if the hazardous substance was specifically identified in the permit and the release was within the limits allowed in the permit for release of that substance;

(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;

(c) The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;

(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;

(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or

(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).

Subd. 8. [NATURAL RESOURCES.] *It is a defense to liability under this section, for the loss of, destruction of, or injury to natural resources that:*

(a) The natural resources were specifically identified as an irreversible and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis for a project or facility which was the subject of a governmental permit or license; and

(b) The project or facility was being operated within the terms of its permit or license.

Subd. 9. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] *It is a defense to liability under this section that the response costs or damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 17 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

Subd. 10. [BURDEN OF PROOF FOR DEFENSES.] *Any person claiming a defense provided in subdivisions 5 to 9 has the burden to prove all elements*

of the defense by a preponderance of the evidence.

Sec. 5. [115B.05] [LIABILITY FOR ECONOMIC LOSS, DEATH, PERSONAL INJURY AND DISEASE; LIMITATIONS AND DEFENSES.]

Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 8, and notwithstanding any other provision or rule of law, any person who is responsible for the release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following damages which result from the release or to which the release significantly contributes:

(a) All damages for actual economic loss resulting from such a release including:

(1) Any injury to, destruction of, or loss of any real or personal property, including relocation costs;

(2) Any loss of use of real or personal property;

(3) Any loss of past or future income or profits resulting from injury to or destruction of real or personal property without regard to the ownership of the property; and

(b) All damages for death or personal injury or disease including:

(1) Any medical expenses, rehabilitation costs or burial expenses;

(2) Any loss of past or future income, or loss of earning capacity, resulting from personal injury or disease; and

(3) Damages for physical impairment or other pain and suffering.

Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for damages which result from the release of a pollutant or contaminant.

Subd. 3. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under this section for the death, personal injury or disease of an employee which is compensable under chapter 176 as an injury or disease arising out of and in the course of employment.

Subd. 4. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.

Subd. 5. [DEFENSE FOR INTERVENING ACTS.] It is a defense to liability under this section that the release or threatened release was caused solely by:

(a) An act of God;

(b) An act of war;

(c) An act of vandalism or sabotage; or

(d) *An act or omission of a third party or the plaintiff.*

“Third party” for the purposes of clause (d) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.

The defense provided in clause (d) applies only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions of a third party and the consequences that could foreseeably result from those acts or omissions.

Subd. 6. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] *It is a defense to liability under this section that:*

(a) *The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., and if the hazardous substance was specifically identified in the permit and the release was within the limits allowed in the permit for release of that substance;*

(b) *The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;*

(c) *The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;*

(d) *The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;*

(e) *The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or*

(f) *Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).*

Subd. 7. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] *It is a defense to liability under this section that the damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 17 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.*

Subd. 8. [BURDEN OF PROOF FOR DEFENSES.] *Any person claiming a*

defense provided in subdivisions 5 to 7 has the burden to prove all elements of the defense by a preponderance of the evidence.

Sec. 6. [115B.06] [RETROACTIVE APPLICATION.]

Notwithstanding any provision or rule of law, if a defendant shows that his hazardous substance was placed or came to be located in or on the facility on or before April 1, 1963, sections 5, 7, 8, 10, and 13 do not apply to any claim or proceeding for personal injury, death, disease, or economic loss or other harm or loss subject to section 5.

Sec. 7. [115B.07] [CAUSATION.]

In any action brought under section 5 or any other law to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, if the plaintiff produces evidence sufficient to enable a reasonable person to find that:

(a) There was a release of a hazardous substance;

(b) Defendant was a responsible person with respect to the release;

(c) The plaintiff was exposed to the hazardous substance;

(d) The hazardous substance to which the plaintiff was exposed was the same kind of substance as that which was released from the facility;

(e) The death, injury or disease suffered by the plaintiff is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the plaintiff;

then the court may not direct a verdict against the plaintiff on the issue of causation.

Evidence to a reasonable medical certainty that exposure to the hazardous substance caused or significantly contributed to the death, injury or disease is not required for the question of causation to be submitted to the trier of fact.

Nothing in this section shall be construed to relieve the plaintiff of the burden of proving the causal connection between the release of the hazardous substance and the plaintiff's death, injury or disease, or that a defendant is a person responsible for the release of the hazardous substance from the facility.

Sec. 8. [115B.08] [COMPARATIVE FAULT OF PLAINTIFF AND DEFENDANT; LIABILITY LIMITED; CONTRIBUTION.]

Subdivision 1. [COMPARATIVE FAULT.] In an action under section 5, the court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages that are recoverable in the action, and the percentage of fault attributable to each party. The court shall then reduce the amount of damages that are recoverable by the percentage of fault attributable to the plaintiff.

Subd. 2. [FAULT ATTRIBUTABLE TO PLAINTIFF.] For the purpose of subdivision 1, fault attributable to a plaintiff is limited to:

(a) Voluntary assumption of a known risk; or

(b) Knowingly and unreasonably subjecting himself to a risk which results

from the special or unusual character of the hazardous substance.

A plaintiff does not assume a risk for purposes of clause (a) if, in order to avoid assuming the risk, the plaintiff would be required to forego the exercise of a valuable right or privilege.

Subd. 3. [FAULT ATTRIBUTABLE TO DEFENDANT.] For the purpose of subdivision 1, the following factors shall be considered in determining the percentage of fault attributable to a defendant:

(a) The extent to which the defendant's contribution to the release of a hazardous substance can be distinguished;

(b) The amount of hazardous substance involved;

(c) The degree of toxicity of the hazardous substance involved;

(d) The degree of involvement of and care exercised by the defendant in manufacturing, treating, transporting, and disposing of the hazardous substance;

(e) The degree of cooperation by the defendant with federal, state, or local officials to prevent any harm to the public health or the environment; and

(f) Knowledge of the defendant of the hazardous nature of the substance.

The burden is on a defendant to show the percentage of fault which is attributable to him or to other defendants.

Subd. 4. [LIMITATION OF LIABILITY.] If the percentage of fault attributable to a defendant is determined as provided in this section, the defendant shall be liable for that percentage of the damages recoverable in the action.

Subd. 5. [CONTRIBUTION.] Any defendant held liable for damages which exceed that proportion of the damages recoverable in the action which is attributable to the fault of the defendant is entitled to seek contribution from any other defendant to the extent of that other defendant's proportionate share of the damages.

Sec. 9. [115B.09] [AGREEMENTS TO TRANSFER LIABILITY; INSURANCE AND SUBROGATION.]

No conveyance, indemnification, hold harmless agreement, or similar agreement shall be effective to transfer the liability imposed under sections 1 to 15 from the owner or operator of a facility or from any person who may be liable under those sections to any other person. Nothing in this section shall be construed:

(a) To prohibit any party who may be liable under sections 1 to 15 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;

(b) To prohibit the enforcement of any insurance, hold harmless or indemnification agreement; or

(c) To bar any cause of action brought by a party who may be liable under sections 1 to 15 or by an insurer or guarantor, whether by right of subrogation or otherwise.

Sec. 10. [115B.10] [STATUTE OF LIMITATIONS.]

No person may recover pursuant to sections 1 to 15 unless the action is commenced within six years from the date when the cause of action accrues. In determining when the cause of action accrues for an action to recover damages for death, personal injury or disease, the court may consider factors including the following:

(a) When the plaintiff discovered the injury or loss;

(b) Whether a personal injury or disease had sufficiently manifested itself; and

(c) When the plaintiff discovered, or using due diligence should have discovered, a causal connection between the injury, disease, or loss and the release of a hazardous substance.

Sec. 11. [115B.11] [OTHER REMEDIES PRESERVED.]

Nothing in sections 1 to 15 shall be construed to abolish or diminish any remedy or affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss or response costs arising out of a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance. Nothing in sections 1 to 15 shall be construed to limit or restrict in any way the liability of any person under any other state or federal law, including common law, for loss due to personal injury or disease, for economic loss, or for response costs arising out of any release or threatened release of a hazardous substance from a facility regardless of the time at which a hazardous substance was placed or came to be located in the facility. The provisions of sections 1 to 15 shall not be considered, interpreted, or construed in any way as reflecting a determination, in whole or in part, of policy regarding the inapplicability of strict liability, or strict liability doctrines under any other state or federal law, including common law, to activities past, present or future, relating to hazardous substances, or pollutants or contaminants, or other similar activities.

Sec. 12. [115B.12] [DOUBLE RECOVERY PROHIBITED.]

A person who recovers response costs or damages pursuant to sections 1 to 15 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 15.

Sec. 13. [115B.13] [AWARD OF COSTS.]

Upon motion of a party prevailing in an action under sections 1 to 15 the court may award costs, disbursements and reasonable attorney fees and witness fees to that party.

Sec. 14. [115B.14] [STATE AND POLITICAL SUBDIVISION LIABILITY.]

Notwithstanding any other provision or rule of law, including sections 3.732 to 3.84 and chapter 466, the state and political subdivisions shall be subject to the same liability, responsibility, and proceedings as a private individual for claims arising out of the release or threatened release of haz-

ardous substances or pollutants and contaminants.

Sec. 15. [115B.15] [APPLICATION OF SECTIONS 1 TO 15.]

Sections 1 to 15 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1983, including any release which began before July 1, 1983, and continued after that date. Sections 1 to 15 do not apply to a release or threatened release which occurred wholly before July 1, 1983, regardless of the date of discovery of any injury or loss caused by the release or threatened release.

Sec. 16. [115B.16] [DISPOSITION OF FACILITIES.]

Subdivision 1. [CLOSED DISPOSAL FACILITIES; USE OF PROPERTY.] No person shall use any property on or in which hazardous waste remains after closure of a disposal facility as defined in section 115A.03, subdivision 10, in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the disposal facility's monitoring systems, unless the agency finds that the disturbance:

(a) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(b) Is necessary to reduce a threat to human health or the environment.

Subd. 2. [RECORDING OF AFFIDAVIT.] Before any transfer of ownership of any property which a person having any right, title, or interest in real property knew or should have known was used as the site of a hazardous waste disposal facility as defined in section 115A.03, subdivision 10, or which the owner knew or should have known is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:

(a) That the land has been used to dispose of hazardous waste or that the land is contaminated by a release of a hazardous substance;

(b) The identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known; and

(c) That the use of the property or some portion of it may be restricted as provided in subdivision 1.

An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under clauses (a) to (c) with respect to property for which an affidavit has already been recorded.

If the owner or any subsequent owner of the property removes the hazardous substance, together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal of the hazardous substance.

Failure to record an affidavit as provided in this subdivision does not affect or prevent any transfer of ownership of the property.

Subd. 3. [DUTY OF COUNTY RECORDER.] The county recorder shall record all affidavits presented to him in accordance with subdivision 2. The

affidavits shall be recorded in a manner which will assure their disclosure in the ordinary course of a title search of the subject property.

Subd. 4. [PENALTIES.] (a) Any person who knowingly violates the provisions of subdivision 1 is subject to a civil penalty in an amount determined by the court of not more than \$100,000, and shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance resulting from the violation.

(b) Any person who knowingly fails to record an affidavit as required by subdivision 2 shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance from a facility located on that property.

(c) A civil penalty may be imposed and recovered by an action brought by a county attorney or by the attorney general in the district court of the county in which the property is located.

(d) Any civil fines recovered under this subdivision shall be deposited in the fund.

Sec. 17. [115B.17] [STATE RESPONSE TO RELEASES.]

Subdivision 1. [REMOVAL AND REMEDIAL ACTION.] Whenever there is a release or substantial threat of release from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility:

(a) The agency may take any removal or remedial action relating to the hazardous substance, or pollutant or contaminant, which the agency deems necessary to protect the public health or welfare or the environment. Before taking any action the agency shall:

(1) Request any responsible party known to the agency to take actions which the agency deems reasonable and necessary to protect the public health, welfare or the environment, stating the reasons for the actions, a reasonable time for beginning and completing the actions taking into account the urgency of the actions for protecting the public health, welfare and environment, and the intention of the agency to take action if the requested actions are not taken as requested;

(2) Notify any person having any right, title, or interest in the real property where the facility is located or where response actions are proposed to be taken, if the person is not a responsible party, that responsible parties have been requested to take response actions and that the owner's cooperation will be required in order for responsible parties or the agency to take those actions; and

(3) Determine that the actions requested by the agency will not be taken by any known responsible party in the manner and within the time requested.

(b) The director may take removal action which he deems necessary to protect the public health, welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health, welfare or the environment. Before taking any action the

director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a).

No removal action taken by any person shall be construed as an admission of liability for a release or threatened release.

Subd. 2. [OTHER ACTIONS.] Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, or a pollutant or contaminant, has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, or a pollutant or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other similar activities necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, or pollutants or contaminants, and the extent of danger to the public health or welfare or to the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action, and to enforce the provisions of sections 1 to 18.

Subd. 3. [DUTY TO PROVIDE INFORMATION.] Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 3, or who is a person having any right, title, or interest in the real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.

Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.] The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:

(a) Examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information to the agency under subdivision 3; and

(b) Enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information under subdivision 3, conducting surveys or investigations, and taking removal or remedial action.

Subd. 5. [CLASSIFICATION OF DATA.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 3 or 4 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 18, or to other public agencies concerned with

the implementation of sections 1 to 18.

Subd. 6. [RECOVERY OF EXPENSES.] Any reasonable and necessary expenses incurred by the agency or director pursuant to this section, including all response costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any person who may be liable under section 4 or any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to section 4 or any other law, including any award of attorneys fees, shall be deposited in the fund and credited to a special account for additional response actions as provided in section 20, subdivision 2, clause (b) or (d).

Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.] For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action pursuant to section 4 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to section 4 or any other law for injury to, or loss of natural resources resulting from the release of a hazardous substance, or a pollutant or contaminant, shall be deposited in the fund and credited to a special account for the purposes provided in section 20, subdivision 2, clause (f).

Subd. 8. [ACTIONS RELATING TO PESTICIDES OR FERTILIZER OR SOIL OR PLANT AMENDMENTS.] When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A.37 or the release of fertilizers or soil or plant amendments, and the agency determines that the incident constitutes a release of a hazardous substance, or a pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 13, to take any action which the agency would be authorized to take under subdivisions 1 to 4. Subject to the provisions of section 20, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.

Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH.] The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sections 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened release affecting the safety of any conditions or place of employment.

Subd. 10. [ACTIONS RELATING TO HEALTH.] The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.

Subd. 11. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.]

When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.

Subd. 12. [AUTHORIZATION OF CERTAIN RESPONSE ACTIONS.] *For the purpose of permitting a political subdivision or private person to recover response costs as provided in section 4, subdivision 5, the agency may authorize the political subdivision to take removal or remedial actions or may authorize the private person to take removal actions with respect to any release of a hazardous substance which was placed or came to be located in the facility before April 1, 1982. The authorization shall be based on application of the criteria in the rules of the agency adopted under subdivision 13 or, if the rules have not been adopted, under the criteria set forth in subdivision 13 on which the rules are required to be based. The authorization shall not be inconsistent with the criteria. This subdivision shall not be construed to prohibit a political subdivision or private person from taking removal or remedial actions without the authorization of the agency.*

Subd. 13. [PRIORITIES; RULES.] *By November 1, 1983, the agency shall establish a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until the agency adopts rules establishing state criteria for determining priorities among releases and threatened releases. The agency shall adopt the rules by July 1, 1984. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules. Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.*

The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the agency, and other appropriate factors.

Sec. 18. [115B.18] [FAILURE TO TAKE REQUESTED ACTIONS; CIVIL PENALTIES; ACTION TO COMPEL PERFORMANCE; INJUNCTIVE RELIEF.]

Subdivision 1. [CIVIL PENALTIES.] *Any person responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare, or for a release or threatened release of a hazardous substance from a facility shall forfeit and pay to the state a civil penalty in an amount to be determined by the court of not more than \$10,000 per day for each day that the person fails to take reasonable and necessary response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3.*

The penalty provided under this subdivision may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 17, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this subdivision shall be deposited in the fund.

Subd. 2. [ACTION TO COMPEL PERFORMANCE.] When any person who is responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare, or for a release or threatened release of a hazardous substance from a facility, fails to take response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3, the attorney general may bring an action in the name of the state to compel performance of the requested response actions. If any person having any right, title, or interest in and to the real property where the facility is located or where response costs are proposed to be taken is not a person responsible for the release or threatened release, the person may be joined as an indispensable party in an action to compel performance in order to assure that the requested response actions can be taken on that property by the responsible parties.

Subd. 3. [REQUESTS FOR RESPONSE ACTIONS.] A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. A request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health, welfare, and environment.

Subd. 4. [INJUNCTIVE RELIEF.] The release or threatened release of a hazardous substance, or a pollutant or contaminant, shall constitute a public nuisance and may be enjoined in an action, in the name of the state, brought by the attorney general.

Sec. 19. [115B.19] [PURPOSES OF FUND AND TAXES.]

In establishing the environmental response, compensation and compliance fund in section 20 and imposing taxes in section 22 it is the purpose of the legislature to:

(a) Encourage treatment and disposal of hazardous waste in a manner that adequately protects the public health and welfare and the environment;

(b) Encourage responsible parties to provide the response actions necessary to protect the public and the environment from the effects of the release of hazardous substances;

(c) Encourage the use of alternatives to land disposal of hazardous waste including resource recovery, recycling, neutralization and reduction;

(d) Provide state agencies with the financial resources needed to prepare and implement an effective and timely state response to the release of hazardous substances, including investigation, planning, removal and remedial action;

(e) Compensate for increased governmental expenses and loss of revenue and to provide other appropriate assistance to mitigate any adverse impact

on communities in which commercial hazardous waste processing or disposal facilities are located under the siting process provided in chapter 115A;

(f) Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state hazardous waste management activities on those whose products and services contribute to hazardous waste management problems and increase the risks of harm to the public and the environment.

Sec. 20. [115B.20] [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]

Subdivision 1. [ESTABLISHMENT.] The environmental response, compensation and compliance fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2.

Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the fund may be spent for any of the following purposes:

(a) Preparation by the agency for taking removal or remedial action under section 17, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 17 or 18;

(b) Removal and remedial actions taken or authorized by the agency or director under section 17, including related enforcement and compliance efforts under section 17 or 18, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than commercial hazardous waste facilities located under the siting authority of chapter 115A;

(c) Reimbursement to any private person for expenditures made to provide alternative water supplies deemed necessary by the agency and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;

(d) Removal and remedial actions taken or authorized by the agency or director under section 17, including related enforcement and compliance efforts under section 17 or 18, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;

(e) Compensation as provided by law, after submission by the waste management board of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or disposal facilities located pursuant to the siting authority of chapter 115A;

(f) Planning and implementation by the commissioner of natural resources of the rehabilitation, restoration or acquisition of natural resources to rem-

edy injuries or losses to natural resources resulting from the release of a hazardous substance;

(g) Inspection, monitoring and compliance efforts by the agency, or by political subdivisions with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;

(h) Grants by the agency or the waste management board to demonstrate alternatives to land disposal of hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling hazardous waste; and

(i) Intervention and environmental mediation by the legislative commission on waste management under chapter 115A.

Subd. 3. [LIMIT ON CERTAIN EXPENDITURES.] The director or agency may not spend any money under subdivision 2, clause (b), (c) or (d) for removal or remedial actions to the extent that the costs of those actions may be compensated from any fund established under the Federal Superfund Act, 42 U.S.C. Section 9600 et seq. The director or agency shall determine the extent to which any of the costs of those actions may be compensated under the federal act based on the likelihood that the compensation will be available in a timely fashion. In making this determination the director or agency shall take into account:

(a) The urgency of the removal or remedial actions and the priority assigned under the Federal Superfund Act to the release which necessitates those actions;

(b) The availability of money in the funds established under the Federal Superfund Act; and

(c) The consistency of any compensation for the cost of the proposed actions under the Federal Superfund Act with the national contingency plan, if such a plan has been adopted under that act.

Subd. 4. [REVENUE SOURCES.] Revenue from the following sources shall be deposited in the environmental response, compensation and compliance fund:

(a) The proceeds of the taxes imposed pursuant to section 22, including interest and penalties;

(b) All money recovered by the state under sections 1 to 18 or under any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement but excluding fees imposed under section 25;

(c) All interest attributable to investment of money deposited in the fund; and

(d) All money received in the form of gifts, grants, reimbursement or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.

Subd. 5. [RECOMMENDATION BY LCWM.] The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations regarding appropriations

from the fund.

Subd. 6. [REPORT TO LEGISLATURE.] By November 1, 1984, and each year thereafter, the agency shall submit to the senate finance committee, the house appropriations committee and the legislative commission on waste management a report detailing the activities for which money from the environmental response, compensation and compliance fund has been spent during the previous fiscal year.

Sec. 21. [TAXES; DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions provided in this section and section 2 apply to sections 21 to 24.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of revenue.

Subd. 3. [GENERATOR.] "Generator" means a person who generates hazardous waste and who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.

Subd. 4. [LONG TERM CONTAINMENT.] "Long term containment" means land disposal or storage for a period of more than one year.

Subd. 5. [TREATMENT.] "Treatment" means any material, technique or process designed to change the physical, chemical or biological character or composition of a hazardous waste in order to: (a) neutralize it; (b) render it nonhazardous or less hazardous; (c) render it safer to transport, store or dispose of; (d) make it amenable to storage; or (e) reduce its volume.

Subd. 6. [WASTEWATER TREATMENT UNIT.] "Wastewater treatment unit" means a device which is part of a wastewater treatment facility subject to regulation pursuant to the federal Clean Water Act under 33 U.S.C. Section 1317 (b) or 1342.

Sec. 22. [HAZARDOUS WASTE GENERATOR TAX.]

Subdivision 1. [TAXES IMPOSED; EXCLUSIONS.] Each generator of hazardous waste shall pay the taxes imposed by this section based upon the volume and destination of the hazardous wastes generated. The taxes imposed by this section do not apply to hazardous wastes destined for recycling or reuse, to used crankcase oil, to hazardous waste which is generated as a result of any response action, or to hazardous waste which meets applicable pretreatment standards or compliance schedules and is discharged to a public sewage treatment works.

Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment shall be taxed at the rate of 32 cents per gallon of liquid or \$32 per cubic yard of solid.

Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of 16 cents per gallon of liquid or \$16 per cubic yard of solid.

Subd. 4. [OTHER TREATMENT.] Hazardous waste destined for treat-

ment, other than as provided in subdivision 5, to produce a material which is not hazardous, including treatment permitted by the agency in a sewage treatment works, or hazardous waste which is destined for destructive treatment by incineration shall be taxed at the rate of eight cents per gallon of liquid or \$8 per cubic yard of solid.

Subd. 5. [ON-SITE WASTEWATER TREATMENT.] The tax imposed under this section does not apply to hazardous waste which is destined for treatment in an on-site wastewater treatment unit to produce a material which is not hazardous before entering a public sewer system or waters of the state but the tax does apply to any residue of treatment which is a hazardous waste.

Subd. 6. [DISPOSITION OF PROCEEDS.] The proceeds of the taxes imposed under this section including any interest and penalties shall be deposited in the fund.

Subd. 7. [REVIEW OF TAX BY LCWM.] Within 60 days after the waste management board submits the plan required under section 115A.11 to the legislative commission on waste management, the commission shall review the taxes and tax rates imposed under this section in light of the objectives and recommendations of the plan, and shall recommend to the standing tax committees of both houses of the legislature any changes in the taxes or tax rates which are needed to assist or encourage implementation of the strategies adopted by the state for management of hazardous waste.

Sec. 23. [SEVERABILITY.]

If any tax imposed under section 22 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 20, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objectionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for other purposes provided in section 20, subdivision 2.

Sec. 24. [TAX ADMINISTRATION AND ENFORCEMENT.]

Subdivision 1. [ANNUAL RETURNS.] Every generator of hazardous waste subject to taxation pursuant to section 22 shall file a return relating to the tax due for the preceding calendar year with the commissioner of revenue by April 15 each year, in the form prescribed by the commissioner. Payment of the tax, to the extent not paid in full pursuant to subdivisions 2 and 3, shall be submitted with the return.

Subd. 2. [DECLARATIONS OF ESTIMATED TAX.] For 1983, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the last six months of calendar 1983 if the tax can reasonably be estimated to exceed \$500. The declaration of the estimated tax shall be filed by October 15, 1983. The amount of estimated tax with respect to which a declaration is required shall be paid in two equal installments by October 15, 1983 and January 15, 1984. For 1984 and subsequent years, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the calendar year if the tax can reasonably be expected to be in excess of \$1,000. The declaration of estimated tax shall be filed by March 15. The amount of estimated tax with

respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December.

An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each interval. If an amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before that date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but the extension shall not be for more than six months.

Subd. 3. [FAILURE TO PAY ESTIMATED TAX.] (a) In case of any underpayment of estimated tax required by this section, except as provided in clause (b), there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75, subdivision 4, upon the amount of the underpayment for the period of the underpayment.

For purposes of this subdivision, the amount of the underpayment shall be the excess of

(1) the amount of the installment, over

(2) the amount, if any, of the installment paid on or before the last date prescribed for payment.

The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:

(1) April 15 or

(2) With respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under this subdivision for the installment date.

(b) Notwithstanding the provisions of clause (a), the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were the lesser of

(1) For 1985 and thereafter, the tax shown on the return of the taxpayer for the preceding year or, for 1984, twice the amount of the tax shown for 1983; or

(2) Eighty percent of the actual liability for the year.

Subd. 4. [REFUNDS OF OVERPAYMENTS OF ESTIMATED TAX.] Refunds of overpayments of estimated tax shall be made as provided in section 290.936.

Subd. 5. [EXCHANGE OF INFORMATION.] Notwithstanding the provisions of section 116.075, the pollution control agency may provide the commissioner of revenue with the information necessary for the enforcement of section 22 and this section. Information disclosed in a return filed pursuant to this section is public. Information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency pursuant to section 116.075 or is trade secret information classified pursuant to section 13.37. Information obtained in the course of an audit of the taxpayer by the department of revenue shall be private or nonpublic data to the extent that it is not directly divulged in a return of the tax.

Subd. 6. [PAYMENT BY OUT-OF-STATE GENERATORS.] A generator of any hazardous waste which is generated outside of this state and is transported into this state for long term containment or treatment as described in section 22, subdivisions 2 to 4 shall pay the tax imposed by section 22 at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

Subd. 7. [DUTIES OF THE AGENCY AND METROPOLITAN COUNTIES.] The agency shall provide to the commissioner the names and addresses of all persons known to the agency who are subject to tax under section 22, together with any information which the agency possesses concerning the amount of hazardous waste generated and disposed of by those persons. Metropolitan counties required to regulate hazardous wastes under section 473.811, subdivision 5b, shall provide to the agency the data and information necessary to allow the agency to carry out its duties under this subdivision. Upon request by the commissioner, the agency shall examine returns and reports filed with the commissioner and notify the commissioner of any suspected inaccurate or fraudulent declaration or return. The agency may assist in auditing any person subject to tax under section 21 when requested by the commissioner.

Subd. 8. [PENALTIES; ENFORCEMENT.] The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under section 22 and those provisions shall be administered by the commissioner.

Subd. 9. [RULES.] The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section and section 22.

Subd. 10. [ADMINISTRATIVE EXPENSES.] Any amount expended by the commissioner from a general fund appropriation to enforce and administer section 22 and this section shall be reimbursed to the general fund and the amount necessary to make the reimbursement is appropriated from the fund to the commissioner of finance for transfer to the general fund.

Sec. 25. [116.12] [HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 to cover the amount appropriated from the general fund to the agency for that year for permitting, monitoring, inspection and enforcement expenses of the hazardous waste activities of the agency.

The legislature may appropriate additional amounts that need not be covered by fees or may provide that the fees shall cover only a portion of the general fund appropriation for the hazardous waste activities of the agency, in order to assure adequate funding for the regulatory and enforcement functions of the agency related to hazardous waste. All fees collected by the agency under this section shall be deposited in the general fund.

Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.] Each generator of hazardous waste shall pay a fee on the hazardous waste which he generates. The agency shall compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid annually commencing with the first day of the calendar quarter after the date of the statement.

The agency may exempt generators of small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee based on the quantity of wastes generated by the generator.

If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the agency outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. The agency shall impose a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the manner in which the counties collect their generator fees. Metropolitan counties shall remit the proceeds of the surcharge to the agency by the last day of the month following the month in which they were collected.

Subd. 3. [FACILITY FEES.] The agency shall charge an original permit fee, a reissuance fee and an annual operator's fee for any hazardous waste facility permitted by the agency. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any hazardous waste facility.

Sec. 26. Minnesota Statutes 1982, section 115A.24, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] Except as provided in subdivision 2, By December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and vol-

umes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal. The certificate or certificates shall not be subject to the provisions of chapter 14 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 27. [APPROPRIATION; COMPLEMENT.]

Subdivision 1. [APPROPRIATION TO FUND.] The sum of \$5,000,000 is appropriated from the general fund and transferred to the environmental response, compensation, and compliance fund established in section 20. This appropriation is available until expended.

Subd. 2. [TAX ADMINISTRATION; COMPLEMENT.] The sum of \$50,000 in fiscal year 1984 and \$40,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of revenue for the purposes of administering and enforcing sections 21 to 24. This appropriation shall be reimbursed to the general fund under the provisions of section 24, subdivision 10.

The complement of the department of revenue is increased by two positions.

Subd. 3. [APPROPRIATION FOR RESPONSE ACTIONS; COMPLEMENT.] The sum of \$483,700 in fiscal year 1984 and \$400,700 in fiscal year 1985 is appropriated from the environmental response, compensation, and compliance fund to the pollution control agency for administrative costs.

The complement of the pollution control agency is increased by ten positions.

All money in the environmental response, compensation, and compliance fund not otherwise appropriated is appropriated to the pollution control agency for the purposes described in section 20, subdivision 2, clauses (a),

(b), and (c). This appropriation is available until June 30, 1985.

Subd. 4. [APPROPRIATION FOR COMPLIANCE ACTIONS; COMPLEMENT.] The sum of \$45,600 in fiscal year 1984 and \$56,400 in fiscal year 1985 is appropriated from the general fund to the attorney general for the purposes of enforcing this act. This appropriation shall be reimbursed to the general fund from the environmental response, compensation, and compliance fund, and the amount necessary to make the reimbursement is appropriated to the commissioner of finance for transfer to the general fund.

The complement of the office of the attorney general is increased by two positions.

Sec. 28. [STUDY.]

The commissioner of insurance shall conduct a study to determine (1) whether adequate private insurance is available on reasonable terms and conditions to the persons subject to liability under section 5 of this act, and (2) whether the market for this insurance is sufficiently competitive to insure purchasers of features such as a reasonable range of deductibles, coinurance provisions, and exclusions. The commissioner shall submit the results of the study, together with his recommendations, to the legislature by January 1, 1985. The director of the pollution control agency shall cooperate with and provide assistance to the commissioner during the course of the study.

Sec. 29. [REPEALER.]

Minnesota Statutes 1982, section 115A.24, subdivision 2, is repealed.

Sec. 30. [EFFECTIVE DATE.]

Sections 16 to 24 are effective the day following final enactment. The taxes imposed by section 22 are effective July 1, 1983. The remaining sections of this act are effective July 1, 1983."

Amend the title as follows:

Page 1, line 10, after "relief;" insert "providing for a study of insurance availability;"

Page 1, line 12, delete "sections" and insert "section" and delete everything after "1;"

Page 1, line 13, delete everything before "proposing"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Finance, to which was referred

S.F. No. 372: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 2, insert:

"Subd. 5. Al Ende, 9888 Deerwood Lane, Maple Grove, Minnesota

55369; for an injury sustained while performing assigned duties as a member of the prison building maintenance crew at the Minnesota correctional facility-Stillwater. Of this appropriation, \$448.00 is for payment to Mr. Ende for his medical expenses already incurred, \$3,220.00 is for payment to Mr. Ende for a 15 percent permanent partial disability of his spine, and \$10,000.00 is for the commissioner of corrections to pay for spinal surgery if elected by Mr. Ende.....\$13,668.00.”

Page 2, after line 10, insert:

“Subd. 8. Roger D. McCulley, 14431 Wolfram, Anoka, Minnesota 55303, for legal expenses incurred by him in defending the constitutionality of Minnesota Statutes, section 100.29, subdivision 19.....\$6,156.00.”

Renumber the subdivisions in sequence

Page 3, after line 16, insert:

“Subd. 16. Wright County, c/o Sherry Schliesing, Restitution Probation Officer, Courthouse, Buffalo, Minnesota 55313, Court File No. 44264, Restitution Case No. E1498, for medical expenses for an injury claimant received while doing court-ordered community service restitution. \$61.30.

Sec. 2. [TRUNK HIGHWAY FUND CLAIMS.]

Subdivision 1. The sum set forth in subdivision 2 is appropriated from the trunk highway fund to the commissioner of transportation for payment to the persons named in full and final payment of claims against the state.

Subd. 2. Washington County Board of Commissioners, c/o Thomas J. Ryan, Washington County Courthouse, Stillwater, Minnesota 55082, for expenses incurred during the eight years they relied on the northern route designation for I-94 which were laid to waste with the eventual designation of the southern route along in place Highway 12..... \$31,666.00.

Subd. 3. The commissioner of transportation shall credit the account of the City of Baudette in the amount of \$41,000.00 to be applied toward the city's obligation under cooperative construction agreement no. 61145 for the construction of state project 3901-29. This credit is a full and final payment of all the city's claims against the state arising out of agreement no. 61145.”

Page 4, after line 28, insert:

“Bruce O. Berg, Route 2, Box 1, Newfolden, Minnesota 56736.....\$195.00.”

Page 5, after line 4, insert:

“James R. Bryce, Route 1, Box 37B, Two Harbors, Minnesota 55616.....\$300.00.”

Page 5, after line 16, insert:

“Terrence Daisey, 3445 Hamilton Avenue, Wayzata, Minnesota 55391.....\$585.00.”

Richard G. DeFoe, Box 53, Benedict, Minnesota 56436.....\$195.00.”

Page 5, after line 31, insert:

“Jerome V. Hansen, Route 6, St. Cloud, Minnesota 56301.....\$600.00.

James P. Harthon, c/o Phillip Harthon, Graceton, Minnesota 56645.....\$600.00.”

Page 6, after line 2, insert:

“Cary C. Huber, 1919 Silver Bell Road, #315, Eagan, Minnesota 55122.....\$255.00.”

Page 6, after line 20, insert:

“Donald H. Melius, 110 7th Avenue South, Hopkins, Minnesota 55434.....\$210.00.”

Page 7, after line 17, insert:

“Maynard E. Schmitt, 195 South Dunlap, #4, Saint Paul, Minnesota.....\$120.00.”

Page 7, after line 19, insert:

“James A. Siems, Route 2, Isanti, Minnesota 55040.....\$100.00.”

Page 8, after line 5, insert:

“Roland V. Wilson, 112-1/2 North Main Street, #3, Crookston, Minnesota 56716.....\$570.00.”

Page 8, after line 9, insert:

“Ronald L. Wittrock, 616 Southwest 5th Street, Pipestone, Minnesota 56164.....\$285.00.”

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Finance, to which was referred

S.F. No. 366: A bill for an act relating to appropriations; authorizing the Arrowhead regional development commission to repay an appropriation with funds raised by a levy; amending Laws 1981, chapter 356, section 30.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Willet, from the Committee on Finance, to which was re-referred

S.F. No. 85: A bill for an act relating to taxation; providing a property tax credit to certain veterans awarded the congressional medal of honor; appropriating money; proposing new law coded in Minnesota Statutes, chapter 273.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 750: A bill for an act relating to economic development; creating

the foreign trade agency to promote state economic growth; appropriating money; and proposing new law coded in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 1, line 20, delete "2" and insert "1"

Page 1, line 21, delete "6" and insert "5"

Page 2, line 6, delete "commerce" and insert "energy and economic development"

Page 2, line 30, delete "department of commerce" and insert "commissioner of energy and economic development"

Page 3, delete lines 22 to 36

Page 4, delete lines 1 to 5

Renumber the subdivisions in sequence

Page 5, line 3, delete "\$2,000,000" and insert "\$....."

Page 5, line 9, delete everything after "be" and insert "knowledgeable"

Page 5, line 10, delete everything after "finance" and insert ", exporting,"

Page 5, line 11, delete everything before "international" and insert "or"

Page 5, line 12, delete "Members of"

Page 5, delete lines 13 to 16

Page 5, line 17, delete "subdivision 2." and after "Membership" insert a comma

Page 5, line 17, after "terms" insert ", compensation"

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. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 564: A bill for an act relating to the state board of investment; modifying the procedures for purchase and sale of securities; clarifying the membership of the investment advisory council; abolishing certain restrictions on stock investments; modifying procedures for the mortality adjustments for the post-retirement investment fund; authorizing additional investment alternatives; amending Minnesota Statutes 1982, sections 11A.07, subdivision 4; 11A.08, subdivision 1, as amended; 11A.17, subdivision 4; 11A.18, subdivisions 5, 9, and 11; 11A.24, subdivisions 1, 5, and 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1068: A bill for an act relating to economic development; creating the world trade center commission; appropriating money.

Reports the same back with the recommendation that the bill be referred to the Committee on Finance without recommendation. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

H.F. No. 764: A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 359: A bill for an act relating to taxation; providing a transitional period of exemption from the tax on aggregate materials under certain circumstances.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 15 to 20 and insert "*the aggregate materials are delivered prior to January 1, 1985.*"

Page 1, line 22, after the period, insert "*The county shall refund any tax paid pursuant to section 298.75 on aggregate material sold under a contract described in section 1 upon presentation by the operator of a copy of the contract to the county auditor.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 984: A bill for an act relating to taxation; authorizing cities to impose taxes on the gross receipts from the furnishing of certain lodging; proposing new law coded in Minnesota Statutes, chapter 477A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [477A.018] [CITY LODGING TAX.]

Subdivision 1. [AUTHORIZATION.] Notwithstanding section 477A.016 or any other law, a statutory or home rule charter city may by ordinance impose a tax of up to three percent on the gross receipts from the furnishing

for consideration of lodging at a hotel, motel, rooming house, tourist court, or other use of space by a transient, other than the renting or leasing of it for a continuous period of 30 days or more.

Subd. 2. [EXISTING TAXES.] No statutory or home rule charter city may impose a tax under this section upon transient lodging that, when combined with any tax authorized by special law or enacted prior to 1972, exceeds a rate of three percent.

Subd. 3. [DISPOSITION OF PROCEEDS.] Ninety-five percent of the gross proceeds from any tax imposed under subdivision 1 shall be used by the statutory or home rule charter city to fund a local convention or tourism bureau for the purpose of marketing and promoting the city as a tourist or convention center. This subdivision shall not apply to any statutory or home rule charter city that has a lodging tax authorized by special law or enacted prior to 1972 at the time of enactment of this section.

Sec. 2. [COLLECTION.]

The statutory or home rule charter city may agree with the commissioner of revenue that a tax imposed pursuant to section 1 shall be collected by the commissioner together with the tax imposed by Minnesota Statutes, chapter 297A, and subject to the same interest, penalties and other rules and that its proceeds, less the cost of collection, shall be remitted to the city.

Sec. 3. [EFFECTIVE DATE.]

This act is effective July 1, 1983."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring these funds to be dedicated to tourism marketing and promotion;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 187: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing the counties of Becker, Clay, Kittson, Marshall, Norman, Polk, and Wilkin to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "POLK," insert "TRAVERSE, BIG STONE, MAHNOMEN,"

Page 1, line 18, after "Polk," insert "Traverse, Big Stone, Mahnomen,"

Page 4, line 3, after "Polk," insert "Traverse, Big Stone, Mahnomen,"

Amend the title as follows:

Page 1, line 4, after "Polk," insert "Traverse, Big Stone, Mahnomen,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 596: A bill for an act establishing an agricultural resource energy loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 116B.03, subdivision 1; 290.01, by adding a subdivision; 297A.44, subdivision 1; and 362A.01, subdivision 1; 362A.05; and 473F.02, subdivision 3; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "of" insert "chemicals including"

Page 2, lines 22, 26 and 29, delete "energy"

Page 3, line 1, after "fuel" insert "and chemicals,"

Page 3, line 15, delete "energy"

Page 4, line 28, delete "energy"

Page 5, line 6, delete "energy"

Page 5, lines 15 and 21, before "percent" insert "95"

Page 5, line 19, after "than" insert "80"

Page 9, line 1, delete "energy"

Page 10, line 31, delete "energy"

Page 12, after line 11, insert:

"Subd. 4. [TERMINATION.] No application for a guaranty shall be approved by the board pursuant to sections 1 to 6 after December 31, 1989. A guaranty approved prior to January 1, 1990, shall remain in effect for the period established by its terms."

Page 12, line 12, delete "ENERGY"

Page 12, lines 16, 29 and 31, delete "energy"

Page 13, line 12, delete "energy"

Page 14, lines 13 and 35, delete "energy"

Page 16, lines 28 to 32, delete the new language and insert " , or for action taken by a person as authorized or required in a conditional or final commitment issued by the agricultural resource loan guaranty board for a state guaranty of a loan for a project"

Page 17, lines 14 and 21, delete "energy"

Page 18, lines 7 and 24, delete "energy"

Pages 19 and 20, delete section 13

Page 20, line 19, delete "energy"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "energy"

Page 1, line 10, after "1;" insert "and" and delete "and 473F.02,"

Page 1, line 11, delete "subdivision 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 Economic Development and Commerce, to which was referred

S.F. No. 1126: A resolution memorializing the United States Congress to conduct an in-depth investigation of the steel industry.

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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 745 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.
745	737				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 745 be amended as follows:

Page 8, line 12, delete "chief hearing examiner" and insert "revisor of statutes"

Page 8, line 13, delete "revisor of statutes" and insert " chief hearing examiner"

Page 9, line 14, insert a comma before "submit"

Page 9, line 16, after the stricken "filed" insert "submitted"

Page 9, line 17, delete "submitted"

Page 11, line 34, delete "revisor of statutes, and the"

Page 11, line 35, before the period insert ", and to the revisor of statutes"

Page 12, line 11, delete "revisor of statutes, and the"

Page 12, line 12, before the period insert ", and to the revisor of statutes"

Page 13, line 8, strike the comma

And when so amended H.F. No. 745 will be identical to S.F. No. 737, and further recommends that H.F. No. 745 be given its second reading and substituted for S.F. No. 737, 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. Hughes from the Committee on Elections and Ethics, to which were referred the following appointments as reported in the Journal for January 24, 1983:

STATE ETHICAL PRACTICES BOARD

William W. McCutcheon

Leonard C. Myrah

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. Hughes from the Committee on Elections and Ethics, to which was referred the following appointment as reported in the Journal for January 31, 1983:

STATE ETHICAL PRACTICES BOARD

Myra S. Greenberg

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. 1198, 886, 1043, 373, 1146, 906, 1168, 572, 800, 919, 372, 366, 85, 359, 984 and 187 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 289, 190, 419, 721, 959, 953, 558, 954, 462, 1062, 1122, 741, 694, 445, 250, 490, 76, 564, 764 and 745 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Schmitz moved that the name of Mr. Dahl be added as a co-author to S.F. No. 753. The motion prevailed.

Mr. Bertram moved that the name of Mr. Anderson be added as a co-author to S.F. No. 1196. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

S.F. No. 634: A bill for an act relating to game and fish; establishing the joint legislative committee on fishing resources; imposing a surcharge on fishing licenses for development and improvement of state fishing resources; authorizing designation of experimental and specialized fishing waters; authorizing additional notice of netting season; licensing fishing guides; increasing certain license fees; prohibiting angling and use of tip-ups while spearing in a dark house; prohibiting issuance of new commercial game fish netting licenses; allowing designation of lakes for taking of certain muskellunge; imposing penalties for various offenses; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.53, by adding a subdivision; 97.55, by adding subdivisions; 98.46, subdivision 5; 98.52, by adding subdivisions; and 101.42, subdivisions 1a and 20; proposing new law coded in Minnesota Statutes, chapters 97, 98, and 102.

Was read the third time 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 10, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Nelson	Sieloff
Belanger	Dicklich	Kronebusch	Novak	Solon
Benson	Diessner	Laidig	Pehler	Spear
Berg	Dieterich	Langseth	Peterson, C.C.	Stumpf
Berglin	Frank	Lantry	Peterson, D.C.	Taylor
Bernhagen	Frederickson	Lessard	Petty	Ulland
Bertram	Freeman	Luther	Pogemiller	Vega
Brataas	Hughes	McQuaid	Purfeerst	Waldorf
Chmielewski	Isackson	Merriam	Ramstad	Wegscheid
Dahl	Johnson, D.J.	Moe, D.M.	Reichgott	Willet
Davis	Knaak	Moe, R.D.	Schmitz	

Those who voted in the negative were:

Anderson	Jude	Mehrkens	Peterson, R.W.	Samuelson
Frederick	Kamrath	Peterson, D.L.	Renneke	Storm

So the bill passed and its title was agreed to.

S.F. No. 887: A bill for an act relating to transportation; providing for the inclusion of former municipal state-aid streets in the county state-aid highway system; amending Minnesota Statutes 1982, section 162.02, subdivision 1, 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 24, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Pehler	Samuelson
Bernhagen	Freeman	Lantry	Peterson, C.C.	Schmitz
Bertram	Hughes	Lessard	Peterson, D.C.	Sieloff
Brataas	Johnson, D.J.	McQuaid	Peterson, R.W.	Solon
Dahl	Jude	Moe, D.M.	Petty	Storm
Davis	Kamrath	Moe, R.D.	Pogemiller	Stumpf
DeCramer	Kroening	Nelson	Purfeerst	Ulland
Dicklich	Laidig	Novak	Reichgott	Vega

Those who voted in the negative were:

Anderson	Chmielewski	Isackson	Merriam	Taylor
Belanger	Dieterich	Knaak	Peterson, D.L.	Waldorf
Benson	Frank	Kronebusch	Ramstad	Wegscheid
Berg	Frederick	Luther	Renneke	Willet
Berglin	Frederickson	Mehrkens	Spear	

So the bill passed and its title was agreed to.

S.F. No. 170: A bill for an act relating to elections; providing for experimental mail elections; proposing new law coded in Minnesota Statutes, chapter 204B.

Was read the third time 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:

Adkins	Frank	Luther	Peterson, C.C.	Solon
Belanger	Freeman	McQuaid	Peterson, D.C.	Spear
Berglin	Hughes	Mehrkens	Peterson, R.W.	Storm
Chmielewski	Johnson, D.J.	Merriam	Petty	Stumpf
Dahl	Jude	Moe, D.M.	Pogemiller	Vega
Davis	Kroening	Moe, R.D.	Purfeerst	Waldorf
DeCramer	Langseth	Nelson	Reichgott	Wegscheid
Dicklich	Lantry	Novak	Samuelson	Willet
Diessner	Lessard	Pehler	Schmitz	

Those who voted in the negative were:

Anderson	Bertram	Frederickson	Kronebusch	Renneke
Benson	Brataas	Isackson	Laidig	Sieloff
Berg	Dieterich	Kamrath	Peterson, D.L.	Taylor
Bernhagen	Frederick	Knaak	Ramstad	Ulland

So the bill passed and its title was agreed to.

S.F. No. 889: A bill for an act relating to local government; clarifying powers of municipalities and redevelopment agencies with respect to acquisition, construction, leasing, selling, loan of funds, and issuance of revenue bonds for industrial development projects; amending Minnesota Statutes 1982, sections 474.03 and 474.06.

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 58 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Sieloff
Anderson	Diessner	Kroening	Novak	Solon
Belanger	Dieterich	Kronebusch	Pehler	Spear
Benson	Frank	Laidig	Peterson, D.C.	Storm
Berg	Frederick	Langseth	Peterson, D.L.	Stumpf
Berglin	Frederickson	Lantry	Petty	Taylor
Bernhagen	Freeman	Lessard	Pogemiller	Vega
Bertram	Hughes	Luther	Purfeerst	Waldorf
Chmielewski	Isackson	McQuaid	Ramstad	Wegscheid
Dahl	Johnson, D.J.	Mehrkens	Reichgott	Willet
Davis	Jude	Moe, D.M.	Renneke	
DeCramer	Kamrath	Moe, R.D.	Schmitz	

Those who voted in the negative were:

Brataas Peterson, C.C. Peterson, R.W. Samuelson Ulland
Merriam

So the bill passed and its title was agreed to.

S.F. No. 679: A bill for an act relating to redevelopment; authorizing the commissioner of iron range resources and rehabilitation to exercise certain powers and to issue bonds to finance certain projects and programs in tax relief areas; appropriating money; amending Minnesota Statutes 1982, section 298.292; proposing new law coded in Minnesota Statutes, chapter 298.

Was read the third time 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:

Adkins	DeCramer	Kroening	Peterson, C.C.	Spear
Anderson	Dicklich	Langseth	Peterson, D.C.	Storm
Belanger	Diessner	Lantry	Petty	Stumpf
Berglin	Dieterich	Lessard	Pogemiller	Taylor
Bertram	Frank	Luther	Purfeerst	Vega
Brataas	Freeman	Moe, R.D.	Reichgott	Waldorf
Chmielewski	Hughes	Nelson	Samuelson	Wegscheid
Dahl	Johnson, D.J.	Novak	Schmitz	Willet
Davis	Jude	Pehler	Solon	

Those who voted in the negative were:

Benson	Frederickson	Kronebusch	Merriam	Ramstad
Berg	Isackson	Laidig	Moe, D.M.	Renneke
Bernhagen	Kamrath	McQuaid	Peterson, D.L.	Sieloff
Frederick	Knaak	Mehrkens	Peterson, R.W.	Ulland

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S.F. No. 1067: A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, 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 4, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Samuelson
Anderson	Diessner	Kronebusch	Pehler	Schmitz
Belanger	Dieterich	Laidig	Peterson, C.C.	Sieloff
Benson	Frank	Langseth	Peterson, D.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.L.	Spear
Berglin	Freeman	Lessard	Peterson, R.W.	Storm
Bertram	Hughes	Luther	Petty	Stumpf
Brataas	Johnson, D.J.	McQuaid	Pogemiller	Taylor
Chmielewski	Jude	Mehrkens	Purfeerst	Ulland
Dahl	Kamrath	Merriam	Ramstad	Vega
Davis	Knaak	Moe, R.D.	Reichgott	Wegscheid
DeCramer	Knutson	Nelson	Renneke	Willet

Messrs. Bernhagen, Frederick, Isackson and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 608: A bill for an act relating to insurance; accident and health; exempting administrators of self insured health plans established by collective bargaining agreement from certain regulatory provisions; amending Minnesota Statutes 1982, section 60A.23, subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Schmitz
Anderson	Diessner	Kroening	Pehler	Sieloff
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Solon
Benson	Frank	Laidig	Peterson, D.C.	Spear
Berg	Frederick	Langseth	Peterson, D.L.	Storm
Berglin	Frederickson	Lantry	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Lessard	Petty	Taylor
Bertram	Hughes	Luther	Pogemiller	Ulland
Brataas	Isackson	McQuaid	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Dahl	Jude	Merriam	Reichgott	Wegscheid
Davis	Kamrath	Moe, R.D.	Renneke	Willet
DeCramer	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 903: A bill for an act relating to insurance; removing obsolete statutory provisions regulating assessment benefit associations; repealing Minnesota Statutes 1982, sections 63.01 to 63.35.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Schmitz
Anderson	Diessner	Kroening	Pehler	Sieloff
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Solon
Benson	Frank	Laidig	Peterson, D.C.	Spear
Berg	Frederick	Langseth	Peterson, D.L.	Storm
Berglin	Frederickson	Lantry	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Lessard	Petty	Taylor
Bertram	Hughes	Luther	Pogemiller	Ulland
Brataas	Isackson	McQuaid	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Dahl	Jude	Merriam	Reichgott	Wegscheid
Davis	Kamrath	Moe, R.D.	Renneke	Willet
DeCramer	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 801: A bill for an act relating to financial institutions; authorizing electronic financial terminals at locations other than retail locations established by persons other than retailers; amending Minnesota Statutes 1982, sections 47.62, subdivision 1; and 47.64, subdivision 3; repealing Minnesota Statutes 1982, section 47.61, 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:

Anderson	Diessner	Kroening	Novak	Sieloff
Belanger	Dieterich	Kronebusch	Pehler	Solon
Benson	Frank	Laidig	Peterson, C.C.	Spear
Berg	Frederick	Langseth	Peterson, D.C.	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Dahl	Jude	Merriam	Reichgott	Wegscheid
Davis	Kamrath	Moe, D.M.	Renneke	Willet
DeCramer	Knaak	Moe, R.D.	Samuelson	
Dicklich	Knutson	Nelson	Schmitz	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Luther reported that the committee had considered the following:

S.F. Nos. 462, 525, 856, 661, 987, 954, 378, 756, 601, 301, 799 and H.F. Nos. 656 and 697, which the committee recommends to pass.

S.F. No. 1012, which the committee recommends to pass with the following amendment offered by Mr. Laidig:

Page 50, after line 11, insert:

“Sec. 58. [COUNTY FINANCING OF FACILITIES.]

The counties of Washington and Ramsey, separately or jointly, may, by resolution, authorize the issuance of bonds or other obligations, including initial obligations issued to finance solely preliminary costs such as site acquisition and preparations and legal, engineering, financial, and planning services, to provide funds to acquire or better solid waste and related facilities, including transmission facilities and property or property rights for a solid waste or related facility, or to refund any outstanding obligations issued for that purpose.

Any later formation of a solid waste management district under Minnesota Statutes, chapter 115A, or contemplated sale or lease of any of the facilities or their work product to a private person, after the county or solid waste management district has incurred the costs of the facilities or work product, shall not restrict or limit the use of the proceeds of the bonds or other obligations.

The county may pledge to the payment of the obligations and the interest on them,

- (a) its full faith, credit, and taxing powers;*
- (b) the proceeds of any designated tax levies;*
- (c) the gross or net revenues or charges to be derived from any facility operated by or for the county;*
- (d) the proceeds of any anticipating refunding obligations, state or federal loan or grant, or any sale of the facilities or their work product;*
- (e) any other funds of the county; or*
- (f) any combination of the foregoing.*

Taxes levied for the payment of the obligations 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 when due and to pay the cost of interest accruing on the obligations before six months after the date the facilities are first placed in service.

Revenue bonds issued pursuant to this section may be sold at public or private sale upon the conditions the county board shall determine, but any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with Minnesota Statutes, chapter 475. No election shall be required to authorize the issuance of the obligations, and the debt limitations of chapter 475 or other law shall not apply to the obligations. The obligations may mature at a time or times, and in amounts, as the county board determines.

The county may covenant to refund, to the extent necessary, any temporary obligations with a term of no more than four years, in which event the tax

which would otherwise be required by section 475.61, subdivision 1, need not be required. The interest rate on temporary obligations may be fixed at the time of sale or be adjusted from time to time based on an index related to the cost of borrowing, and the price at which the temporary obligations may be sold may be at any amount determined most favorable by the county board, but the resulting composite interest rate may not exceed the rate permitted under section 475.55.

Except as provided in this section, the obligations shall be issued and sold in accordance with chapter 475.

Sec. 59. [DISTRICT FORMATION.]

Notwithstanding any contrary provisions of Minnesota Statutes, section 115A.63, subdivision 3, or other law, Ramsey and Washington counties, before establishing a waste management district solely within their boundaries, need not demonstrate that they are unable to fulfill the purposes of a district through joint action under Minnesota Statutes, section 471.59.

Sec. 60. [POWERS ADDITIONAL AND SUPPLEMENTAL.]

The powers conferred by sections 58 and 59 are in addition and supplemental to the powers conferred by any other law or charter. Insofar as any other law or charter is inconsistent with sections 58 and 59, the provisions of sections 58 and 59 control as to facilities authorized under those sections.

Sec. 61. [EFFECTIVE DATE.]

Sections 58 to 60 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing bodies of both Ramsey and Washington counties."

Page 50, line 20, delete "59" and insert "57, 62 and 63"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after the semicolon, insert "authorizing issuance of bonds by Washington and Ramsey Counties for a solid waste facility;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1105, which the committee recommends to pass with the following amendment offered by Mr. Frederickson:

Page 1, line 22, before the period, insert " , subject to an easement for Trunk Highway No. 99 as set forth in Commissioner's Width Order No. 15913, and further subject to Trunk Highway No. 295 as set forth in Commissioner's Order No. 21188"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Kroening and Waldorf introduced—

S.F. No. 1199: A bill for an act relating to solid waste management; transferring power from metropolitan counties to the metropolitan waste control commission to acquire, construct, and operate solid waste disposal facilities in the metropolitan area; amending Minnesota Statutes 1982, sections 473.504, subdivision 9; 473.801, by adding a subdivision; 473.802; 473.803, subdivision 1; 473.811, subdivisions 1, 2, 2a, 3, 4, 4a, 4b, 6, 8, and 9; 473.831, subdivisions 1 and 2; and 473.833, subdivisions 4 and 6.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Ulland introduced—

S.F. No. 1200: A bill for an act relating to the legislature; extending the provisions of the open meetings law to the legislature; amending Minnesota Statutes 1982, section 471.705.

Referred to the Committee on Governmental Operations.

Mr. Ulland introduced—

S.F. No. 1201: A bill for an act relating to real property; extending the right of municipalities to restrict the conveyances of partial parcels of platted land; amending Minnesota Statutes 1982, section 272.162, subdivision 3.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 1202: A bill for an act relating to community social services; amending the community social services act to incorporate certain programs for the mentally ill and mentally retarded and the program of day care sliding fees; amending Minnesota Statutes 1982, sections 256E.06, subdivision 2; and 256E.08, subdivision 9; repealing Minnesota Statutes 1982, section 245.87.

Referred to the Committee on Health and Human Services.

Messrs. Peterson, R.W.; Johnson, D.J.; Pogemiller and Spear introduced—

S.F. No. 1203: A bill for an act relating to taxation; property; providing that sales ratio studies are inadmissible in actions challenging real estate taxes; amending Minnesota Statutes 1982, section 278.05, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Purfeerst introduced—

S.F. No. 1204: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing Le Sueur County to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

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. 267: Messrs. Pogemiller, Merriam and Sieloff.

H.F. No. 870: Messrs. Pogemiller, Merriam and Belanger.

S.F. No. 61: Messrs. Luther, Pogemiller and Knaak.

S.F. No. 708: Messrs. Peterson, R.W.; Merriam and Storm.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mr. Johnson, D.E. was excused from the Session of today. Mr. Knutson was excused from the Session of today until 10:35 a.m. Ms. Olson was excused from the Session of today until 11:30 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 26, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTIETH DAY

St. Paul, Minnesota, Tuesday, April 26, 1983

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

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 communication was received.

April 22, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 pres-

ervation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
233		51	April 22	April 22
240		52	April 22	April 22
356		53	April 22	April 22
369		54	April 22	April 22
	396	55	April 22	April 22
	576	56	April 22	April 22
	609	57	April 22	April 22
	706	58	April 22	April 22
186		Resolution No. 3	April 22	April 22
1195		Resolution No. 4	April 22	April 22

Sincerely yours,

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. 322, 332, 358, 659 and 972.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1983

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. 238: A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

Senate File No. 238 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1983

Mr. Diessner moved that the Senate do not concur in the amendments by the House to S.F. No. 238, 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 House File No. 26 and repassed said bill in accordance with the report of the Committee, so adopted.

H.F. No. 26: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

House File No. 26 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1983

Mr. Dahl moved that H.F. No. 26 and the Conference Committee Report thereon 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. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1983

Mr. Moe, R.D. moved that House Concurrent Resolution No. 4 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. 455 and 92.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committee indicated.

H.F. No. 455: A bill for an act relating to the operation of state government; creating the department of commerce; providing for appointment of a commissioner of commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioner of commerce and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 6, 7, and by adding a subdivision; 116J.03, subdivi-

sion 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 406.

H.F. No. 92: A bill for an act relating to education; providing for aids to education, aids to libraries, aids for teacher retirement contributions, tax levies, and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer non-post-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 16A.15, subdivision 1; 120.075, subdivision 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdivision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 275.125, subdivisions 2d, 2e, 2i, 5, 5b, 6d, 8, 11a, 11b, and by adding subdivisions; 354.66, subdivision 9; 354A.094, subdivision 9; 375.335; 466.01, subdivision 1; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, section 4; Laws 1969, chapter 775, section 3, subdivision 2, as amended; Laws 1969, chapter 1060, section 4; Laws 1981, chapter 358, article 7, section 29, as amended; and Laws 1982, chapter 548, article 3, sections 27 and 28; proposing new law coded in Minnesota Statutes, chapters 3, 120, 121, 122, 123, 124, 126, 129B, and 134; repealing Minnesota Statutes 1982, sections 121.501 to 121.507; 122.542; 124.11, subdivision 1; 124.24; 124.251; 124.26, subdivision 4; 124.271, subdivision 5; 124.273, subdivisions 1 and 2; 124.32, subdivisions 1 and 9; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; 124.574, subdivision 2; 124.611; 125.611, subdivision 9; 129B.06 to 129B.09; 134.03; 134.06; 134.16; 134.19;

134.352; and 375.33.

Mr. Nelson moved that H.F. No. 92 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 the reports on S.F. Nos. 920 and 1041. The motion prevailed.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 908: A bill for an act relating to the housing finance agency; proposing an innovative housing loan program; appropriating money; amending Minnesota Statutes 1982, sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "is" insert "*designed to provide long-term affordability, and which is*"

Page 2, line 12, after "may" insert "*create a revolving fund to be used to*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vega from the Committee on Energy and Housing, to which was re-referred

S.F. No. 77: A bill for an act relating to veterans; providing funds for the Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "\$4,000,000" 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. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 610: A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, line 11, before "The park" insert "The park may not charge you an entrance fee."

Page 2, line 18, after the period, insert "You must also disclose in writing certain safety information about your home to anyone who wants to buy it in the park. You must give this information to the buyer before the sale, in writing, on the form that is attached to this notice. You must completely and accurately fill out the form and you and the buyer should each keep a copy."

Page 2, after line 25, insert:

"In addition, the safety feature disclosure form required under section 3 must be attached to the notice."

Page 3, after line 5, insert:

"Sec. 3. Minnesota Statutes 1982, section 327C.07, is amended by adding a subdivision to read:

Subd. 3a. [SAFETY FEATURE DISCLOSURE FORM.] A resident or a resident's agent must disclose information about safety features of the home to the prospective buyer. The information must be given to the buyer before the sale, in writing, in the following form:

**"MANUFACTURED (MOBILE) HOME SAFETY FEATURE
DISCLOSURE FORM**

This form is required by law to be filled out and given to the prospective buyer of any used manufactured home by all private parties, dealers, and brokers.

EXITS AND EGRESS WINDOWS

This home has at least one egress window in each bedroom, or a window in each bedroom that meets the specifications of the American National Standard Institute 1972 code covering manufactured homes made in Minnesota. This code requires that the window be at least 22 inches in least dimension, and at least five square feet in area, and that the window be not more than four feet off the floor.

Yes _____ No _____

This home has _____ (number) of exits. They are located _____.

SMOKE DETECTORS AND FIRE EXTINGUISHERS

This home is equipped with fire extinguishers as required by the Minnesota State Health Department.

Yes _____ No _____

They are located _____

This home is equipped with at least one listed automatic smoke detector outside each sleeping area as required in homes built in accordance with the state building code.

Yes _____ No _____

ALUMINUM WIRING*This home has aluminum wiring.*

Yes _____ No _____

*Aluminum wiring can present a fire hazard in homes. The special hazards presented by aluminum wiring can be eliminated by certain repairs, as recommended by the U. S. Consumer Product Safety Commission.**A. The wiring connections to the outlets in this home have been crimped, and the connection point is now copper.*

Yes _____ No _____

B. This home has electrical outlets and switches compatible with aluminum wiring.

Yes _____ No _____

*C. Other action has been taken to eliminate or reduce the danger caused by aluminum wiring in this home. (Describe) _____**(The buyer may check the effectiveness of these methods by contacting the U. S. Consumer Product Safety Commission.)***FURNACE AND HOT WATER HEATER***The furnace compartment in this home is lined with fire-resistant gypsum board, as specified in the 1976 U. S. Department of Housing and Urban Development codes governing manufactured housing construction.*

Yes _____ No _____

The hot water heater cabinet in this home is lined with fire-resistant gypsum board, as specified in the 1976 U. S. Department of Housing and Urban Development codes governing manufactured housing construction.

Yes _____ No _____

*It is also recommended that the buyer check the floor area around the water heater and furnace compartments. A weakened floor can create a fire hazard.***WOOD STOVE AND FIREPLACE***This home contains a wood stove. This stove was installed by the manufacturer of the home after June 15, 1976, and was inspected for compliance with the U. S. Department of Housing and Urban Development safety codes.*

Yes _____ No _____

This home contains a wood stove. This wood stove unit is approved for installation in manufactured homes. It was installed by _____ in accordance with the manufacturer's guidelines. A building permit for this wood stove was issued by the city of _____, and this wood stove installation has been approved by the building inspector.

Yes _____ No _____

This home contains a fireplace. The fireplace was installed by the manu-

facturer of the home after June 15, 1976, and was inspected for compliance with the U. S. Department of Housing and Urban Development safety codes.

Yes _____ No _____

This home contains a fireplace. This fireplace unit is approved for installation in manufactured homes. It was installed by _____ in accordance with the manufacturer's guidelines. A building permit for this fireplace was issued by the city of _____, and this fireplace installation has been approved by the building inspector.

Yes _____ No _____

BLOCKING

This home is supported by blocking, as required by state code since September 1, 1974.

Yes _____ No _____

RECOMMENDATIONS TO PROSPECTIVE BUYERS:

HEAT TAPE

It is also recommended that the buyer check the home's heat tape. Old and worn heat tape, and improper installation of heat tape, can cause a fire hazard.

FURNACE AND HOT WATER HEATER

It is recommended that the buyer have a qualified utility representative check the furnace and hot water heater to see that they are both in good working order. If this home was converted from oil to natural gas heat, there could be safety problems if the conversion was not done correctly. A utility representative or building inspector can inspect the condition and installation of this equipment. They may charge a reasonable fee to do so.

ENERGY AUDIT

It is also recommended that the buyer have a utility approved energy audit of the home.

I, _____, the undersigned, hereby declare that the above information is true and correct to the best of my knowledge.

COMPLIANCE WITH SAFETY FEATURES

If you purchase the home, you will be required to install egress windows and smoke detectors and fire extinguishers within one year. You will be required to comply with all of the safety features contained in this form within three years.

Signature

Date

Sec. 4. Minnesota Statutes 1982, section 327C.07, is amended by adding a subdivision to read:

Subd. 8. [COMPLIANCE WITH HOME SAFETY FEATURES.] Within

12 months following the in park sale of a home for which a home safety feature disclosure form has been provided under subdivision 3a, the buyer shall install egress windows meeting the specifications of the American National Standard Institute 1972 code covering manufactured homes made in Minnesota and fire extinguishers and smoke detectors as required by the Minnesota state health department and state building code.

In addition to the previous requirements, within three years following the sale or upon the resale of the home the buyer shall install the following home safety features:

(a) Necessary aluminum wiring repairs conforming with the recommendations of the consumer product safety commission;

(b) Fire-resistant gypsum board lining or similar fire-resistant material for furnaces and hot water heaters conforming with the 1976 department of housing and urban development codes;

(c) If the home contains a wood stove or fireplace, installation in conformance with 1976 department of housing and urban development safety codes; and

(d) Blocking supports as required by the state building code.

Following installation of the safety features required under this subdivision, the home must be inspected by a building inspector. The inspector may charge a reasonable fee, not to exceed \$50, for the inspection. The homeowner shall give the park owner a certificate of inspection certifying that the home safety features required under this subdivision have been installed. Failure to comply with the requirements of this subdivision is a park rule violation for purposes of section 327C.09."

Page 3, line 7, delete "and 2" and insert "to 4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring sellers to disclose manufactured home safety features; requiring compliance with certain home safety features;"

Page 1, line 5, before the period, insert " , and by adding subdivisions "

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 406: A bill for an act relating to the operation of state government; reorganizing the department of commerce; providing for appointment of a commissioner of commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05;

45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [45.011] [DEPARTMENT ESTABLISHED; FUNCTIONS.]

A department of commerce is created as the principal agency of the state for the regulation of commerce in Minnesota.

Sec. 2. [45.012] [COMMISSIONER.]

The department of commerce is under the supervision and control of the commissioner of commerce. The commissioner is appointed by the governor in the manner provided by section 15.06.

Sec. 3. [45.013] [DEPUTY COMMISSIONERS; ASSISTANT COMMISSIONERS; ASSISTANT TO THE COMMISSIONER.]

The commissioner of commerce may appoint five deputy commissioners, four assistant commissioners, and an assistant to the commissioner. Those positions, as well as that of a confidential secretary, are unclassified. The commissioner may appoint other employees in the classified service necessary to carry out the duties and responsibilities entrusted to the commissioner.

Sec. 4. [POWERS AND DUTIES, TRANSFER; COMMERCE COMMISSION; COMMERCE DEPARTMENT; COMMISSIONERS OF BANKS, INSURANCE, SECURITIES, AND REAL ESTATE.] *The commissioner of commerce is the successor to the commerce commission, the commissioners of banks, insurance, and securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce as previously constituted. All powers, duties, and functions previously vested in or imposed on those individuals, divisions, or department of state government are transferred to, vested in, and imposed on the commissioner of commerce. The commerce commission, the positions of commissioner of banks, commissioner of insurance, and commissioner of securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce, as previously constituted, are abolished.*

Sec. 5. [45.023] [RULES.]

The commissioner of commerce may adopt, amend, suspend, or repeal rules, including temporary rules, in accordance with chapter 14, and as otherwise provided by law, whenever necessary or proper in discharging the commissioner's official responsibilities.

Sec. 6. [45.024] [HEARINGS.]

Subdivision 1. [GENERAL.] In any case in which the commissioner of commerce is required by law to conduct a hearing, the hearing must be conducted in accordance with chapter 14 and other applicable laws, if any.

Subd. 2. [DELEGATION OF INSURANCE REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to insurance as set forth in chapters 60A to 79, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 3. [DELEGATION OF FINANCIAL INSTITUTIONS REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to financial institutions as set forth in chapters 46 to 59A, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 4. [DELEGATION OF SECURITIES REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to securities as set forth in chapters 80A, 80B, and 80C, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 5. [DELEGATION OF REAL ESTATE REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to real estate as set forth in chapters 82 and 83, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 6. [REVIEW BY COMMISSIONER.] Notwithstanding any other law to the contrary, an order issued by a deputy commissioner under subdivisions 2 to 5 may be appealed to the commissioner or reviewed by the commissioner at his discretion within 15 days after receipt of the order. If no appeal is filed and no discretionary review is made, the deputy commissioner's order is the final order. Review of the appeal shall be on the record and shall be subject to the procedures prescribed by rule by the commissioner. Appeal of the commissioner's order, or the order of the deputy commissioner if no appeal is made to the commissioner, shall be as provided under the provisions of the administrative procedure act of chapter 14, unless otherwise provided by law.

Sec. 7. [TRANSFER OF POWERS FROM THE DEPARTMENT OF COMMERCE AND COMMERCE COMMISSION TO THE COMMISSIONER OF COMMERCE.]

Subdivision 1. [AUTHORIZATION.] The commissioner of commerce, as successor to the commerce commission, and the commissioners of banks,

insurance, and securities and real estate divisions, and the department of commerce as previously constituted is a continuation of the former authorities and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of those agencies as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of commerce remain in full force until modified or repealed in accordance with law by the commissioner.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by any of the agencies referred to in subdivision 1 under the authority of any power, duty, or responsibility transferred by this act to the commissioner of commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to any of the agencies referred to in subdivision 1 for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the commissioner of commerce are transferred to the commissioner.

Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the commerce commission and the department of commerce are transferred to the department of commerce. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 8. Minnesota Statutes 1982, section 45.034, is amended to read:

45.034 [PREPARATION OF DEPARTMENTAL BUDGET.]

The budget estimates prescribed by section 16A.10, subdivisions 1 and 2, shall be prepared and submitted by the ~~commission~~ commissioner of commerce in respect of the department of commerce ~~and all of its constituent divisions~~.

Sec. 9. Minnesota Statutes 1982, section 45.04, is amended to read:

45.04 [BANK APPLICATIONS.]

Subdivision 1. [FILING; FEE; HEARING.] The incorporators of ~~any~~ a bank proposed to be organized under the laws of this state shall execute and acknowledge ~~an~~ a written application, ~~in writing~~, in the form prescribed by the ~~department~~ commissioner of commerce, and shall file the same ~~it~~ in its the commissioner's office, ~~which~~. The application shall ~~must~~ be signed by two or more of the incorporators, ~~requesting and request~~ a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. At the time of filing the application, the applicant shall pay a \$1,000 filing fee of \$1,000, ~~which shall be paid into the state treasury and credited to the general fund and shall pay to the commissioner of banks the sum of and a \$500 as a investigation fee for investigating the application~~, which shall be turned over by ~~him~~ the commissioner to the state treasurer and credited ~~by the treasurer~~ to the general fund of the state. Thereupon the ~~commission~~ commissioner shall fix a time, within 60 days after the filing of the application, for a hearing at its office at the state capitol, ~~at which hearing it shall to decide whether or not the application shall will be granted~~. A notice of the hearing shall ~~must~~ be published in the form prescribed by the ~~commission~~ commissioner in some newspaper published in the municipality in which the proposed bank is to be located, and if there be no such newspaper, then at the county seat of the county in which the bank is proposed to be located. The notice shall ~~must~~ be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the ~~commission~~ commissioner shall consider the application and hear the applicants and ~~such~~ witnesses as ~~may~~ that appear in favor of or against the granting of the application of the proposed bank.

Subd. 2. [APPROVAL, DISAPPROVAL.] If, upon the hearing, it ~~shall appear~~ appears to the ~~commission~~ commissioner that the application should be granted, ~~it~~ he shall, not later than 90 days after the hearing, and after the applicants have otherwise complied with the provisions of law applicable to the organization of a bank, including the provisions herein contained, make and file in ~~the~~ his office of the commissioner of banks its a written order, ~~in writing~~, directing ~~him~~ to issue the issuance of a certificate of authorization as provided by law. If the certificate of authorization is not activated within a period of 12 months from date of ~~directive to the commissioner of banks issuance~~, the ~~department of commerce~~ commissioner may upon written notice ~~in writing~~ to the applicants request a new hearing. If the ~~commission~~ commissioner shall ~~decide~~ decides that the application should not be granted, ~~it~~ he shall deny the application and make ~~its~~ a written order, ~~in writing~~, to that effect, and file the same ~~it~~ in the his office of the commissioner of banks, and forthwith give notice thereof by certified mail to one of the incorporators named in the application for the proposed bank, addressed to the incorporator at the address stated in the application; ~~and~~. Thereupon the commissioner of banks shall refuse to issue the certificate of authorization, ~~which is prescribed by law~~, to the proposed bank.

Sec. 10. Minnesota Statutes 1982, section 45.05, is amended to read:

45.05 [NOTICE AND HEARING, WHEN NOT GIVEN.]

The ~~department~~ commissioner of commerce may, at ~~its~~ his discretion, dispense with the notice and hearing provided for by section 45.04 ~~in cases where~~ if application is made for the incorporation of a new bank to take over the assets of one or more existing banks, ~~or where~~ if the application con-

templates the reorganization of a national bank into a state bank in the same locality; ~~provided, this act shall not increase the number of banks in the community affected.~~

Sec. 11. Minnesota Statutes 1982, section 45.06, is amended to read:

45.06 [EXPENSES OF ORGANIZATION AND INCORPORATION OF BANKS LIMITED.]

The expenses of organization and incorporation to be paid by ~~any such banks shall~~ a bank may not exceed the statutory fees for filing applications as provided in section 45.04 and the necessary legal expenses incurred incident to drawing articles of incorporation, publication, and recording thereof; ~~and~~. The incorporators shall, prior to the issuance of the certificate of authorization ~~provided for by law~~, file with the commissioner of banks a verified statement showing the total amount of expense incurred in the organization of the bank ~~and~~ to be paid by it after commencing operation.

Sec. 12. Minnesota Statutes 1982, section 45.07, is amended to read:

45.07 [CHARTERS ISSUED, CONDITIONS.]

If the applicants are of good moral character and financial integrity, if there is a reasonable public demand for this bank in this location, if the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, if the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and if the ~~department~~ commissioner of commerce is satisfied that the proposed bank will be properly and safely managed, the application ~~shall~~ must be granted; otherwise it ~~shall~~ must be denied. In case of the denial of the application, the ~~department~~ commissioner of commerce shall specify the grounds for the denial and the supreme court, upon petition of ~~any~~ a person aggrieved, may review by certiorari ~~any such order or the determination of the department of commerce.~~

Sec. 13. Minnesota Statutes 1982, section 45.071, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR INSURANCE; UNINSURED BANKS.] Notwithstanding the provisions of subdivision 1, a bank which does not have insurance of its deposits or a commitment for insurance of its deposits by the federal deposit insurance corporation, an agency of this state, or a federal agency established for the purpose of insuring deposits in banks or collateral security deposited under section 48.74 ~~upon the effective date of Laws 1982, chapter 473, sections 1 to 29 on March 19, 1982~~, must apply for insurance of deposits not later than July 1, 1983. A bank subject to this subdivision which has been denied a commitment for insurance of its deposits shall either dissolve, merge, or consolidate with another bank which is insured or apply in writing within 30 days of denial to the commissioner of ~~banks~~ commerce for additional time to obtain an insurance commitment. The commissioner of ~~banks~~ shall grant additional time to obtain the insurance commitment upon satisfactory evidence that the bank has made or is making a

substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time shall not extend later than July 1, 1984.

Sec. 14. Minnesota Statutes 1982, section 45.08, subdivision 3, is amended to read:

Subd. 3. [DEPARTMENT.] ~~The word~~ "Department" means the department of commerce of the state of Minnesota.

Sec. 15. Minnesota Statutes 1982, section 45.08, is amended by adding a subdivision to read:

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Sec. 16. Minnesota Statutes 1982, section 45.17, subdivision 1, is amended to read:

45.17 [REPRESENTATION OF CONSUMER INTEREST IN PUBLIC UTILITY MATTERS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms ~~defined in this subdivision shall apply~~ have the meanings given them:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public utilities commission or ~~any~~ an agency of the federal government provided that. No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) ~~"Consumer services section" means the consumer services section of the department of commerce.~~

(3) "Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.

(4) (3) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Sec. 17. Minnesota Statutes 1982, section 45.17, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] ~~The consumer services section attorney general shall~~ be is responsible for representing and furthering the interests of residential utility consumers through participation in matters before the public utilities commission involving utility rates and adequacy of utility services to residential utility consumers. ~~The consumer services section attorney general~~ shall expend a reasonable portion of ~~its~~ his efforts among all three kinds of utility services and shall identify and promote the needs of each class of residential consumers with respect to each of the utility services.

Sec. 18. Minnesota Statutes 1982, section 45.17, subdivision 3, is amended to read:

Subd. 3. [RIGHT OF INTERVENTION.] Subject to the limitations of

subdivision 2, the ~~consumer services section~~ *attorney general* may intervene as of right or participate as an interested party in matters pending before the public utilities commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of the ~~consumer services section~~ *attorney general* to participate or intervene ~~shall in no way~~ *does not* affect the obligation of the public utilities commission to protect the public interest.

Sec. 19. Minnesota Statutes 1982, section 45.17, subdivision 4, is amended to read:

Subd. 4. [NOTICE; PROCEDURES.] The public utilities commission shall give reasonable notice to the ~~consumer services section~~ *attorney general* of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission ~~shall~~ apply to the ~~consumer services section~~ *attorney general* and ~~its~~ *his* employees or representatives. The ~~consumer services section~~ *attorney general* ~~shall have~~ *has* the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Sec. 20. Minnesota Statutes 1982, section 45.17, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] The ~~consumer services section~~ *attorney general* shall be deemed to have an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Sec. 21. Minnesota Statutes 1982, section 45.17, subdivision 7, is amended to read:

Subd. 7. [INTERVENTION IN FEDERAL PROCEEDINGS.] The ~~consumer services section~~ *attorney general* shall represent and further the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The ~~consumer services section~~ *attorney general* may maintain, intervene in, or otherwise participate in ~~any~~ civil actions relating to the federal proceedings. In performing its duties pursuant to this subdivision, the section shall follow the guidelines established pursuant to subdivision 6, clause (1).

Sec. 22. Minnesota Statutes 1982, section 45.17, is amended by adding a subdivision to read:

Subd. 8. [ADDITIONAL POWERS.] The power granted by this section is in addition to powers otherwise provided by law to the attorney general.

Sec. 23. [TRANSFER OF POWERS FROM THE CONSUMER SERVICES SECTION TO THE ATTORNEY GENERAL.]

Subdivision 1. [AUTHORIZATION.] The attorney general, as successor to the director of the consumer services section of the department of commerce in the administration of sections 45.16 and 45.17, subdivisions 1 to 5

and 7, and the supervision of the complaint unit and utility unit of the office of consumer services, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the attorney general remain in full force until modified or repealed in accordance with law by the attorney general.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services director under the authority of any power, duty, or responsibility transferred by this act to the attorney general may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the attorney general shall, upon request by the attorney general or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the attorney general's new duties. The transfer must be made in accordance with the directions of the attorney general or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the attorney general are transferred to the attorney general.

Subd. 6. [TRANSFER OF POSITIONS.] All classified positions in the consumer services section not covered by section 30, subdivision 6, are transferred to the attorney general. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 24. Minnesota Statutes 1982, section 15.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, commerce, corrections, economic development, economic security, education, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, and veterans affairs; ~~the banking, insurance and securities divisions and the consumer services section of the department of commerce;~~ the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing depart-

ments or agencies are referred to in this section as "commissioners."

Sec. 25. Minnesota Statutes 1982, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions pursuant according to this subdivision: the departments of administration; agriculture; *commerce*; corrections; economic security; education; employee relations; energy, planning and development; finance; health; human rights; labor and industry; natural resources; public safety; public service; public welfare; revenue; transportation; and veterans affairs; ~~the banking, securities and real estate, insurance and consumer services divisions of the department of commerce~~; the housing finance and pollution control agencies; the state board of investment; and the offices of the secretary of state, state auditor, and state treasurer.

A position designated by an appointing authority pursuant according to this subdivision must meet the following standards and criteria:

(a) the designation of the position would not be contrary to ~~the provisions of other law relating specifically to that agency~~;

(b) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(c) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(d) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(e) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(f) the position would be at the level of division or bureau director or assistant to the agency head; and

(g) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 26. Minnesota Statutes 1982, section 116J.31, is amended to read:

116J.31 [ENERGY AUDITS.]

The commissioner, ~~in cooperation with the director of consumer services,~~ shall develop the state plan for the program of energy audits of residential and commercial buildings required by 42 United States Code, ~~Section title 42, section 8211, et seq.~~ The ~~consumer services division and the attorney general are authorized to~~ may release information on consumer complaints about the operation of the program to the commissioner.

Sec. 27. Minnesota Statutes 1982, section 144A.53, subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the

director relates to a matter more properly within the jurisdiction of an occupational licensing board, the office of consumer services or any other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that any official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state commissioner of health, the commissioner of public welfare, an appropriate prosecuting authority, or any other appropriate agency.

Sec. 28. Minnesota Statutes 1982, section 155A.03, is amended by adding a subdivision to read:

Subd. 13. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Sec. 29. Minnesota Statutes 1982, section 155A.05, is amended to read:

155A.05 [RULES.]

The ~~director~~ commissioner shall develop and adopt rules to carry out the provisions of sections 155A.01 to 155A.18 by December 31, 1982, pursuant according to chapter 14. For purposes of sections 155A.01 to 155A.18, the ~~director~~ commissioner may adopt temporary rules, pursuant according to sections 14.29 to 14.36. These rules may be reissued as temporary rules until permanent rules are adopted or until December 31, 1982, whichever is earlier. These temporary rules may provide that for any a renewal license issued by the ~~director~~ commissioner within one year after July 1, 1981, the term of renewal shall be either one, two, or three years. The fee for a one-year renewal license shall be one-third of the fee for a three-year renewal license, and the fee for a two-year renewal shall be two-thirds of the three-year fee.

Sec. 30. [TRANSFER OF POWERS RELATING TO THE REGULATION OF THE PRACTICE OF COSMETOLOGY FROM THE OFFICE OF CONSUMER SERVICES TO THE COMMISSIONER OF COMMERCE.]

Subdivision 1. [AUTHORIZATION.] The commissioner of commerce, as successor to the director of the consumer services section of the department of commerce in the administration of chapter 155A, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of commerce shall remain in full force until modified or repealed in accordance with law by the commissioner.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services

director under the authority of any power, duty, or responsibility transferred by this act to the commissioner of commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the commissioner of commerce are transferred to the commissioner.

Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the cosmetology unit of the office of consumer services are transferred to the department of commerce. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 31. Minnesota Statutes 1982, section 155A.18, is amended to read:

155A.18 [PRIOR LICENSES.]

All licenses which were issued by the ~~board of cosmetology~~ *director of the office of consumer services* under chapter ~~155~~ 155A, shall continue in effect under the ~~office of consumer services~~ *commissioner* until the licenses expire.

Sec. 32. Minnesota Statutes 1982, section 214.14, subdivision 1, is amended to read:

Subdivision 1. There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules ~~pursuant~~ *according* to section 214.13. The commissioner shall determine the duties of the council, shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the commissioner for his consideration. Each of the health related licensing boards, the state examining committee for physical therapists, ~~the consumer services section of the department of commerce,~~ the state comprehensive health planning advisory council and the higher education coordinating board shall have a representative selected by the boards ~~or section, committee, or council.~~ The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed ~~pursuant~~ *according* to existing law, and five public members. The commit-

tee shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 33. Minnesota Statutes 1982, section 325E.09, subdivision 4a, is amended to read:

Subd. 4a. For the purposes of this section, octane rating shall be determined in the manner described in the American Society for Testing and Materials (ASTM) "Standard Specification for Gasoline", D439-71 or such other manner as prescribed by the director of ~~consumer services by regulations~~ *the department of public service in accordance with applicable rules,* adopted ~~pursuant~~ *according* to the Administrative ~~procedures~~ *Procedure* Act. ~~Such regulations shall~~ *The rules must only be promulgated* adopted to place Laws 1973, Chapter 687 in accordance with regulations promulgated by a federal agency.

Sec. 34. Minnesota Statutes 1982, section 325F.09, is amended to read:

325F.09 [DEFINITIONS.]

- (a) "Child" means any person less than 14 years of age;
- (b) A toy presents an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electrical shock or electrocution;
- (c) A toy presents a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:
 - (1) from fracture, fragmentation, or disassembly of the article;
 - (2) from propulsion of the article or any part or accessory thereof;
 - (3) from points or other protrusions, surfaces, edges, openings, or closures;
 - (4) from moving parts;
 - (5) from lack or insufficiency of controls to reduce or stop motion;
 - (6) as a result of self-adhering characteristics of the article;
 - (7) because the article or any part or accessory thereof may be aspirated or ingested;
 - (8) because of instability;
 - (9) from stuffing material which is not free of dangerous or harmful substances; or
 - (10) because of any other aspect of the article's design or manufacture.
- (d) A toy presents a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces.
- (e) "Toxic" means able to produce personal injury or illness to a person through ingestion, inhalation, or absorption through any body surface and can apply to any substance other than a radioactive substance.

(f) "Flammable" means having a flash point up to 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester. The flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to the materials or containers and established by ~~regulations~~ *rules* issued by the ~~director~~ *commissioner*.

(g) A toy presents a hazard of asphyxiation or suffocation if, in normal use or when subject to reasonable foreseeable damage or abuse, its design, manufacture or storage presents a risk of personal injury or illness from interference with normal breathing.

(h) ~~"Director"~~ *"Commissioner"* means the ~~director~~ *commissioner* of the ~~consumer services section of the~~ department of ~~commerce~~ *health*.

(i) "Inspector" means an inspector of the ~~consumer services section of the~~ department of ~~commerce~~ *health*.

Sec. 35. Minnesota Statutes 1982, section 325F.11, is amended to read:

325F.11 [TESTING OF ARTICLES TO DETERMINE AND INSURE COMPLIANCE.]

The ~~director~~ *commissioner* or an authorized and qualified employee or inspector, may undertake or provide for testing of toys and other articles as he deems necessary to determine their safety and fitness for commerce in this state in compliance with the ~~provisions~~ of sections 325F.08 to 325F.18. The ~~director~~ *commissioner* may contract or otherwise arrange with any testing facility, public or private, for testing and reporting the results. The ~~director~~ *commissioner* may, by ~~regulation~~ *rule*, require that any toy or other article within the provisions of sections 325F.08 to 325F.18 be adequately tested by the ~~consumer services section~~, a reputable testing facility, or the manufacturer or distributor of the article, and that the certified results of the test be filed with the ~~director~~ *commissioner* before the sale, distribution, or other movement in commerce within this state of the toys or articles. The ~~director~~ *commissioner* may by ~~regulation~~ *rule* provide for penalties for the failure to provide test results.

Sec. 36. [INSTRUCTIONS TO REVISOR.]

Subdivision 1. The revisor of statutes shall substitute the term "commissioner of commerce" or "commissioner" or "department" or similar terms as appropriate for the following terms and similar terms, as necessary to reflect the transfers of powers, duties, and responsibilities prescribed by sections 1 to 39:

(a) *"commerce commission" meaning the state commerce commission, "department of commerce," or "commerce department" where those terms appear in Minnesota Statutes;*

(b) *"commissioner of banks," "commissioner of banking," or "banking commissioner" where those terms appear in Minnesota Statutes;*

(c) *"commissioner of insurance" or "insurance commissioner" where those terms appear in Minnesota Statutes;*

(d) *"commissioner of securities and real estate" where that term appears in Minnesota Statutes;*

(e) *"division" where that term appears in chapters 46 to 59A, and "bank-*

ing division" or "division of banking" where those terms appear in Minnesota Statutes;

(f) "division of insurance," "insurance division," "department of insurance," or "insurance department" where those terms appear in Minnesota Statutes;

(g) "department of securities and real estate," "securities and real estate department," "securities and real estate division," or "division of securities and real estate" where those terms appear in Minnesota Statutes;

(h) "department of administration" or "commissioner of administration" where those terms appear in chapter 238; and

(i) "director of office of consumer services," "office of consumer services," "consumer services section," where those terms appear in chapter 155A.

Subd. 2. The revisor of statutes shall renumber each section specified in column A with the numbers set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A	Column B
45.04	46.041
45.05	46.042
45.06	46.043
45.07	46.044
45.071	46.045
45.08	46.046
45.17	8.32

Sec. 37. [REPEALER.]

Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17 are repealed.

Sec. 38. [EFFECTIVE DATE.]

Sections 1 to 37 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 7, delete "energy, planning and development,"

Page 1, line 18, delete "15A.081, subdivision 1;"

Page 1, lines 22 and 23, delete "116J.03, subdivision 1;"

Page 1, line 25, delete "214.04, subdivision 1;"

Page 1, line 27, delete "chapters" and insert "chapter" and delete "and 116J.57;"

Page 1, line 30, after "45.16;" insert "45.17, subdivision 6;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-

ferred

S.F. No. 1165: A bill for an act relating to motor vehicles; providing for registration, taxation, and special license plates for classic motorcycles; 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 23, after "*more*" insert "*motor*"

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. 1119: A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 20 and 34, delete "*temporary*" and insert "*duplicate*"

Page 2, line 22, delete "*The*"

Page 2, delete lines 23 to 28

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

H.F. No. 90: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

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. 769: A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport; amending Minnesota Statutes 1982, section 473.608, subdivision 20.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was re-

ferred

S.F. No. 717: A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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. 860: A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned by certain members of the Minnesota national guard; imposing fees; appropriating money; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "*motorcycle, recreational vehicle.*"

Page 2, line 25, after the dollar sign, insert "\$50,000"

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

H.F. No. 259: A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; amending Minnesota Statutes 1982, section 361.09, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, strike "shall" and insert "may"

Page 1, line 11, strike "such" and insert "the"

Page 1, line 14, strike "instead of such observer," and strike "either"

Page 1, line 15, after "*providing*" insert "*the operator*"

Page 1, line 16, strike everything after "rear"

Page 1, strike line 17

Page 1, line 18, strike "commissioner"

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. 946: A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board

from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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

H.F. No. 758: A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, 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

H.F. No. 1108: A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [106.383] [ASSESSMENT FOR VACATED TOWN ROADS.]

When a town is assessed for benefits to a town road in any ditch proceeding under this chapter and the town road is subsequently vacated by the town board under section 164.07, the town board may petition the county board or joint county ditch authority to cancel the assessment. The county board or joint county ditch authority may cancel the assessment if it finds that the town road for which benefits are assessed has been vacated under section 164.07.”

Amend the title as follows:

Page 1, line 2, delete “certain towns to”

Page 1, delete lines 3 and 4 and insert “a county board to cancel ditch assessments related to vacated town roads; proposing new law coded in Minnesota Statutes, chapter 106.”

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. 1171: A resolution memorializing the President and Secretary of Agriculture of the United States to allow 10 percent of wheat and feed grain base acreage to qualify for federal land diversion programs when they are sown down as permanent cover for wildlife habitat or as a soil conservation practice.

Reports the same back with the recommendation that the resolution be amended as follows:

Page 1, line 16, delete "sowed-down" and insert "sown"

Page 1, line 23, delete "should"

Amend the title as follows:

Page 1, line 6, delete "down as" and insert "to"

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1041: A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

Reports the same back with the recommendation that the bill do pass. Mr. Johnson, D.J. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 463: A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "authorizing"

Page 1, line 3, delete everything before "requiring"

Page 1, line 5, delete "sections 462.3585; and" and insert "section"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 920: A bill for an act relating to metropolitan government; regulating airport development; amending Minnesota Statutes 1982, section 473.611, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [RESTRICTIONS ON CERTAIN AIRPORTS.]

Notwithstanding any other provision of law, the metropolitan airports commission shall not take any action with respect to an airport owned by it which would result in a permanent net reduction in useable runway length at the airport.

Sec. 2. [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 airports; prohibiting certain acts by the metropolitan airports commission.”

And when so amended the bill do pass. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 598: A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1156: A bill for an act relating to state hospitals; authorizing limited shared services agreements; providing for retention of receipts by the state hospital; appropriating money; amending Minnesota Statutes 1982, section 246.57, 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. Vega from the Committee on Energy and Housing, to which was re-referred

S.F. No. 1096: A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 1, line 23, delete “5 and 7” and insert “4”

Page 2, line 23, delete “5” and insert “4”

Page 3, lines 8 and 11, delete "5" and insert "4"

Page 3, line 11, after the period, insert "*The cities may expend any municipal funds properly available to them or to the housing and redevelopment authorities of those cities acting pursuant to section 4 to finance any program authorized by this act.*"

Page 3, line 15, delete "*of Richfield*"

Page 3, line 18, delete "5" and insert "4"

Page 3, line 19, after "462A" delete the comma

Page 3, delete line 20

Page 3, line 21, delete everything before the period

Pages 3 and 4, delete section 6

Page 5, line 2, delete "*and section 7*"

Page 5, line 5, delete everything after the period

Page 5, delete line 6

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "authorizing"

Page 1, line 6, delete everything before "requiring"

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. 91 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.
91	60				

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. 859 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.
859	512				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 859 be amended as follows:

Page 1, line 18, after "1." insert "[DEFINITIONS.]

Page 2, line 16, strike "; and includes" and insert " including"

Page 2, line 21, strike "a" in both instances

Page 2, line 22, strike "and"

Page 2, line 23, strike "about"

Page 2, line 35, strike "therein but" and insert "in it."

Page 2, line 36, insert a comma after "office"

Page 3, line 1, strike "any such" and insert "a"

Page 3, line 5, insert a comma after "corporation"

Page 3, line 7, strike "nor shall it include" and insert " or"

Page 3, line 17, strike "within the meaning of this subdivision"

Page 3, line 26, strike "thereof" and before the comma insert "of it"

Page 3, line 34, strike "within the meaning of this subdivision"

Page 4, line 32, strike "within"

Page 4, line 33, strike "the meaning of this subdivision"

Page 5, line 7, strike "within the meaning of this"

Page 5, line 8, strike "subdivision"

Page 5, line 24, after "5." insert "[ACTIVE SERVICE.]"

Page 5, line 34, delete the comma

Page 5, line 35, delete "federally funded state active service,"

Page 6, line 2, after "5a." insert "[STATE ACTIVE SERVICE.]"

Page 6, line 3, delete "federally funded state active service and"

Page 6, delete lines 16 to 27, and insert:

"Subd. 5b. [FEDERAL ACTIVE SERVICE.] "Federal active service" means service or duty under United States Code, title 10 or 32, as amended through December 31, 1983, other service or duty as may be required by the law, regulation, or order of the United States government, and travel to or from that service or duty."

Page 6, line 28, delete "7. [190.095]" and insert "6. [190.096]"

Page 6, line 28, delete "; DECLARATION"

Page 6, line 29, after "1." insert "[AUTHORITY TO REPAIR.] and delete "*The state of Minnesota has in its capital a*"

Delete page 6, line 30 to page 7, line 8

Page 7, line 9, delete "*Subd. 2.*"

Page 7, line 10, delete "*to the contrary,*"

Page 7, line 11, delete "*of the state of Minneosta is authorized to*" and insert "*may*"

Page 7, line 12, delete "*such*"

Page 7, line 15, delete "*such*" and "*as*"

Page 7, line 15, delete "*may deem*" and insert "*deems*"

Page 7, line 17, delete "*of the state of Minnesota*"

Page 7, lines 18 and 19, delete "*Minnesota Statutes,*"

Page 7, line 21, delete "*such*"

Page 7, line 22, delete "*such*" and "*as*"

Page 7, line 22, delete "*may deem*" and insert "*deems*"

Renumber the subdivisions in sequence

Page 8, line 3, strike "*widow*" and insert "*spouse*"

Page 8, line 3, strike "*such*"

Page 8, line 4, strike "*may be*"

Page 8, line 6, strike "*such*"

Page 8, line 11, strike "*thereof*" and insert "*of it*"

Page 10, line 12, after "1." insert "[APPLICABILITY.]"

Renumber the sections in sequence

And when so amended H.F. No. 859 will be identical to S.F. No. 512, and further recommends that H.F. No. 859 be given its second reading and substituted for S.F. No. 512, 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. 1006 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.
1006	1043				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 1006 be amended as follows:

Page 1, lines 20 and 21, delete the new text

Page 1, line 21, before the period insert "*or owned by the metropolitan sports facilities commission and located within the municipality*"

Page 2, line 17, delete "*Section 1 is effective*" and insert "*This act is effective on*"

And when so amended H.F. No. 1006 will be identical to S.F. No. 1043, and further recommends that H.F. No. 1006 be given its second reading and substituted for S.F. No. 1043, 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. 610, 406, 1165, 1119 and 1096 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 90, 769, 259, 946, 758, 1108, 463, 598, 91, 859 and 1006 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Kroening moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 1199. The motion prevailed.

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 that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

H.F. No. 697: A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, 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 45 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Laidig	Olson	Schmitz
Anderson	Dicklich	Langseth	Peterson, C.C.	Sieloff
Belanger	Diessner	Lantry	Peterson, D.C.	Solon
Benson	Freeman	Lessard	Pogemiller	Stumpf
Bernhagen	Hughes	McQuaid	Purferst	Taylor
Brataas	Isackson	Mehrrens	Ramstad	Vega
Chmielewski	Johnson, D.E.	Moe, R. D.	Reichgott	Waldorf
Dahl	Kroening	Nelson	Renneke	Wegscheid
Davis	Kronebusch	Novak	Samuelson	Willet

Those who voted in the negative were:

Berg	Frank	Luther	Peterson, D.L.	Ulland
Berglin	Frederickson	Merriam	Peterson, R.W.	
Bertram	Kamrath	Moe, D. M.	Petty	
Dieterich	Knaak	Pehler	Spear	

So the bill passed and its title was agreed to.

S.F. No. 601: A bill for an act relating to housing; modifying requirements that housing programs for urban Indians in the city of Duluth combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, 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:

Adkins	Diessner	Langseth	Peterson, C.C.	Solon
Anderson	Dieterich	Lantry	Peterson, D.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Storm
Benson	Frederickson	Luther	Peterson, R.W.	Stumpf
Berg	Freeman	McQuaid	Petty	Taylor
Berglin	Hughes	Mehrkens	Pogemiller	Ulland
Bernhagen	Isackson	Merriam	Purfeerst	Vega
Bertram	Johnson, D.E.	Moe, D. M.	Ramstad	Waldorf
Brataas	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Chmielewski	Knaak	Nelson	Renneke	Willet
Dahl	Kroening	Novak	Samuelson	
Davis	Kronebusch	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 799: A bill for an act relating to financial institutions; electronic financial terminals; regulating the use of terminals by financial institutions located outside the state; amending Minnesota Statutes 1982, section 47.64, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Pehler	Solon
Anderson	Dieterich	Langseth	Peterson, C.C.	Spear
Belanger	Frank	Lantry	Peterson, D.C.	Storm
Benson	Frederickson	Lessard	Peterson, D.L.	Stumpf
Berg	Freeman	Luther	Peterson, R.W.	Taylor
Berglin	Hughes	McQuaid	Petty	Ulland
Bernhagen	Isackson	Mehrkens	Purfeerst	Vega
Bertram	Johnson, D.E.	Merriam	Ramstad	Waldorf
Brataas	Johnson, D.J.	Moe, D. M.	Reichgott	Wegscheid
Chmielewski	Kamrath	Moe, R. D.	Renneke	Willet
Dahl	Knaak	Nelson	Samuelson	
Davis	Kroening	Novak	Schmitz	
DeCramer	Kronebusch	Olson	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 1012: A bill for an act relating to waste management; amending the Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; amending Minnesota Statutes 1982, sections 115.071, subdivision 3; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28, subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3; 116.06, subdivision 13, and by adding a subdivision; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding a subdivision; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, 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 3, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Lantry	Peterson, D.C.	Spear
Anderson	Frank	Lessard	Peterson, D.L.	Storm
Belanger	Freeman	Luther	Peterson, R.W.	Stumpf
Berg	Hughes	McQuaid	Petty	Taylor
Berglin	Isackson	Mehrkens	Pogemiller	Ulland
Bernhagen	Johnson, D.E.	Merriam	Purfeerst	Vega
Brataas	Johnson, D.J.	Moe, D. M.	Ramstad	Waldorf
Chmielewski	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Dahl	Knaak	Nelson	Renneke	Willer
Davis	Kroening	Novak	Samuelson	
DeCramer	Kronebusch	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	
Diessner	Langseth	Peterson, C.C.	Solon	

Messrs. Benson, Bertram and Frederickson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 462: A bill for an act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, 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 51 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lessard	Peterson, D.L.	Storm
Anderson	Frederickson	Luther	Peterson, R.W.	Stumpf
Belanger	Freeman	McQuaid	Petty	Ulland
Berglin	Hughes	Mehrkens	Pogemiller	Vega
Bertram	Isackson	Merriam	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Moe, D.M.	Reichgott	Wegscheid
Davis	Kamrath	Moe, R.D.	Samuelson	Willet
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Kroening	Novak	Sieloff	
Diessner	Langseth	Olson	Solon	
Dieterich	Lantry	Peterson, D.C.	Spear	

Those who voted in the negative were:

Benson	Brataas	Kronebusch	Peterson, C.C.	Taylor
Berg	Chmielewski	Laidig	Ramstad	
Bernhagen	Johnson, D.E.	Pehler	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 525: A bill for an act relating to marriage dissolution; providing a summary dissolution procedure; amending Minnesota Statutes 1982, section 518.145; proposing new law coded in Minnesota Statutes, chapter 518.

Was read the third time 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 28 as follows:

Those who voted in the affirmative were:

Anderson	Freeman	Lantry	Peterson, C.C.	Samuelson
Belanger	Isackson	Lessard	Peterson, D.L.	Solon
Benson	Kamrath	Luther	Peterson, R.W.	Spear
Berglin	Knaak	McQuaid	Petty	Storm
Dieterich	Kronebusch	Mehrkens	Pogemiller	Ulland
Frederick	Laidig	Merriam	Ramstad	Vega
Frederickson	Langseth	Moe, R.D.	Renneke	

Those who voted in the negative were:

Adkins	Davis	Johnson, D.J.	Pehler	Taylor
Bernhagen	DeCramer	Kroening	Purfeerst	Waldorf
Bertram	Dicklich	Moe, D.M.	Reichgott	Wegscheid
Brataas	Diessner	Nelson	Schmitz	Willet
Chmielewski	Frank	Novak	Sieloff	
Dahl	Johnson, D.E.	Olson	Stumpf	

So the bill passed and its title was agreed to.

S.F. No. 856: A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, 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:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 656: A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

Was read the third time 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 7, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Lantry	Peterson, D.C.	Spear
Anderson	Diessner	Lessard	Peterson, D.L.	Storm
Belanger	Dieterich	Luther	Peterson, R.W.	Stumpf
Benson	Frank	McQuaid	Petty	Taylor
Berg	Frederick	Mehrkens	Pogemiller	Ulland
Berglin	Freeman	Merriam	Purfeerst	Vega
Bernhagen	Isackson	Moe, D.M.	Ramstad	Waldorf
Bertram	Johnson, D.J.	Moe, R.D.	Reichgott	Wegscheid
Brataas	Kamrath	Nelson	Samuelson	Willet
Dahl	Kroening	Novak	Schmitz	
Davis	Kronebusch	Olson	Sieloff	
DeCramer	Langseth	Pehler	Solon	

Those who voted in the negative were:

Chmielewski	Johnson, D.E.	Laidig	Peterson, C.C.	Renneke
Frederickson	Knaak			

So the bill passed and its title was agreed to.

S.F. No. 661: A bill for an act relating to taxation; providing for apportionment of property tax refund claims for unrelated persons occupying a homestead; amending Minnesota Statutes 1982, sections 290A.03, subdivisions 8 and 13; and 290A.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:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 378: A bill for an act relating to taxation; extending availability of confession of judgment procedure to certain non-homestead property; amending Minnesota Statutes 1982, section 279.37, subdivisions 1 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Peterson, C.C.	Solon
Anderson	Dieterich	Lantry	Peterson, D.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Storm
Benson	Frederick	Luther	Peterson, R.W.	Stumpf
Berg	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Freeman	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D.E.	Moe, D.M.	Ramstad	Waldorf
Chmielewski	Johnson, D.J.	Moe, R.D.	Reichgott	Wegscheid
Dahl	Kamrath	Nelson	Renneke	Willet
Davis	Knaak	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 1105: A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of St. Peter for use as a roadway.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 987: A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.643; 88.646; and 88.649.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 954: A bill for an act relating to commerce; mechanics' liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner's obligation to pay a contractor and the duration of the lien; providing penalties for falsely filing liens; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; 514.08, subdivision 1, and by adding a subdivision; and 514.10.

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 57 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Olson	Solon
Anderson	Dieterich	Langseth	Pehler	Spear
Belanger	Frederick	Lantry	Peterson, C.C.	Storm
Benson	Frederickson	Lessard	Peterson, D.C.	Stumpf
Berg	Freeman	Luther	Peterson, D.L.	Taylor
Bernhagen	Isackson	McQuaid	Peterson, R.W.	Ulland
Bertram	Johnson, D.E.	Mehrkens	Petty	Vega
Brataas	Johnson, D.J.	Merriam	Pogemiller	Waldorf
Chmielewski	Kamrath	Moe, D.M.	Ramstad	Wegscheid
Dahl	Knaak	Moe, R.D.	Reichgott	
DeCramer	Kroening	Nelson	Renneke	
Dicklich	Kronebusch	Novak	Schmitz	

Those who voted in the negative were:

Davis	Frank	Purfeerst	Samuelson	Willet
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So the bill passed and its title was agreed to.

S.F. No. 756: A bill for an act relating to negligence; removing bars to

actions in certain cases; amending Minnesota Statutes 1982, section 604.06.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 301: A bill for an act relating to the environment; imposing stricter criminal penalties for persons convicted of violating laws or rules relating to hazardous waste; providing that unlawful disposal of hazardous wastes is a felony; amending Minnesota Statutes, section 115.071, subdivision 2, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Laidig	Pehler	Sieloff
Anderson	Diessner	Langseth	Peterson, C.C.	Solon
Belanger	Dieterich	Lantry	Peterson, D.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Storm
Berg	Frederick	Luther	Peterson, R.W.	Stumpf
Berglin	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Freeman	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D.E.	Moe, D.M.	Ramstad	Waldorf
Chmielewski	Johnson, D.J.	Moe, R.D.	Reichgott	Wegscheid
Dahl	Kamrath	Nelson	Renneke	Willet
Davis	Knaak	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

H.F. No. 721: A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Sieloff
Anderson	Dieterich	Laidig	Pehler	Solon
Belanger	Frank	Langseth	Peterson, C.C.	Spear
Benson	Frederick	Lantry	Peterson, D.C.	Storm
Berg	Frederickson	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Luther	Peterson, R.W.	Taylor
Bertram	Isackson	McQuaid	Petty	Ulland
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Waldorf
Dahl	Kamrath	Moe, D.M.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
Dicklich	Kroening	Novak	Schmitz	

So the bill passed and its title was agreed to.

H.F. No. 959: A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Olson	Samuelson
Anderson	Dicklich	Kronebusch	Pehler	Schmitz
Belanger	Diessner	Laidig	Peterson, C.C.	Solon
Benson	Dieterich	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Taylor
Bernhagen	Freeman	McQuaid	Petty	Ulland
Bertram	Isackson	Mehrkens	Pogemiller	Vega
Brataas	Johnson, D.E.	Merriam	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Wegscheid
Dahl	Kamrath	Nelson	Reichgott	Willet
Davis	Knaak	Novak	Renneke	

Mr. Stumpf voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 953: A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Spear
Anderson	Diessner	Laidig	Peterson, C.C.	Storm
Belanger	Dieterich	Langseth	Peterson, D.C.	Stumpf
Benson	Frank	Lantry	Peterson, D.L.	Taylor
Berg	Frederick	Lessard	Peterson, R.W.	Ulland
Berglin	Frederickson	Luther	Petty	Vega
Bernhagen	Freeman	McQuaid	Ramstad	Waldorf
Bertram	Isackson	Mehrkens	Reichgott	Wegscheid
Brataas	Johnson, D.E.	Merriam	Renneke	Willet
Chmielewski	Johnson, D.J.	Moe, R.D.	Samuelson	
Dahl	Kamrath	Nelson	Schmitz	
Davis	Knaak	Novak	Sieloff	
DeCramer	Kroening	Olson	Solon	

Mr. Purfeerst voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1122: A bill for an act relating to the town of Flowing; permitting the town to conduct elections and town business in a nearby city.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 741: A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; 386.36; 580.24; 580.25; 582.03; 582.04; repealing Minnesota Statutes 1982, section 357.181.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Laidig	Peterson, C.C.	Solon
Anderson	Diessner	Langseth	Peterson, D.C.	Spear
Belanger	Dieterich	Lantry	Peterson, D.L.	Storm
Benson	Frank	Lessard	Peterson, R.W.	Stumpf
Berg	Frederick	Luther	Petty	Taylor
Berglin	Frederickson	McQuaid	Pogemiller	Ulland
Bernhagen	Freeman	Merriam	Purfeerst	Vega
Bertram	Isackson	Moe, D.M.	Ramstad	Waldorf
Brataas	Johnson, D.E.	Moe, R.D.	Reichgott	Wegscheid
Chmielewski	Johnson, D.J.	Nelson	Renneke	Willet
Dahl	Kamrath	Novak	Samuelson	
Davis	Knaak	Olson	Schmitz	
DeCramer	Kronebusch	Pehler	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 764: A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Peterson, C.C.	Solon
Anderson	Dieterich	Lantry	Peterson, D.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Storm
Benson	Frederick	Luther	Peterson, R.W.	Stumpf
Berg	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Freeman	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D.E.	Moe, D.M.	Ramstad	Waldorf
Chmielewski	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Dahl	Knaak	Nelson	Renneke	Willet
Davis	Kroening	Novak	Samuelson	
DeCramer	Kronebusch	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Lessard moved that H.F. No. 744 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Finance. The motion prevailed.

Mr. Merriam, for Mr. Stumpf, moved that H.F. No. 946, on General Orders, be stricken and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on

Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

Pursuant to Rule 22, Mr. Freeman moved to be excused from voting on questions relating to H.F. No. 76. The motion prevailed.

SPECIAL ORDER

H.F. No. 76: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Mr. Merriam moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 17, line 33, delete "*subrogaton*" and insert "*subrogation*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 76, the unofficial engrossment, as follows:

Page 32, line 29, before the comma, insert "*including waste accumulated, stored, or physically, chemically, or biologically treated before recycling or reuse*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 33, after line 5, insert:

"Subd. 4. [LAND TREATMENT.] Hazardous waste destined for treatment in or on the land shall be taxed at the rate of \$32 per cubic yard."

Page 33, line 7, delete "5" and insert "6"

Renumber the subdivisions in sequence

Page 36, line 26, delete "4" and insert "5"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on H.F. No. 76. The Sergeant at Arms was instructed to bring in the absent members.

Mr. DeCramer moved to amend H.F. No. 76, the unofficial engrossment,

as follows:

Page 12, line 12, delete "8" and insert "9"

Page 13, after line 6, insert:

"Subd. 4. [LIABILITY LIMITATIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.

Page 15, line 2, delete "7" and insert "8"

Re-number the subdivisions in sequence

Page 19, delete section 14

Page 40, after line 10, insert:

"Sec. 27. Minnesota Statutes 1982, section 466.01, is amended by adding a subdivision to read:

Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.

Sec. 28. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case;

(b) \$300,000 for any number of claims arising out of a single occurrence-;

(c) Twice the limits provided in clauses (a) and (b) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 14 or under any other law.

No award for damages on any such claim shall include punitive damages."

Re-number the sections in sequence

Correct cross references

Amend the title as follows:

Page 1, line 13, delete "section" and insert "sections" and after the semicolon insert "466.01, by adding a subdivision; and 466.04, subdivision 1;"

Mr. Bertram moved to amend the DeCramer amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 2 of the DeCramer amendment, after line 1, insert:

"The liability under this section for any other business or individual shall not exceed (a) \$1,500,000 for a claim of death, personal injury, or economic loss by any one claimant, and (b) \$7,000,000 for any number of such claims arising out of a single occurrence."

The motion did not prevail. So the amendment was not adopted.

The question recurred on the DeCramer amendment. The motion prevailed. So the DeCramer amendment was adopted.

Mr. Wegscheid moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 15, line 8, delete "1963" and insert "1982"

Mr. Pogemiller moved to amend the Wegscheid amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1, line 3 of the amendment, delete "1982" and insert "1933"

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 22 and nays 43, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Moe, D. M.	Peterson, D.C.	Vega
Dahl	Johnson, D.J.	Moe, R. D.	Peterson, R.W.	Willet
Dicklich	Laidig	Nelson	Petty	
Diessner	Luther	Novak	Pogemiller	
Dieterich	Merriam	Peterson, C.C.	Spear	

Those who voted in the negative were:

Adkins	Davis	Knutson	Pehler	Solon
Anderson	DeCramer	Kroening	Peterson, D.L.	Storm
Belanger	Frederick	Kronebusch	Purfeerst	Stumpf
Benson	Frederickson	Langseth	Ramstad	Taylor
Berg	Isackson	Lantry	Reichgott	Ulland
Bernhagen	Johnson, D.E.	Lessard	Renneke	Waldorf
Bertram	Jude	McQuaid	Samuelson	Wegscheid
Brataas	Kamrath	Mehrkens	Schmitz	
Chmielewski	Knaak	Olson	Sieloff	

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the Wegscheid amendment.

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kronebusch	Renneke	Ulland
Belanger	Frederickson	Laidig	Samuelson	Waldorf
Benson	Isackson	Langseth	Schmitz	Wegscheid
Berg	Johnson, D.E.	Mehrkens	Sieloff	
Bernhagen	Kamrath	Olson	Storm	
Bertram	Knaak	Peterson, D.L.	Stumpf	
Brataas	Knutson	Ramstad	Taylor	

Those who voted in the negative were:

Adkins	Diessner	Lessard	Novak	Purfeerst
Berglin	Dieterich	Luther	Pehler	Reichgott
Chmielewski	Frank	McQuaid	Peterson, C.C.	Spear
Dahl	Johnson, D.J.	Merriam	Peterson, D.C.	Vega
Davis	Jude	Moe, D. M.	Peterson, R.W.	Willet
DeCramer	Kroening	Moe, R. D.	Petty	
Dicklich	Lantry	Nelson	Pogemiller	

The motion did not prevail. So the amendment was not adopted.

Mr. Pehler moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 15, delete lines 6 to 11 and insert *“A defendant is not liable under section 5 for damages caused or significantly contributed to by the release of a hazardous substance from a facility if the defendant shows that the substance was placed or came to be located in or on the facility before April 1, 1963. Notwithstanding any other provision of this section, section 5 applies to damages arising out of any release or threatened release which has been listed on the national priority list under section 105(8)(B) of the Federal Superfund Act.”*

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 3, line 17, delete the period

Page 3, delete lines 18 to 23 and insert *“; provided that:*

(1) A lessor of real property under a lease which in substance is a financing device and is treated as such under the United States Internal Revenue Code, common law, or statute, is not an owner of the real property;

(2) A public utility holding a public utility easement is an owner of the real property described in the easement only for the purpose of carrying out the specific use for which the easement was granted; and

(3) Any person holding a remainder or other nonpossessory interest or estate in real property is an owner of the real property beginning when that person's interest or estate in the real property vests in possession or that person obtains the unconditioned right to possession, or to control the use of, the real property.”

Page 4, after line 6, insert:

“Subd. 14. [PUBLIC UTILITY EASEMENT.] “Public utility easement” means an easement used for the purposes of transmission, distribution, or furnishing, at wholesale or retail, natural or manufactured gas, or electric or telephone service, by a public utility as defined in section 216B.02, subdivision 4, a cooperative electric association organized under the provisions of chapter 308, a telephone company as defined in section 237.01, subdivisions 2 and 3, or a municipality producing or furnishing gas, electric, or telephone service.”

Renumber the subdivisions in sequence

Page 6, line 34, delete everything after *“(a)”*

Page 6, line 35, delete *“of,”* and insert *“Owned”*

Page 8, line 12, delete *“property”* and insert *“facility”*

Page 8, delete lines 13 to 34 and insert:

For the purpose of clause (d), a written warranty, representation, or undertaking, which is set forth in an instrument conveying any right, title or interest in the real property and which is executed by the person conveying the right, title or interest, or which is set forth in any memorandum of any

such instrument executed for the purpose of recording, is admissible as evidence of whether the person acquiring any right, title, or interest in the real property knew or reasonably should have known that a hazardous substance was located in or on the facility, and is prima facie evidence of the facts set forth in it.

Any liability which accrues to an owner of real property under sections 1 to 15 does not accrue to any other person who is not an owner of the real property merely because the other person holds some right, title, or interest in the real property.

An owner of real property on which a public utility easement is located is not a responsible person with respect to any release caused by any act or omission of the public utility which holds the easement in carrying out the specific use for which the easement was granted."

Page 17, delete lines 19 to 22

Page 17, line 23, delete everything before "Nothing" and insert:

"An owner or operator of a facility or any other person who may be liable under sections 1 to 15 may not avoid that liability by means of any conveyance of any right, title, or interest in real property, or by any indemnification, hold harmless agreement, or similar agreement."

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 19, after line 8, insert:

"No claim for legal services or disbursements pertaining to any demand made or suit or proceeding which includes a cause of action brought pursuant to section 5 is an enforceable lien against any award, settlement, or judgment in favor of the claimant, or is valid or binding in any other respect, unless approved in writing by a court. No claim made against or paid by the claimant for legal services, costs, and disbursements pertaining to any demand made or suit or proceeding brought pursuant to section 5 shall be more than 15 percent of the total award, settlement, or judgment in favor of the claimant. Application to exceed this limitation upon a showing of extraordinary circumstances may be made by the claimant's attorney to the judge who presided over the suit or proceeding."

The motion prevailed. So the amendment was adopted.

Mrs. Kronebusch moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 30, line 25, after the semicolon, delete "and"

Page 30, line 27, delete the period and insert " ; and"

Page 30, after line 27, insert:

"(j) Grants by the agency to study the extent of contamination and feasibility of cleanup of hazardous substances and other pollutants in major waterways of the state."

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 7, after line 27, insert:

“Subd. 3. [FAMILY FARM OPERATION.] If a person who is responsible for a release or threatened release, as provided in subdivision 1, is an owner, operator, family member, or is employed by a family farm or family farm corporation as defined in section 500.24, he is subject to liability under sections 4 or 5 only if he failed to exercise due care with respect to the hazardous substance.”

Page 7, line 28, delete “3” and insert “4”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Knaak	Peterson, D.L.	Storm
Belanger	Frederick	Kronebusch	Ramstad	Stumpf
Benson	Frederickson	Laidig	Renneke	Taylor
Bernhagen	Isackson	McQuaid	Samuelson	Ulland
Bertram	Johnson, D.E.	Mehrkens	Schmitz	
Brataas	Kamrath	Olson	Sieloff	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Novak	Purfeerst
Berglin	Frank	Lessard	Pehler	Reichgott
Chmielewski	Hughes	Luther	Peterson, C.C.	Solon
Dahl	Johnson, D.J.	Merriam	Peterson, D.C.	Spear
Davis	Jude	Moe, D. M.	Peterson, R.W.	Vega
DeCramer	Kroening	Moe, R. D.	Petty	Waldorf
Dicklich	Langseth	Nelson	Pogemiller	Willet

The motion did not prevail. So the amendment was not adopted.

Mr. Sieloff moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 9, line 2, delete “10” and insert “11”

Page 10, after line 27, insert:

“Subd. 7. [INTERVENING ACTS OF PUBLIC AGENCIES.] When the agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking response actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 or any other law for any aggravation of the release which occurs after the agency or federal agency assumes control or for any subsequent release of the hazardous substance from another facility to which it has been removed.”

Page 12, line 6, delete “9” and insert “10”

Renumber the subdivisions in sequence

Page 12, line 12, delete “8” and insert “9”

Page 13, after line 34, insert:

“Subd. 6. [INTERVENING ACTS OF PUBLIC AGENCIES.] When the

agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking response actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 or any other law for any aggravation of the release which occurs after the agency or federal agency assumes control or for any subsequent release of the hazardous substance from another facility to which it has been removed."

Page 15, line 2, delete "7" and insert "8"

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

Mr. Wegscheid moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 15, line 8, delete "April 1, 1963" and insert "June 30, 1978"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Knutson	Peterson, D.L.	Storm
Belanger	Frederick	Kronebusch	Ramstad	Stumpf
Benson	Frederickson	Laidig	Renneke	Taylor
Berg	Isackson	Langseth	Samuelson	Ulland
Bernhagen	Johnson, D.E.	Lessard	Schmitz	Waldorf
Bertram	Kamrath	Mehrkens	Sieloff	Wegscheid
Brataas	Knaak	Olson	Solon	

Those who voted in the negative were:

Adkins	Dieterich	Luther	Pehler	Reichgott
Berglin	Frank	McQuaid	Peterson, C.C.	Spear
Chmielewski	Hughes	Merriam	Peterson, D.C.	Vega
Dahl	Johnson, D.J.	Moe, D. M.	Peterson, R. W.	Willet
Davis	Jude	Moe, R. D.	Petty	
Dicklich	Kroening	Nelson	Pogemiller	
Diessner	Lantry	Novak	Purfeerst	

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 39, after line 5, insert:

"Sec. 26. [116.50] [OFFICE OF OMBUDSMAN.]

Subdivision 1. [CREATION; QUALIFICATIONS; FUNCTION.] The office of environmental ombudsman for the pollution control agency is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the agency shall report to the governor and shall have the authority to investigate decisions, acts and other matters of the agency so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of en-

vironmental policy. All costs and expenses incurred by the ombudsman shall be paid from the environmental response, compensation and compliance fund.

Subd. 2. [MATTERS APPROPRIATE FOR INVESTIGATION.] (a) The ombudsman shall address himself particularly to actions of the agency which might be (1) contrary to law or regulation; (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of the agency; (3) mistakes in law or arbitrary in the ascertainment of facts; (4) unclear or inadequately explained when reasons should have been revealed; or (5) inefficiently performed.

(b) The ombudsman may also concern himself with strengthening procedures and practices which lessen the risk that objectionable actions of the agency will occur.

Subd. 3. [COMPLAINTS; RECOMMENDATIONS.] The ombudsman may receive a complaint from any source concerning an action of the agency and may investigate any action of the agency. The ombudsman, after duly considering a complaint, may recommend that the agency (1) consider the matter further; (2) modify or cancel its action; (3) alter a regulation or ruling; (4) explain more fully the action in question; or (5) take any other step which the ombudsman states as a recommendation to the agency. If the ombudsman so requests, the agency shall within a time specified inform the ombudsman about the action taken on his recommendation or the reasons for not complying with it.

Subd. 4. [REPORTING.] The ombudsman shall report to the governor concerning the exercise of his functions.

Subd. 5. [POWERS.] The ombudsman shall have the following powers: (1) to prescribe the methods by which complaints are to be made; (2) to determine the scope and manner of investigation; (3) to request access to information in possession of the agency; (4) to examine records and documents of the agency; (5) to subpoena any person to appear, give testimony or produce records and may petition the appropriate state court to seek enforcement of a subpoena; provided, however, that any witness at a hearing shall have the same privileges reserved to such witness in the courts or under the laws of this state; and (6) may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision.

Subd. 6. [TENURE OF OFFICE; SALARY.] The office of environmental ombudsman shall expire on June 30, 1987. The salary of the environmental ombudsman shall be established in accordance with the provisions of Minnesota Statutes 1982, section 43A.08, subdivision 3."

Renumber the sections in sequence

Correct the internal cross-references

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

Mr. Storm moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 7, after line 27, insert:

“Subd. 3. [SMALL BUSINESSES.] *If the hazardous substance released or threatening to be released from a facility was placed or came to be located in the facility before the effective date of this section and the person who is responsible for the release or threatened release, as provided in subdivision 1, is an owner of a small business as defined in section 645.445, he is subject to liability under sections 4 or 5 only if he failed to exercise due care with respect to the hazardous substance.*”

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Kamrath	Olson	Taylor
Belanger	Chmielewski	Knaak	Peterson, D.L.	Ulland
Benson	Frederick	Knutson	Ramstad	Wegscheid
Berg	Frederickson	Kronebusch	Renneke	
Bernhagen	Isackson	Laidig	Sieloff	
Bertram	Johnson, D.E.	Mehrkens	Storm	

Those who voted in the negative were:

Adkins	Frank	McQuaid	Peterson, D.C.	Spear
Berglin	Johnson, D.J.	Merriam	Peterson, R.W.	Stumpf
Dahl	Jude	Moe, D. M.	Petty	Vega
Davis	Kroening	Moe, R. D.	Purfeerst	Waldorf
DeCramer	Langseth	Nelson	Reichgott	Willet
Dicklich	Lantry	Novak	Samuelson	
Diessner	Lessard	Pehler	Schmitz	
Dieterich	Luther	Peterson, C.C.	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Berg moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 37, line 28, after “3” insert a comma and delete “*the manner provided*”

Page 37, delete line 29

Page 37, line 30, delete “*general fund*” and insert “*accordance with the provisions of chapter 14, to cover the costs*”

Page 37, line 36, after “waste” insert “*generator permitting*”

Page 38, line 4, after the period, insert “*The fees established by the agency shall be consistent with and shall not exceed the fees established by the metropolitan counties under the provisions of section 473.811, subdivision 5b.*”

Page 38, line 14, delete “*may*” and insert “*shall*”

Page 38, line 16, delete everything after “*the*”

Page 38, line 17, delete everything before the period and insert “*annual generation is less than 10 gallons*”

Page 38, delete lines 21 to 35

The motion did not prevail. So the amendment was not adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Wegscheid moved that the vote

whereby the Wegscheid amendment to H.F. No. 76 was adopted on April 26, 1983, be now reconsidered. The motion prevailed.

Mr. Wegscheid withdrew his amendment.

Mr. Wegscheid then moved to amend the Pehler amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1 of the Pehler amendment, line 7, delete "April 1, 1963" and insert "June 30, 1978"

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kronebusch	Peterson, D.L.	Taylor
Belanger	Frederickson	Laidig	Ramstad	Ulland
Benson	Isackson	Langseth	Renneke	Waldorf
Berg	Johnson, D.E.	Lessard	Schmitz	Wegscheid
Bernhagen	Kamrath	McQuaid	Sieloff	
Bertram	Knaak	Mehrkens	Storm	
Brataas	Knutson	Olson	Stumpf	

Those who voted in the negative were:

Adkins	Diessner	Luther	Peterson, C.C.	Samuelson
Berglin	Dieterich	Merriam	Peterson, D.C.	Solon
Chmielewski	Frank	Moe, D. M.	Peterson, R.W.	Spear
Dahl	Johnson, D.J.	Moe, R. D.	Petty	Vega
Davis	Jude	Nelson	Pogemiller	Willet
DeCramer	Kroening	Novak	Purfeerst	
Dicklich	Lantry	Pehler	Reichgott	

The motion did not prevail. So the amendment to the amendment was not adopted.

Mr. Sieloff moved to amend the Pehler amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1, delete lines 8 to 11

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knutson	Ramstad	Ulland
Belanger	Frederick	Kronebusch	Renneke	Waldorf
Benson	Frederickson	Mehrkens	Schmitz	Wegscheid
Berg	Isackson	Olson	Sieloff	
Bernhagen	Johnson, D.E.	Peterson, D.L.	Storm	
Bertram	Kamrath	Peterson, R.W.	Taylor	

Those who voted in the negative were:

Adkins	Frank	Lantry	Pehler	Solon
Berglin	Hughes	Lessard	Peterson, C.C.	Spear
Dahl	Johnson, D.J.	Luther	Peterson, D.C.	Stumpf
Davis	Jude	McQuaid	Petty	Vega
DeCramer	Knaak	Merriam	Pogemiller	Willet
Dicklich	Kroening	Moe, R. D.	Purfeerst	
Diessner	Laidig	Nelson	Reichgott	
Dieterich	Langseth	Novak	Samuelson	

The motion did not prevail. So the amendment to the amendment was not

adopted.

Mr. Wegscheid moved to amend the Pehler amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1 of the Pehler amendment, line 7, delete "April 1, 1963" and insert "June 30, 1976"

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Kronebusch	Ramstad	Taylor
Belanger	Frederick	Laidig	Renneke	Ulland
Benson	Frederickson	Langseth	Samuelson	Waldorf
Berg	Isackson	Lessard	Schmitz	Wegscheid
Bernhagen	Johnson, D.E.	McQuaid	Sieloff	
Bertram	Kamrath	Mehrkens	Solon	
Brataas	Knaak	Olson	Storm	
Chmielewski	Knutson	Peterson, D.L.	Stumpf	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Novak	Pogemiller
Berglin	Frank	Luther	Pehler	Purfeerst
Dahl	Hughes	Merriam	Peterson, C.C.	Reichgott
Davis	Johnson, D.J.	Moe, D. M.	Peterson, D.C.	Spear
Dicklich	Jude	Moe, R. D.	Peterson, R.W.	Vega
Diessner	Kroening	Nelson	Petty	Willet

The motion prevailed. So the amendment to the amendment was adopted.

H.F. No. 76 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 65 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Samuelson
Belanger	Dieterich	Kronebusch	Olson	Schmitz
Benson	Frank	Laidig	Pehler	Solon
Berg	Frederick	Langseth	Peterson, C.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.C.	Storm
Bernhagen	Hughes	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Dahl	Jude	Merriam	Purfeerst	Waldorf
Davis	Kamrath	Moe, D. M.	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R. D.	Reichgott	Willet

Mr. Sieloff voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 545: A bill for an act relating to welfare; changing laws relating to

child support enforcement; providing for determination of paternity; providing for determination and modification of child support; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.17, by adding a subdivision; 518.551, subdivisions 1, 5, and 6, and by adding subdivisions; 518.611; 518.64, subdivisions 2 and 5, and by adding a subdivision; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; 518C.33, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

Ms. Berglin moved to amend S.F. No. 545 as follows:

Page 26, after line 1, insert:

"No service shall be allowed under this section unless it is made personally on the individual."

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 545 as follows:

Page 19, line 10, delete "*shall*" and insert "*may*"

Page 19, line 13, delete "*may*" and insert "*shall*"

The motion prevailed. So the amendment was adopted.

S.F. No. 545 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Mehrkens	Reichgott
Anderson	Davis	Jude	Nelson	Renneke
Belanger	DeCramer	Kamrath	Novak	Spear
Benson	Dicklich	Knaak	Olson	Storn
Berg	Diessner	Kroening	Pehler	Stumpf
Berglin	Frank	Kronebusch	Peterson, C.C.	Taylor
Bernhagen	Frederick	Laidig	Peterson, R.W.	Vega
Bertram	Hughes	Lantry	Petty	Waldorf
Brataas	Isackson	Luther	Pogemiller	Willett
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 752: A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

Was read the third time 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 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Novak	Sieloff
Anderson	Dicklich	Kronebusch	Olson	Spear
Belanger	Diessner	Laidig	Peterson, C.C.	Storm
Benson	Frank	Lantry	Peterson, D.L.	Stumpf
Berg	Frederick	Lessard	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Vega
Bernhagen	Isackson	McQuaid	Pogemiller	Waldorf
Bertram	Johnson, D.E.	Mehrkens	Ramstad	Willet
Chmielewski	Jude	Merriam	Reichgott	
Dahl	Kamrath	Moe, R. D.	Renneke	
Davis	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 190: A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Brown, Dodge, Fillmore and Olmsted counties; 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Nelson	Samuelson
Anderson	Dicklich	Kroening	Novak	Sieloff
Belanger	Diessner	Kronebusch	Olson	Spear
Benson	Frank	Laidig	Pehler	Storm
Berg	Frederick	Lantry	Peterson, D.L.	Stumpf
Berglin	Hughes	Lessard	Peterson, R.W.	Taylor
Bernhagen	Isackson	Luther	Petty	Vega
Bertram	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Willet
Dahl	Jude	Merriam	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 823: A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

Was read the third time 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:

Adkins	Diessner	Kroening	Novak	Sieloff
Anderson	Frank	Kronebusch	Olson	Spear
Belanger	Frederick	Laidig	Pehler	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 721: A bill for an act relating to local government; authorizing Carver and Washington counties to finance sewage disposal systems on behalf of cities and towns in the counties by the issuance of county general obligation bonds.

Was read the third time 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:

Adkins	Dicklich	Kroening	Novak	Spear
Anderson	Diessner	Kronebusch	Olson	Storm
Belanger	Frank	Laidig	Pehler	Stumpf
Benson	Frederick	Langseth	Peterson, D.L.	Taylor
Berglin	Frederickson	Lantry	Peterson, R.W.	Vega
Bernhagen	Hughes	Lessard	Petty	Waldorf
Bertram	Isackson	Luther	Pogemiller	Wegscheid
Brataas	Johnson, D.E.	McQuaid	Ramstad	Willet
Chmielewski	Johnson, D.J.	Mehrkens	Reichgott	
Dahl	Jude	Merriam	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 964: A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; permitting the use of corporate names of corporations not filing the active status report; restricting the right of a corporation to deny cumulative voting; protecting preemptive rights of shareholders; clarifying when equitable relief is available to minority stockholders; providing for the retention of cumulative voting and preemptive rights after incorporation; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.115, by adding a subdivision; 302A.215; 302A.413, by adding a subdivision; 302A.461, subdivisions 4, 6, and by adding a subdivision; 302A.521, subdivision 6; and 302A.751, subdivision 1, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Moe, R. D.	Renneke
Anderson	Dicklich	Kroening	Nelson	Samuelson
Belanger	Diessner	Kronebusch	Novak	Sieloff
Benson	Frank	Laidig	Olson	Spear
Berg	Frederick	Langseth	Pehler	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Ulland
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Vega
Chmielewski	Jude	Mehrkens	Purfeerst	Waldorf
Dahl	Kamrath	Merriam	Ramstad	Willet
Davis	Knaak	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. 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. Davis introduced—

S.F. No. 1205: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing Sherburne County to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear, Ms. Berglin, Messrs. Moe, D.M.; Nelson and Pogemiller introduced—

S.F. No. 1206: A bill for an act relating to state investment policy; prohibiting certain investments in countries not following human rights standards; proposing new law coded in Minnesota Statutes, chapter 11A.

Referred to the Committee on Governmental Operations.

Mr. Johnson, D.J. introduced—

S.F. No. 1207: A bill for an act relating to transportation; state-aid system; providing for a contested case proceeding for differing determinations of money needs for a county; amending Minnesota Statutes 1982, section 162.07, subdivision 5.

Referred to the Committee on Transportation.

MEMBERS EXCUSED

Mr. Jude was excused from the Session of today from 11:00 a.m. to 12:00 noon. Mr. Hughes was excused from the Session of today from 11:35 a.m. to 2:00 p.m. Mr. Knutson was excused from the Session of today from 11:15 a.m. to 1:15 p.m. Mr. Frederick was excused from the Session of today until 11:30 a.m. Messrs. Dieterich and Solon were excused from the Session of today at 4:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, April 27, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-FIRST DAY

St. Paul, Minnesota, Wednesday, April 27, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. George Weinman.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D.L.	Taylor
Berglin	Freeman	Lessard	Peterson, R.W.	Ulland
Bernhagen	Hughes	Luther	Petty	Vega
Bertram	Isackson	McQuaid	Pogemiller	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D.M.	Reichgott	
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 911: A bill for an act relating to utilities; specifying the commission's authority over the availability of submetering; 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. Minnesota Statutes 1982, section 216B.02, subdivision 4, is amended to read:

Subd. 4. “Public utility” means persons, corporations or other legal entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining, or controlling in this state equipment or facilities for furnishing at retail natural, manufactured or mixed gas or electric service to or for the public or engaged in the production and retail sale thereof but does not include a municipality or a cooperative electric association, organized under the provisions of chapter 308 producing or furnishing natural, manufactured or mixed gas or electric service. Except as otherwise provided, the provisions of this chapter shall not be applicable to any sale of natural, manufactured or mixed gas or electricity by a public utility to another public utility for resale. In addition, the provisions of this chapter shall not apply to a public utility whose total natural gas business consists of supplying natural, manufactured or mixed gas to not more than 650 customers within a city pursuant to a franchise granted by the city, provided a resolution of the city council requesting exemption from regulation is filed with the commission. 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. No person shall be deemed to be a public utility if it ~~presently~~ furnishes its services only to tenants or cooperative or condominium owners in buildings owned, leased or operated by such person. No person shall be deemed to be a public utility if it ~~presently~~ furnishes service to occupants of a manufactured home or trailer park owned, leased, or operated by such person. No person shall be deemed to be a public utility if it ~~presently~~ produces or furnishes service to less than 25 persons.

Sec. 2. Minnesota Statutes 1982, section 216B.02, is amended by adding a subdivision to read:

Subd. 6a. “Submetering” means measuring, by a building’s owner, through mechanical or electronic devices, the use of electricity by occupants in multiple-unit residential or commercial buildings to fairly apportion the entire electrical costs for the building among its occupants.

Sec. 3. [216B.022] [SUBMETERING.]

Nothing in this chapter grants the commission or a public utility the authority to limit the availability of submetering to a building occupant when the building is served by a public utility’s master meter which measures the total electric energy delivered to the building.”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “amending Minnesota Statutes 1982, section 216B.02, subdivision 4, and by adding a subdivision;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated

Industries, to which was referred

H.F. No. 409: A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 167: A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1093: A bill for an act relating to insurance; health and accident; allowing insurers to negotiate and contract for alternative rates of payment; allowing insurers to limit payments to providers who contract for alternative rates with the agreement of policyholders; amending Minnesota Statutes 1982, sections 62A.03, by adding a subdivision; 62A.10, by adding a subdivision; 62A.11, subdivision 5; 62C.14, subdivision 3; and 72A.20, subdivision 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 1982, section 72A.20, subdivision 15, is amended to read:

Subd. 15. [PRACTICES NOT HELD TO BE DISCRIMINATION OR REBATES.] Nothing in subdivisions 8 ~~and~~, 9, or 10, or in section 72A.12, subdivisions 3 and 4, shall be construed as including within the definition of discrimination or rebates any of the following practices:

(1) In the case of any contract of life insurance or annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, ~~provided that any~~ *unless the* bonuses or abatement of premiums ~~shall be~~ *are* fair and equitable to policyholders and for the best interests of the company and its policyholders;

(2) In the case of life insurance policies issued on the industrial debit plan, making allowance, to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer, in an amount which fairly represents the saving in collection expense;

(3) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experienced ~~thereunder~~ *under that policy*, at the end of the first or any subsequent policy year of insurance ~~thereunder~~, which

may be made retroactive only for ~~such~~ the policy year;

(4) *In the case of a group health insurance policy, the payment of differing amounts of reimbursement to insureds who elect to receive health care goods or services from providers designated by the insurer. Any insurer that proposes to offer an arrangement to pay differing amounts as allowed under this section shall disclose before its initial offering and annually thereafter as a supplement to its annual statement submitted to the commissioner pursuant to section 60A.13, subdivision 1, or 62C.11, subdivision 1, the following information:*

(a) *The name which the arrangement intends to use and its business address;*

(b) *The name, address and nature of any separate organization that administers the arrangement on the behalf of the insurer; and*

(c) *The names and addresses of all providers designated by the insurer under this clause and the terms of the agreements with designated health care providers.*

The commissioner shall maintain a record of arrangements proposed under this clause, including a record of any complaints submitted relative to the arrangements."

Delete the title and insert:

"A bill for an act relating to insurance; permitting differing benefit payments for services by designated health care providers; amending Minnesota Statutes 1982, section 72A.20, subdivision 15."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 290: A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4, and by adding a subdivision; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 21, insert:

"Sec. 7. [REPORT TO LEGISLATURE.]

Any county or home rule charter city establishing a health maintenance organization under sections 1 to 6 shall report to the legislature no later than January 1, 1985, on the operation of its health maintenance organization, including utilization by public assistance recipients and by individuals who are not public assistance recipients, the amount of money provided to the health maintenance organization by the county, and any cost savings."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring a report to the legislature;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 363: A bill for an act relating to public welfare; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of eligibility for general assistance; amending Minnesota Statutes 1982, sections 256D.03, subdivision 4; and 256D.05, subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, delete "and" and insert a comma and after "chiropractic" insert ", and podiatry"

Page 3, line 9, after the second comma, insert "podiatrist,"

Page 3, line 9, after "or" insert "licensed" and after "psychologist" insert a comma

Amend the title as follows:

Page 1, line 3, after "chiropractic" insert "and podiatry"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1003: A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "a national"

Page 1, line 12, delete "project" and insert "projects"

Page 1, line 17, delete "their" and insert "its" and delete the colon

Page 1, delete lines 18 to 21 and insert "shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in section 256B.02, subdivision 8, in order to ensure that appropriate health care is delivered to enrollees."

Page 1, lines 24 and 25, delete "project" and insert "projects"

Page 2, line 4, delete "project" and insert "projects"

Page 2, line 9, after "for" insert "the"

Page 2, line 10, delete "project" and insert "projects"

Page 2, line 12, delete "*project's*" and insert "*projects*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 166: A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section or an ordinance in conformity ~~therewith~~ *with it* is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) A person who violates this section or an ordinance in conformity ~~therewith~~ *with it* within five years of a prior conviction under this section or an ordinance in conformity ~~therewith~~ *with it*; and

(b) A person who violates this section or an ordinance in conformity ~~therewith~~ *with it* within ten years of two or more prior convictions under this section or an ordinance in conformity ~~therewith~~ *with it*.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 2. Minnesota Statutes 1982, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 or an ordinance in conformity ~~therewith~~ *with it* before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which

determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the ~~district~~ county court.

Sec. 3. Minnesota Statutes 1982, section 299D.03, subdivision 5, is amended to read:

Subd. 5. [FINES AND FORFEITED BAIL MONEY.] (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by ~~such employees~~ *officers of the state patrol*, shall be paid by ~~such the~~ person or officer collecting ~~such the~~ fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which ~~such these~~ moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of ~~such these~~ receipts shall be credited to the general revenue fund of the county. The other five-eighths of ~~such these~~ receipts shall be transmitted by that officer to the state treasurer and shall be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by ~~such these~~ employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of ~~such these~~ receipts shall be transmitted by that officer to the state treasurer and shall be credited to the highway user tax distribution fund. Three-eighths of ~~such these~~ receipts shall be credited to the general revenue fund of the county.

Sec. 4. Minnesota Statutes 1982, section 357.13, subdivision 1, is amended to read:

Subdivision 1. [CITY POLICE; WITNESS FEES.] No police officer of any city shall receive any *witness fee* in a suit or prosecution brought in the name of the state, but any county *or city* may reimburse him for expenses actually incurred ~~therein~~.

Sec. 5. Minnesota Statutes 1982, section 388.051, is amended to read:

388.051 [DUTIES.]

~~It is the duty of~~ The county attorney ~~to~~ *shall*:

- (a) Appear in all cases in which the county is a party;
- (b) Give opinions and advice, upon the request of the county board or any

county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;

(c) Prosecute felonies, including the drawing of indictments found by the grand jury, ~~gross misdemeanors~~ and, to the extent prescribed by law, ~~violations of gross misdemeanors~~, misdemeanors, *petty misdemeanors*, and *violations of municipal ordinances, charter provisions and rules or regulations*;

(d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;

(e) Request the clerk of court to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom he is conducting a criminal hearing;

(f) Attend any inquest at the request of the coroner; and

(g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in his county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Sec. 6. Minnesota Statutes 1982, section 388.09, is amended to read:

388.09 [OTHER ATTORNEY EMPLOYED.]

Subdivision 1. [GENERAL PROVISIONS.] When there is no county attorney, the county board may employ any competent attorney to perform ~~such~~ legal services for the county as ~~may be necessary~~. The board may employ an attorney other than the county attorney ~~either~~ to assist him ~~or~~, to appear for the county or any county officer ~~thereof~~ in any action in which ~~such~~ the county or officer in his official capacity is a party, ~~or~~ to advise the board or its members in relation ~~thereto~~ to the action, or in relation to any other matter affecting the interests of the county; ~~and~~. *The county may pay such the attorney out of the funds of the county.*

Subd. 2. [MISDEMEANORS; OTHER PROSECUTIONS.] *Except in the counties of Ramsey and Hennepin, the county board with concurrence of the county attorney may enter into agreements with attorneys or firms of attorneys for the prosecution of gross misdemeanors, misdemeanors or petty misdemeanors, without making these attorneys or members of the firms assistant county attorneys or employees of the county where the county attorney has responsibility for the prosecution of these charges. If there is a contract between the county and any city within it which provides that the county attorney shall also prosecute municipal ordinance, municipal rule or regulation, and charter provision violations for that city, an attorney or firm engaged pursuant to this subdivision may also prosecute these violations.*

Sec. 7. Minnesota Statutes 1982, section 388.18, subdivision 5, is amended to read:

Subd. 5. [BUDGET FOR OFFICE.] The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) *the salary or other fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any*; (3) other

expenses necessary in the performance of the duties of ~~said~~ the office; and (3) (4) the payment of premiums of any bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office ~~and~~. The board is authorized to appropriate funds ~~therefor~~ for those purposes.

Sec. 8. Minnesota Statutes 1982, section 481.17, is amended to read:

481.17 [COUNTY, CITY, AND SCHOOL DISTRICT ATTORNEYS.]

In all counties in this state having a population of not more than 12,000, the offices of county attorney, city attorney, and school district attorney shall not be deemed incompatible and may be held by the same person. *For the purposes of prosecution of violations of state laws, municipal ordinances, charter provisions, or municipal regulations, the offices of county attorney and city attorney shall not be deemed incompatible and may be held by the same person, regardless of the population of the county.*

Sec. 9. Minnesota Statutes 1982, section 487.25, subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] *Except as otherwise provided by law, violations of state law which are petty misdemeanors, misdemeanors, or violations 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. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.*

In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law which are petty misdemeanors, misdemeanors, or gross misdemeanors, or violations 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. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.

Sec. 10. Minnesota Statutes 1982, section 487.33, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] *Except as otherwise provided by sections 487.01 to 487.39 or 574.34, the clerk of county court shall pay to the county treasurer all fines, penalties and fees collected by him, all sums forfeited to the court and all other moneys received by him.*

Sec. 11. Minnesota Statutes 1982, section 487.33, subdivision 5, is amended to read:

Subd. 5. [ALLOCATION.] *The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed which employed or provided by contract the arresting or apprehending officer and the name of the municipality or other subdivision of government which employed the prosecuting attorney or oth-*

erwise provided for prosecution of the offense for each fine or penalty and the total amount of fines or penalties collected for each ~~such~~ municipality or other subdivision of government. On or before the last day of each month, the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and ~~one-half~~ one-third of all fines or penalties collected during the previous month for offenses committed within ~~such~~ the municipality or subdivision of government from persons arrested or issued citations by officers employed by the municipality or subdivision or provided by the municipality or subdivision by contract. An additional one-third of all fines or penalties shall be paid to the municipality or subdivision of government providing prosecution of offenses of the type for which the fine or penalty is collected occurring within the municipality or subdivision, imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city whether or not a guilty plea is entered or bail is forfeited. Except as provided in section 299D.03, subdivision 5, or as otherwise provided by law-, all other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer of the county in which the funds were collected who shall dispense ~~the same~~ them as provided by law.

Sec. 12. [487.331] [CHISAGO COUNTY; EXCEPTION.]

Sections 5 to 11 do not apply to Chisago County and cities within it. Laws 1975, chapter 392, sections 1 and 2 shall continue to govern prosecutions for offenses alleged to have occurred within Chisago County. The county attorney of Chisago County shall also prosecute petty misdemeanor violations of state law alleged to have occurred within the county, and may also prosecute alleged violations of municipal charter provisions or municipal rules or regulations when requested to do so by the municipality, in addition to the offenses he is authorized to prosecute under Laws 1975, chapter 392, sections 1 and 2.

Sec. 13. [487.332] [JOINT POWERS.]

Nothing contained in this act shall supersede any powers any governmental unit has under section 471.59.

Sec. 14. Minnesota Statutes 1982, section 488A.03, subdivision 10, is amended to read:

Subd. 10. [ORDER FOR PRISONER RELEASE.] When a person is confined to the Minneapolis workhouse and a fine is remitted, a sentence stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which he was committed, the prisoner shall not be released except upon order of the court. A written transcript of such order signed by the clerk and under the court's seal shall be furnished to the superintendent of the Minneapolis workhouse. All costs of confinement or imprisonment in any jail or workhouse shall be paid by the municipality or subdivision of government in Hennepin county in which the violation occurred, *except that the county shall pay all costs of confinement or imprisonment incurred as a result of a prosecution of a gross misdemeanor.*

Sec. 14. Minnesota Statutes 1982, section 488A.10, subdivision 11, is

amended to read:

Subd. 11. [PROSECUTING ATTORNEYS.] Except as otherwise provided in this subdivision, the attorney of the municipality in which the violation is alleged to have occurred ~~shall have~~ has charge of the prosecution of all violations of the state laws, *including violations which are gross misdemeanors*, and municipal charter provisions, ordinances, rules and regulations triable in the municipal court and shall prepare complaints for ~~said the~~ violations. The county attorney ~~shall have~~ has charge of the prosecution of a violation triable in municipal court and shall prepare a complaint for ~~said the~~ violation:

(a) if he is specifically designated by law as the prosecutor for the particular violation charged; or

(b) if the alleged violation is of state law and is alleged to have occurred in a municipality or other subdivision of government whose population according to the most recent federal census is less than 2500 and whose governing body ~~(, or the town board~~ in the case of a town, ~~the town board~~) has accepted this paragraph by majority vote, and if the defendant is cited or arrested by a member of the staff of the sheriff of Hennepin county or by a member of the state patrol.

Paragraph (b) shall not apply to a municipality or other subdivision of government whose population according to the most recent federal decennial census is 2500 or more, regardless of whether or not it has previously accepted the paragraph.

Sec. 15. Minnesota Statutes 1982, section 574.34, is amended to read:

574.34 [FINES, HOW DISPOSED OF.]

Subdivision 1. [GENERAL.] Fines and forfeitures not specially granted or appropriated by law shall be paid into the treasury of the county where ~~the same~~ they are incurred.

Subd. 2. [MUNICIPAL PROSECUTION; GROSS MISDEMEANORS.] If a city or municipal attorney prosecutes a gross misdemeanor offense, the proceeds of any fine collected by the court shall be disbursed in the same manner as though the offense was a misdemeanor prosecuted by the city or municipal attorney in county or municipal court. The county shall pay for any costs associated with incarceration.

Sec. 16. [EFFECTIVE DATE.]

This act is effective January 1, 1984."

Delete the title and insert:

"A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.121, subdivision 3; 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 388.051;

388.09; 388.18, subdivision 5; 481.17; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 488A.03, subdivision 10; 488A.10, subdivision 11; and 574.34; proposing new law coded in Minnesota Statutes, chapter 487."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1142: A bill for an act relating to contracts; prohibiting the enforcement of indemnification agreements in construction contracts; proposing new law coded as Minnesota Statutes, chapter 337.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, before the period, insert "*by the promisee*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 540: A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from a provider of regular route transit and unlawfully interfering with a transit operator while the operator is performing his or her duties; prohibiting disruptive behavior on a transit vehicle; providing 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 23, delete "*his or her*"

Page 2, line 2, delete "*(except watches)*" and insert "*, other than a watch,*"

Page 2, line 3, delete everything after the comma

Page 2, line 4, delete "*if*" and insert "*unless*"

Page 2, line 7, after "*smokes*" insert "*or carries lighted smoking paraphernalia*"

Page 2, line 9, delete "*officials*" and insert "*official*"

Page 2, line 13, delete "*a petty misdemeanor*" and insert "*disruptive behavior*"

Page 2, line 13, delete everything after "*and*"

Page 2, delete line 14 and insert "*may be sentenced as provided in subdivision 4.*"

Page 2, line 15, delete "*or 2*" and insert "*, 2, or 3*"

Page 2, line 21, delete "*payment of a fine of not more than \$100*" and insert "*the penalty imposed in section 169.89, subdivision 2,*"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 74: A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "The" insert "*maximum*"

Page 1, line 11, strike everything after "follows"

Page 1, line 12, strike "charged"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 602: A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 710: A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete subdivision 1

Renumber the subdivisions in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 31: A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*which is guaranteed by*"

Page 1, delete lines 14 to 19 and insert ". A search of a resident's room or property may be conducted only when necessary to protect the residents from

weapons, illegal drugs, or alcohol, if possession is prohibited by the commissioner, and is subject to the following:

(a) Prior to conducting a search of a resident's room or property, the administrator shall provide written authorization to conduct the search. This authorization must identify the resident whose room or property is to be searched, state the nature of the risk to the health or safety of that resident or to other individuals in the home, set forth the facts which establish that the risk exists and the source of those facts, and particularly describe the area to be searched and the property to be seized. A separate authorization must be completed for each resident whose room or property is to be searched.

(b) The resident shall be informed of the reasons necessitating a search of his room or property and shall be present during the conduct of the search if the resident requests to be present. A copy of the administrator's authorization must be given to the resident.

(c) If property or other items are taken, a written receipt describing the property or items taken must be given to the resident.

(d) The provisions of this section do not restrict the entry by employees of the home into a resident's room or into areas where the personal possessions of residents are stored for the purpose of providing care or services to the resident or for housekeeping and maintenance purposes. The provisions of this section do not apply to inspections conducted by governmental agencies for the purpose of assessing compliance with state or federal laws and regulations.

(e) Unauthorized searches or seizures by employees of the Minnesota veterans home may be grounds for dismissal."

Page 1, line 20, delete "A resident of"

Page 1, line 21, delete "be required" and insert "require a resident"

Page 2, line 2, delete "Minnesota Statutes."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 732: A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; removing the 60-day hearing requirement for mentally retarded persons; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, sub-

division 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 30, insert:

“Sec. 5. Minnesota Statutes 1982, section 253B.03, subdivision 6, is amended to read:

Subd. 6. [CONSENT FOR MEDICAL PROCEDURE.] A patient has the right to prior consent to any medical or surgical treatment, other than the treatment of mental illness, mental retardation or chemical dependency. The following procedures shall be used to obtain consent for any treatment necessary to preserve the life or health of any committed patient:

- (1) The consent of a competent adult patient for the treatment is sufficient.
- (2) If the patient is subject to guardianship or conservatorship which includes the provision of medical care, the consent of the guardian or conservator for the treatment is sufficient.
- (3) If the head of the treatment facility determines that the patient is not competent to consent to the treatment and the patient has not been adjudicated incompetent, consent for the surgery shall be obtained from the nearest proper relative. For this purpose, the following persons are proper relatives, in the order listed: the patient's spouse, parent, adult child, or adult sibling. If the nearest proper relatives cannot be located or refuse to consent to the procedure, the head of the treatment facility or an interested person may petition the committing court for approval for the treatment or may petition an appropriate court for the appointment of a guardian or conservator. The determination that the patient is not competent, and the reasons for the determination, shall be documented in the patient's clinical record.
- (4) ~~Consent for a medical procedure upon a minor shall be governed by other provisions of law relating to the provision of treatment to minors to treatment of any minor patient shall be secured in accordance with sections 144.341 to 144.346, except that a minor 16 years of age or older may give valid consent for hospitalization, routine diagnostic evaluation, and emergency or short term acute care.~~
- (5) In the case of an emergency and when the persons ordinarily qualified to give consent cannot be located, the head of the treatment facility may give consent.

No person who consents to treatment pursuant to the provisions of this subdivision shall be civilly or criminally liable for the performance or the manner of performing the treatment. No person shall be liable for performing treatment without consent if consent was given pursuant to this subdivision. This provision shall not affect any other liability which may result from the manner in which the treatment is performed.”

Page 3, line 4, after “guardian” insert “if it is determined by independent examination that there is reasonable evidence that (a) the proposed patient is

mentally ill, mentally retarded, or chemically dependent; and (b) the proposed patient is suitable for treatment"

Page 3, line 16, after "is" insert "*believed to be chemically dependent or is*"

Page 3, line 18, after "person is" insert "*intoxicated in public or is*"

Page 4, line 2, after "others" insert "*or is intoxicated in public*"

Page 4, line 7, delete "*this section*" and insert " *subdivision 1*"

Page 4, after line 8, insert:

"Sec. 9. Minnesota Statutes 1982, section 253B.06, is amended to read:

253B.06 [MEDICAL EXAMINATION.]

Subdivision 1. [MENTALLY ILL AND MENTALLY RETARDED PERSONS.] The head of a treatment facility shall arrange to have every patient hospitalized as *mentally ill or mentally retarded* pursuant to section 253B.04 or 253B.05 examined by a physician as soon as possible but no more than 48 hours following the time of admission. *The physician shall be knowledgeable and trained in the diagnosis of the alleged disability related to the need for admission as a mentally ill or mentally retarded person.*

Subd. 2. [CHEMICALLY DEPENDENT PERSONS.] *Patients hospitalized as chemically dependent pursuant to sections 253B.04 or 253B.05 shall also be examined within 48 hours of admission. At a minimum, the examination shall consist of a physical evaluation by facility staff according to procedures established by a physician and an evaluation by staff knowledgeable and trained in the diagnosis of the alleged disability related to the need for admission as a chemically dependent person.*

Subd. 3. [DISCHARGE.] At the end of a 48 hour period, any patient admitted pursuant to section 253B.05 shall be discharged if an examination has not been held or if the examiner or evaluation staff person fails to notify the head of the treatment facility in writing that in his opinion the patient is apparently in need of care, treatment, and evaluation as a mentally ill, mentally retarded, or chemically dependent person."

Pages 6 and 7, delete sections 12 to 14

Page 8, line 24, delete "*public*" and insert "*a*"

Page 8, line 25, delete "*personnel*" in both places and insert "*officer*" in both places and before "*welfare*" insert "*a*"

Page 8, line 27, delete "*as*" and insert "*which*"

Page 12, after line 10, insert:

"Sec. 23. [253B.212] [COMMITMENT BY TRIBAL COURT; RED LAKE BAND OF CHIPPEWA INDIANS.]

Subdivision 1. [COST OF CARE.] *The commissioner of public welfare may contract with and receive payment from the Indian Health Service of the United States Department of Health and Human Services for the care and treatment of those members of the Red Lake Band of Chippewa Indians who have been committed by tribal court order to the Indian Health Service for*

care and treatment of mental illness, mental retardation, or chemical dependency. The contract shall provide that the Indian Health Service may not transfer any person for admission to a regional center unless the commitment procedure utilized by the tribal court provided due process protections similar to those afforded by sections 253B.05 to 253B.10.

Subd. 2. [EFFECT GIVEN TO TRIBAL COMMITMENT ORDER.] When, under an agreement entered into pursuant to subdivision 1, the Indian Health Service applies to a regional center for admission of a person committed to the jurisdiction of the health service by the tribal court as mentally ill, mentally retarded, or chemically dependent, the commissioner may treat the patient with the consent of the Indian Health Service.

A person admitted to a regional center pursuant to this section has all the rights accorded by section 253B.03. In addition, treatment reports, prepared in accordance with the requirements of section 253B.12, subdivision 1, shall be filed with the Indian Health Service within 60 days of commencement of the patient's stay at the facility. A subsequent treatment report shall be filed with the Indian Health Service within six months of the patient's admission to the facility or prior to discharge, whichever comes first. Provisional discharge or transfer of the patient may be authorized by the head of the treatment facility only with the consent of the Indian Health Service. Discharge from the facility to the Indian Health Service may be authorized by the head of the treatment facility after notice to and consultation with the Indian Health Service."

Page 12, line 11, after the second comma, insert "subdivision 1,"

Page 12, line 18, strike "or" and insert a comma

Page 12, line 19, before "and" insert ", or chemical dependency," and delete "and, if the"

Page 12, lines 20 to 22, delete the new language

Page 12, delete lines 30 to 36

Page 13, delete lines 1 to 22

Page 13, line 30, delete everything after the period

Page 13, line 31, delete "not arranged,"

Page 13, line 32, delete "revocation or"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 9, delete everything after the semicolon

Page 1, delete line 10

Page 1, line 15, after the semicolon, insert "authorizing the commissioner to accept admissions to regional centers from the Indian Health Service;"

Page 1, line 17, delete "subdivision 2" and insert "subdivisions 2 and 6"

Page 1, line 19, after the first semicolon, insert "253B.06;"

Page 1, line 20, delete everything after the first comma

Page 1, line 21, after the first "subdivision" insert "1"

Page 1, line 23, after "253B.22" insert ", subdivision 1"

Page 1, line 25, before the period, insert "; proposing new law coded in Minnesota Statutes, chapter 253B"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which were referred the following appointments as reported in the Journal for February 2, 1983:

**DEPARTMENT OF PUBLIC WELFARE
COMMISSIONER**

Leonard W. Levine

**DEPARTMENT OF HEALTH
COMMISSIONER**

Sister Mary Madonna Ashton

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.

Ms. Berglin from the Committee on Health and Human Services, to which was referred the following appointment as reported in the Journal for March 7, 1983:

GILLETTE HOSPITAL BOARD

Kjell Bergh

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. 911, 1093, 1003, 1142 and 732 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 409, 167, 290, 166, 540, 74, 602 and 31 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Spear moved that the name of Mr. Nelson be added as a co-author to S.F. No. 83. The motion prevailed.

Mr. Renneke moved that the name of Mr. Dahl be added as a co-author to S.F. No. 301. The motion prevailed.

Mr. Dahl moved that H.F. No. 26 and the Conference Committee Report

thereon be taken from the table. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H.F. NO. 26

A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

April 19, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 26, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 26 be further amended as follows:

Page 1, line 12, delete "(1)" and insert "(a)"

Page 1, line 13, delete "normally"

Page 1, line 14, after "purposes" insert "at least 40 percent of the time"

Page 1, line 19, delete "(2)" and insert "(b)"

Page 1, line 24, delete "(3)" and insert "(c)"

Page 2, line 4, delete "(4)" and insert "(d)"

Page 2, line 4, delete "(a)" and insert "(1)"

Page 2, line 6, delete "(b)" and insert "(2)"

Page 2, line 22, delete the first "or"

Page 2, line 22, after "agents" insert a comma

Page 2, line 22, after the second "or" insert "its"

Page 2, line 27, after "shall" insert ", at the consumer's option, either"

Page 2, line 30, after the first comma, insert "including the cost of any options or other modifications arranged, installed, or made by the manufacturer, its agent, or its authorized dealer within 30 days after the date of original delivery."

Page 2, line 32, after "vehicle" insert "not exceeding ten cents per mile driven or ten percent of the purchase price of the vehicle, whichever is less"

Page 2, line 32, delete "shall" and insert "must"

Page 2, line 34, delete "may"

Page 3, line 9, after "or" insert "its"

Page 3, line 13, delete the second "or" and insert a comma

Page 3, line 14, after "agents" insert a comma

Page 3, line 14, after "or" insert "its"

Page 3, line 20, after the period, insert:

“(c) If the nonconformity results in a complete failure of the braking or steering system of the new motor vehicle and is likely to cause death or serious bodily injury if the vehicle is driven, it is presumed that a reasonable number of attempts have been undertaken to conform the vehicle to the applicable express warranties if the conformity has been subject to repair at least once by the manufacturer, its agents, or its authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, and the nonconformity continues to exist.

(d)”

Page 3, line 24, delete *“In”*

Page 3, line 25, delete *“no event shall”* and insert:

“(e)”

Page 3, line 25, delete *“this section”* and insert *“ paragraph (b)”*

Page 3, line 25, delete *“apply”* and insert *“applies”*

Page 3, line 26, delete *“unless”* and insert *“only if”*

Page 3, line 26, delete the first *“or”* and insert a comma

Page 3, line 26, after *“agent”* insert a comma

Page 3, line 26, after the second *“or”* insert *“its”*

Page 3, line 27, after *“prior”* insert *“written”*

Page 3, line 28, after *“consumer”* insert *“at least once”*

Page 3, line 29, after the period, insert: *“If the notification is received by the manufacturer’s agent or authorized dealer, the agent or dealer must forward it to the manufacturer by certified mail, return receipt requested.*

(f) At the time of purchase the manufacturer, either directly or through its agent or its authorized dealer, must provide the consumer a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: “IMPORTANT: IF THIS VEHICLE IS DEFECTIVE, YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. HOWEVER, TO BE ENTITLED TO REFUND OR REPLACEMENT, YOU MUST FIRST NOTIFY THE MANUFACTURER, ITS AGENT, OR ITS AUTHORIZED DEALER OF THE PROBLEM IN WRITING AND GIVE THEM AN OPPORTUNITY TO REPAIR THE VEHICLE.”

Subd. 4. [RESALE OF RETURNED MOTOR VEHICLE.] (a) If a motor vehicle has been returned under the provisions of subdivision 3 or a similar statute of another state, it may not be resold in this state unless:

(1) the manufacturer provides the same express warranty it provided to the original purchaser, except that the term of the warranty need only last for 12,000 miles or 12 months after the date of resale, whichever is earlier; and

(2) the manufacturer provides the consumer with a written statement on a separate piece of paper, in ten point all capital type, in substantially the

following form: "IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S EXPRESS WARRANTY AND THE NONCONFORMITY WAS NOT CURED WITHIN A REASONABLE TIME AS PROVIDED BY MINNESOTA LAW."

The provisions of this section apply to the resold motor vehicle for full term of the warranty required under this subdivision.

(b) Notwithstanding the provisions of paragraph (a), if a new motor vehicle has been returned under the provisions of subdivision 3 or a similar statute of another state because of a nonconformity resulting in a complete failure of the braking or steering system of the motor vehicle likely to cause death or serious bodily injury if the vehicle was driven, the motor vehicle may not be resold in this state."

Renumber the subdivisions in sequence

Page 4, line 2, after "as" insert "nonbinding" and delete " but not binding"

Page 4, line 10, delete "shall" and insert "must"

Page 4, line 13, delete "earlier" and insert "later"

Page 4, line 18, before "Section" insert "Section 1, subdivision 3, paragraph (f), is effective June 15, 1983. The rest of" and after "enactment" insert "and applies to all motor vehicles which as of that date are still under a manufacturer's express warranty and were originally delivered during the previous one-year period"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Joseph R. Begich, John J. Sarna, Marcus Marsh

Senate Conferees: (Signed) Gregory L. Dahl, Ember D. Reichgott, Gen Olson

Mr. Dahl moved that the foregoing recommendations and Conference Committee Report on H.F. No. 26 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. 26 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Novak	Schmitz
Anderson	Frank	Kroening	Olson	Spear
Belanger	Frederick	Kronebusch	Peterson, C.C.	Stumpf
Benson	Frederickson	Langseth	Peterson, D.C.	Taylor
Berglin	Freeman	Lantry	Peterson, D.L.	Ulland
Bernhagen	Hughes	Lessard	Peterson, R.W.	Vega
Bertram	Isackson	Luther	Petty	Waldorf
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Mehrrens	Purfeerst	Willet
DeCramer	Jude	Moe, D. M.	Reichgott	
Dicklich	Kamrath	Moe, R. D.	Renneke	
Diessner	Knaak	Nelson	Samuelson	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

SPECIAL ORDER

H.F. No. 760: A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

Was read the third time 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:

Adkins	Dieterich	Kroening	Peterson, C.C.	Solon
Anderson	Frank	Kronebusch	Peterson, D.C.	Spear
Belanger	Frederick	Langseth	Peterson, D.L.	Stumpf
Benson	Frederickson	Lantry	Peterson, R.W.	Taylor
Berg	Freeman	Lessard	Petty	Ulland
Berglin	Hughes	Luther	Pogemiller	Vega
Bernhagen	Isackson	McQuaid	Purfeerst	Waldorf
Bertram	Johnson, D.E.	Mehrrens	Reichgott	Wegscheid
Chmielewski	Jude	Moe, D. M.	Renneke	Willet
Dahl	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Novak	Schmitz	
Diessner	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 281: A bill for an act relating to elections; changing the date and

time of precinct caucuses; prohibiting various government, school and university events on caucus night; amending Minnesota Statutes 1982, sections 202A.14, subdivision 1; and 202A.19.

Mr. Frederickson moved to amend S.F. No. 281 as follows:

Page 1, line 11, 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 45 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Pehler	Solon
Anderson	Frederick	Kronebusch	Peterson, C.C.	Spear
Belanger	Frederickson	Langseth	Peterson, D.L.	Stumpf
Benson	Isackson	Lessard	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Uiland
Chmielewski	Jude	Mehrkens	Renneke	Vega
Dahl	Kamrath	Moe, R. D.	Samuelson	Waldorf
DeCramer	Knaak	Nelson	Schmitz	Wegscheid
Diessner	Knutson	Olson	Sieloff	Willet

Those who voted in the negative were:

Berglin	Freeman	Lantry	Novak	Pogemiller
Dicklich	Hughes	Luther	Peterson, D.C.	Reichgott
Frank	Johnson, D.J.	Moe, D. M.	Petty	

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend S.F. No. 281 as follows:

Page 1, line 12, reinstate the stricken language and delete the new language

The motion did not prevail. So the amendment was not adopted.

Mr. Purfeerst moved to amend S.F. No. 281 as follows:

Page 1, line 11, strike "8:00" reinstated by the Frederickson amendment and insert "1:00"

Page 1, line 12, strike "Tuesday" and insert "Saturday"

Mr. Peterson, R.W. moved to amend the Purfeerst amendment to S.F. No. 281 as follows:

After the Purfeerst amendment insert:

Page 1, line 22, delete "6:00" and strike "p.m." and insert "11:00 a.m."

Page 2, lines 11, 14 and 23, delete "6:00" and strike "p.m." and insert "11:00 a.m."

Page 2, line 26, delete "6:00 p.m." and insert "11:00 a.m."

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Purfeerst amendment, as amended.

The motion did not prevail. So the amendment, as amended, was not adopted.

S.F. No. 281 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 41 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lessard	Petty	Stumpf
Belanger	Frederickson	Luther	Pogemiller	Vega
Berglin	Freeman	Moe, D. M.	Ramstad	Waldorf
Chmielewski	Hughes	Moe, R. D.	Reichgott	Wegscheid
Dahl	Johnson, D.J.	Nelson	Renneke	Willet
DeCramer	Jude	Novak	Schmitz	
Dicklich	Kronebusch	Olson	Sieloff	
Diessner	Langseth	Peterson, D.C.	Solon	
Dieterich	Lantry	Peterson, R.W.	Spear	

Those who voted in the negative were:

Anderson	Bertram	Kamrath	Laidig	Peterson, D.L.
Benson	Frederick	Knaak	McQuaid	Purfeerst
Berg	Isackson	Knutson	Mehrkens	Samuelson
Bernhagen	Johnson, D.E.	Kroening	Pehler	Taylor

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 987: A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Olson	Sieloff
Anderson	Frank	Kronebusch	Pehler	Solon
Belanger	Frederick	Laidig	Peterson, D.C.	Spear
Benson	Frederickson	Langseth	Peterson, D.L.	Stumpf
Berg	Freeman	Lantry	Peterson, R.W.	Taylor
Berglin	Hughes	Lessard	Petty	Vega
Bernhagen	Isackson	Luther	Pogemiller	Waldorf
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Wegscheid
Chmielewski	Johnson, D.J.	Mehrkens	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	
Diessner	Knutson	Novak	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 791: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey to private persons, under certain circumstances, road easements across railroad rights-of-way acquired

for trail purposes; proposing new law coded in Minnesota Statutes, chapter 84.

Was read the third time 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:

Adkins	Diessner	Knaak	Nelson	Renneke
Anderson	Dieterich	Kroening	Novak	Samuelson
Belanger	Frank	Kronebusch	Olson	Schmitz
Benson	Frederick	Laidig	Pehler	Sieloff
Berg	Frederickson	Langseth	Peterson, D.C.	Solon
Berglin	Freeman	Lantry	Peterson, D.L.	Spear
Bernhagen	Hughes	Lessard	Peterson, R.W.	Stumpf
Bertram	Isackson	Luther	Petty	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
DeCramer	Jude	Moe, D. M.	Ramstad	Wegscheid
Dicklich	Kamrath	Moe, R. D.	Reichgott	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 996: A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; proposing new law coded in Minnesota Statutes, chapter 47.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Schmitz
Anderson	Dieterich	Knutson	Olson	Sieloff
Belanger	Frank	Kroening	Pehler	Solon
Benson	Frederick	Kronebusch	Peterson, D.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.L.	Stumpf
Berglin	Freeman	Lantry	Peterson, R.W.	Taylor
Bernhagen	Hughes	Lessard	Petty	Ulland
Bertram	Isackson	Luther	Purfeerst	Vega
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Reichgott	Wegscheid
DeCramer	Jude	Moe, R. D.	Renneke	Willet
Dicklich	Kamrath	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 607: A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of money designated by them for certain combined charitable funds; amending Minnesota Statutes 1982, section 15.375, subdivision 2; proposing new law coded in Minnesota Stat-

utes, chapter 309; repealing Minnesota Statutes 1982, section 15.375, subdivision 1.

Mr. Spear moved to amend S.F. No. 607 as follows:

Page 1, line 14, strike "may" and insert "shall"

Page 1, line 26, begin a new paragraph with "(1)"

Page 2, line 3, begin a new paragraph with "(2)"

Page 2, line 5, delete everything after the semicolon

Page 2, line 6, delete "chapter;" and insert:

"(3) Which is governed by a voluntary board of directors which represents the broad interests of the public;

(4) Which distributes at least 70 percent of contributions collected in its annual consolidated campaign drive and expends no more than 30 percent of these collected contributions for management and general costs and fund raising costs;

(5) And each designated agency supported by the recipient institution devotes substantially all of its activities directly to providing health, welfare, social or other human services to individuals;

(6) And each designated agency supported by the recipient institution provides health, welfare, social or other human services, in the community and surrounding area in which the recipient institution's fund drive takes place;"

Page 2, line 6, delete "(4)" and insert "(7)"

The motion prevailed. So the amendment was adopted.

S.F. No. 607 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 37 and nays 24, as follows:

Those who voted in the affirmative were:

Belanger	Freeman	Moe, D. M.	Petty	Spear
Berglin	Hughes	Moe, R. D.	Pogemiller	Taylor
Dahl	Johnson, D.J.	Nelson	Purfeerst	Vega
DeCramer	Langseth	Olson	Ramstad	Wegscheid
Dicklich	Lantry	Pehler	Reichgott	Willet
Diessner	Luther	Peterson.C.C.	Samuelson	
Dieterich	McQuaid	Peterson.D.C.	Schmitz	
Frank	Mehrkens	Peterson.R.W.	Solon	

Those who voted in the negative were:

Adkins	Bertram	Johnson, D.E.	Kronebusch	Sieloff
Anderson	Chmielewski	Jude	Laidig	Stumpf
Benson	Frederick	Kamrath	Lessard	Ulland
Berg	Frederickson	Knaak	Peterson,D.L.	Waldorf
Bernhagen	Isackson	Kroening	Renneke	

So the bill, as amended, passed and its title was agreed to.

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.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

SPECIAL ORDER

H.F. No. 787: A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivisions 1 and 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

Mr. Kamrath moved to amend H.F. No. 787 as follows:

Page 4, after line 6, insert:

“Sec. 9. [COMMISSION ON MOSQUITO FLIGHT.]

Subdivision 1. A legislative commission to study mosquito flight patterns within 50 miles of the mosquito control district is established.

Subd. 2. The mosquito control district is authorized to implement a mosquito and black gnat banding program for approximately two percent of the mosquito population and four percent of the black gnat population within the control district.

(1) The district is prohibited from discriminating on the basis of mosquito and/or gnat sex in implementing this banding program;

(2) Votes of individual legislators shall not be used as a criteria for determining boundaries of the banding areas.

Subd. 3. [PENALTY.] Citizens finding dead or swatted mosquitoes or black gnats which are banded are required to report the same to the mosquito control district.

Penalty for failure to report a dead or swatted mosquito or black gnat which is banded is a Petty-misdemeanor.

Subd. 4. [FUNDING.] Bonding for banding shall not be allowed under this provision.”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 1 and nays 37, as follows:

Mr. Kamrath voted in the affirmative.

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Peterson, C.C.	Spear
Anderson	Frank	Laidig	Peterson, D.C.	Vega
Berg	Freeman	Langseth	Peterson, R.W.	Waldorf
Berglin	Hughes	Lantry	Petty	Wegscheid
Bernhagen	Isackson	Luther	Pogemitter	Willet
Bertram	Johnson, D.E.	McQuaid	Purfeerst	
Dahl	Jude	Moe, R. D.	Samuelson	
DeCramer	Knaak	Pehler	Schmitz	

The motion did not prevail. So the amendment was not adopted.

H.F. No. 787 was read the third time 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:

Adkins	Frank	Knutson	Moe, R. D.	Reichgott
Anderson	Frederick	Kroening	Olson	Renneke
Belanger	Frederickson	Kronebusch	Pehler	Samuelson
Berg	Freeman	Laidig	Peterson, C.C.	Schmitz
Berglin	Hughes	Langseth	Peterson, D.C.	Solon
Bernhagen	Isackson	Lantry	Peterson, D.L.	Spear
Bertram	Johnson, D.E.	Lessard	Peterson, R.W.	Stumpf
Dahl	Johnson, D.J.	Luther	Petty	Vega
DeCramer	Jude	McQuaid	Pogemiller	Wegscheid
Dicklich	Kamrath	Mehrkens	Purfeerst	Willet
Diessner	Knaak	Moe, D. M.	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 91: A bill for an act relating to public utilities; providing for rights of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 26 and nays 33, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	Moe, D. M.	Pogemiller	Vega
Dahl	Johnson, D.J.	Novak	Purfeerst	Wegscheid
DeCramer	Jude	Pehler	Reichgott	
Diessner	Kroening	Peterson, D.C.	Samuelson	
Dieterich	Lantry	Peterson, R.W.	Solon	
Frank	Luther	Petty	Spear	

Those who voted in the negative were:

Adkins	Frederick	Knutson	Moe, R. D.	Stumpf
Anderson	Frederickson	Kronebusch	Olson	Taylor
Belanger	Hughes	Laidig	Peterson, C.C.	Ulland
Berg	Isackson	Langseth	Peterson, D.L.	Waldorf
Bernhagen	Johnson, D.E.	Lessard	Ramstad	Willet
Bertram	Kamrath	McQuaid	Renneke	
Dicklich	Knaak	Mehrkens	Schmitz	

So the bill failed to pass.

SPECIAL ORDER

S.F. No. 398: A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

Was read the third time 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:

Adkins	Frank	Kronebusch	Pehler	Samuelson
Anderson	Frederick	Laidig	Peterson, C.C.	Schmitz
Benson	Frederickson	Langseth	Peterson, D.C.	Solon
Berg	Freeman	Lantry	Peterson, D.L.	Spear
Berglin	Hughes	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Isackson	Luther	Petty	Taylor
Bertram	Johnson, D.E.	McQuaid	Pogemiller	Ulland
Dahl	Jude	Mehrkens	Purfeerst	Vega
DeCramer	Kamrath	Moe, D. M.	Ramstad	Waldorf
Diessner	Knaak	Moe, R. D.	Reichgott	Wegscheid
Dieterich	Kroening	Olson	Renneke	Willett

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 605: A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

Was read the third time 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:

Adkins	Dieterich	Kroening	Pehler	Schmitz
Anderson	Frank	Kronebusch	Peterson, C.C.	Spear
Belanger	Frederick	Laidig	Peterson, D.C.	Stumpf
Benson	Frederickson	Langseth	Peterson, D.L.	Taylor
Berg	Freeman	Lantry	Peterson, R.W.	Ulland
Berglin	Hughes	Lessard	Petty	Vega
Bernhagen	Isackson	Luther	Pogemiller	Waldorf
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Wegscheid
Dahl	Jude	Mehrkens	Ramstad	Willett
DeCramer	Kamrath	Moe, D. M.	Reichgott	
Dicklich	Knaak	Moe, R. D.	Renneke	
Diessner	Knutson	Olson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 588: A bill for an act relating to the North Suburban Hospital District; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board.

Was read the third time 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:

Adkins	Frank	Kroening	Pehler	Samuelson
Anderson	Frederick	Kronebusch	Peterson, C.C.	Schmitz
Benson	Frederickson	Langseth	Peterson, D.C.	Spear
Berg	Freeman	Lantry	Peterson, D.L.	Stumpf
Berglin	Hughes	Lessard	Peterson, R.W.	Taylor
Bernhagen	Isackson	Luther	Petty	Ulland
Bertram	Johnson, D.E.	McQuaid	Pogemiller	Vega
DeCramer	Jude	Moe, D. M.	Purfeerst	Waldorf
Dicklich	Kamrath	Moe, R. D.	Ramstad	Wegscheid
Diessner	Knaak	Nelson	Reichgott	Willet
Dieterich	Knutson	Olson	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 482: A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

Ms. Peterson, D.C. moved that the amendment made to H.F. No. 482 by the Committee on Rules and Administration in the report adopted April 13, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Ms. Peterson, D.C. moved to amend H. F. No. 482 as follows:

Page 1, line 25, after the period, insert *"If a member intentionally violates the requirements of this subdivision, that member shall be subject to a civil penalty in an amount not to exceed \$100. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the member is located."*

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete "subdivision"

Page 1, line 5, delete "2; and"

The motion prevailed. So the amendment was adopted.

H.F. No. 482 was then progressed.

SPECIAL ORDER

H.F. No. 223: A bill for an act relating to taxation; authorizing the assess-

ment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing for payment of withholding taxes by contractors and certain subcontractors prior to final contract settlement; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 290A.42, subdivision 2; and 524.3-805.

Mr. Peterson, R.W. moved to amend H.F. No. 223, as amended pursuant to Rule 49, adopted by the Senate March 17, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 361.)

Amend the title as follows:

Page 1, line 4, after "references;" insert "clarifying that administrative subpoenas are enforced in the judicial district where the party served is located;"

Page 1, line 24, delete "290A.42" and insert "297A.42"

The motion prevailed. So the amendment was adopted.

H.F. No. 223 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 54 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Pehler	Schmitz
Anderson	Dieterich	Kroening	Peterson, C.C.	Solon
Belanger	Frank	Kronebusch	Peterson, D.C.	Spear
Benson	Frederick	Laidig	Peterson, D.L.	Stumpf
Berglin	Frederickson	Lantry	Peterson, R.W.	Taylor
Bernhagen	Freeman	Lessard	Petty	Ulland
Bertram	Hughes	Luther	Pogemiller	Vega
Chmielewski	Isackson	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
DeCramer	Johnson, D.J.	Moe, R. D.	Reichgott	Willet
Dicklich	Knaak	Olson	Samuelson	

Messrs. Berg and Kamrath voted in the negative.

So the bill, as amended, passed and its title was agreed to.

The question recurred on H.F. No. 482.

SPECIAL ORDER

H.F. No. 482: A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota

Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

Mr. Willet moved to amend H.F. No. 482 as follows:

Page 1, line 23, before the comma, insert "as defined in chapter 13"

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend H.F. No. 482 as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1982, section 471.705, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise expressly provided by statute, all meetings, including executive sessions, of any state agency, board, commission or , department, or legislature when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, conference committee, department or commission thereof, shall be open to the public, except meetings of the board of pardons and the corrections board. The votes of the members of such state agency, board, commission, legislature, or department or of such governing body, committee, subcommittee, conference committee, board, department or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings."

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 3, after "materials;" insert "including the legislature in the open meeting law;"

Page 1, line 4, delete "subdivision" and insert "subdivisions 1 and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Mehrkens	Taylor
Belanger	Frederickson	Knutson	Olson	Ulland
Benson	Isackson	Kronebusch	Peterson,D.L.	
Berg	Johnson, D.E.	Laidig	Ramstad	
Bernhagen	Kamrath	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Frank	Luther	Peterson,R.W.	Spear
Berglin	Freeman	Moe, D. M.	Petty	Stumpf
Bertram	Hughes	Moe, R. D.	Pogemiller	Vega
Dahl	Johnson, D.J.	Nelson	Purfeerst	Waldorf
DeCramer	Jude	Novak	Reichgott	Wegscheid
Dicklich	Kroening	Pehler	Samuelson	Willet
Diessner	Langseth	Peterson,C.C.	Schmitz	
Dieterich	Lantry	Peterson,D.C.	Solon	

The motion did not prevail. So the amendment was not adopted.

H.F. No. 482 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 43 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Luther	Peterson, R. W.	Spear
Berglin	Hughes	McQuaid	Petty	Taylor
Dahl	Johnson, D.J.	Moe, D. M.	Pogemiller	Ulland
DeCramer	Jude	Moe, R. D.	Purfeerst	Vega
Dicklich	Kroening	Nelson	Ramstad	Waldorf
Diessner	Laidig	Novak	Reichgott	Wegscheid
Dieterich	Langseth	Pehler	Samuelson	Willet
Frank	Lantry	Peterson, C.C.	Schmitz	
Frederickson	Lessard	Peterson, D.C.	Solon	

Those who voted in the negative were:

Anderson	Bernhagen	Johnson, D.E.	Kronebusch	Renneke
Belanger	Bertram	Kamrath	Mehrkens	Stumpf
Benson	Frederick	Knaak	Olson	
Berg	Isackson	Knutson	Peterson, D.L.	

So the bill, as amended, passed and its title was agreed to.

RECONSIDERATION

Mr. Moe, R.D. moved that the vote whereby H.F. No. 91 failed to pass the Senate on April 27, 1983, be now reconsidered. The motion prevailed.

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.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

SPECIAL ORDER

S.F. No. 72: A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, sections 214.04, subdivision 1; 626.843, subdivision 1; 626.845, subdivision 1; and 626.849.

Was read the third time 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 0, as follows:

Those who voted in the affirmative were:

Benson	Hughes	Lessard	Peterson, R. W.	Stumpf
Berglin	Johnson, D.E.	Mehrrens	Petty	Taylor
Bertram	Johnson, D.J.	Moe, D. M.	Purfeerst	Ulland
Chmielewski	Knaak	Moe, R. D.	Ramstad	Vega
DeCramer	Kroening	Nelson	Renneke	Waldorf
Dicklich	Kronebusch	Novak	Schmitz	Wegscheid
Dieterich	Langseth	Pehler	Solon	Willet
Freeman	Lantry	Peterson, D.C.	Spear	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 513: A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1 and 3; 204B.16, by adding a subdivision; and 206.21, subdivision 3.

Ms. Peterson, D.C. moved that the amendment made to H.F. No. 513 by the Committee on Rules and Administration in the report adopted April 14, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 513 was read the third time 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:

Adkins	Dicklich	Knutson	Novak	Solon
Anderson	Diessner	Kroening	Olson	Spear
Belanger	Dieterich	Kronebusch	Pehler	Stumpf
Benson	Frank	Langseth	Peterson, D.C.	Taylor
Berg	Freeman	Lantry	Peterson, D.L.	Ulland
Berglin	Hughes	Lessard	Petty	Vega
Bernhagen	Isackson	Luther	Pogemiller	Waldorf
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Wegscheid
Chmielewski	Johnson, D.J.	Mehrrens	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 830: A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, sections 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; 327B.07, subdivision 1; and 327B.09, subdivisions 1 and 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Solon
Belanger	Dieterich	Kronebusch	Olson	Spear
Benson	Frank	Laidig	Pehler	Stumpf
Berg	Frederick	Langseth	Peterson, D.C.	Taylor
Berglin	Freeman	Lantry	Peterson, D.L.	Ulland
Bernhagen	Hughes	Luther	Peterson, R.W.	Vega
Bertram	Isackson	McQuaid	Petty	Waldorf
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Merriam	Purfeerst	Willet
Davis	Jude	Moe, D. M.	Ramstad	
DeCramer	Knaak	Moe, R. D.	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 673: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

Was read the third time 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:

Adkins	Frank	Laidig	Olson	Spear
Anderson	Frederick	Langseth	Pehler	Stumpf
Belanger	Freeman	Lantry	Peterson, D.C.	Taylor
Bernhagen	Hughes	Lessard	Peterson, R.W.	Ulland
Bertram	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	
Dicklich	Knaak	Moe, R. D.	Renneke	
Diessner	Kroening	Nelson	Schmitz	
Dieterich	Kronebusch	Novak	Solon	

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 592: A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, D. M.	Reichgott
Anderson	Diessner	Knutson	Moe, R. D.	Renneke
Belanger	Dieterich	Kroening	Nelson	Schmitz
Benson	Frank	Kronebusch	Novak	Solon
Berg	Frederick	Laidig	Olson	Spear
Berglin	Freeman	Langseth	Pehler	Stumpf
Bernhagen	Hughes	Lantry	Peterson, D.C.	Taylor
Bertram	Isackson	Lessard	Peterson, D.L.	Ulland
Chmielewski	Johnson, D.E.	Luther	Peterson, R.W.	Vega
Dahl	Johnson, D.J.	McQuaid	Petty	Waldorf
Davis	Jude	Mehrkens	Purfeerst	Wegscheid
DeCramer	Kamrath	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 616: A bill for an act relating to the council for the handicapped; providing for appointment of members to the council; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

Was read the third time 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:

Adkins	Dicklich	Knaak	Moe, D. M.	Reichgott
Anderson	Diessner	Knutson	Moe, R. D.	Renneke
Belanger	Dieterich	Kroening	Nelson	Schmitz
Benson	Frank	Kronebusch	Novak	Solon
Berg	Frederick	Laidig	Olson	Spear
Berglin	Freeman	Langseth	Pehler	Stumpf
Bernhagen	Hughes	Lantry	Peterson, D.C.	Taylor
Bertram	Isackson	Lessard	Peterson, D.L.	Ulland
Chmielewski	Johnson, D.E.	Luther	Peterson, R.W.	Vega
Dahl	Johnson, D.J.	McQuaid	Petty	Waldorf
Davis	Jude	Mehrkens	Purfeerst	Wegscheid
DeCramer	Kamrath	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 927: A bill for an act relating to Independent School District No. 709; providing for withdrawal of clerical workers from civil service; amending Laws 1967, chapter 252, section 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Nelson	Schmitz
Anderson	Dieterich	Kronebusch	Novak	Solon
Belanger	Frank	Laidig	Olson	Spear
Benson	Freeman	Langseth	Pehler	Stumpf
Berg	Hughes	Lantry	Peterson, D. C.	Taylor
Bernhagen	Isackson	Lessard	Peterson, R. W.	Ulland
Bertram	Johnson, D. E.	Luther	Petty	Vega
Chmielewski	Johnson, D. J.	McQuaid	Pogemiller	Waldorf
Dahl	Jude	Mehrkens	Purfeerst	Wegscheid
Davis	Kamrath	Merriam	Ramstad	Willet
DeCramer	Knaak	Moe, D. M.	Reichgott	
Dicklich	Knutson	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 755: A bill for an act relating to agriculture; making changes in the artificial dairy products act; amending Minnesota Statutes 1982, sections 32.53; 32.531; 32.5311; 32.532; 32.533; and proposing new law coded in Minnesota Statutes, chapter 32.

Was read the third time 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:

Adkins	Diessner	Kroening	Olson	Solon
Anderson	Dieterich	Kronebusch	Pehler	Spear
Belanger	Frank	Laidig	Peterson, D. C.	Stumpf
Benson	Frederick	Langseth	Peterson, D. L.	Taylor
Berg	Frederickson	Lantry	Peterson, R. W.	Ulland
Berglin	Freeman	Lessard	Petty	Vega
Bernhagen	Hughes	Luther	Pogemiller	Waldorf
Bertram	Isackson	McQuaid	Purfeerst	Wegscheid
Chmielewski	Johnson, D. E.	Mehrkens	Ramstad	Willet
Dahl	Johnson, D. J.	Merriam	Reichgott	
Davis	Kamrath	Moe, D. M.	Renneke	
DeCramer	Knaak	Moe, R. D.	Schmitz	
Dicklich	Knutson	Novak	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 530: A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

Was read the third time 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:

Adkins	Dieterich	Kroening	Novak	Spear
Anderson	Frank	Kronebusch	Olson	Stumpf
Belanger	Frederick	Laidig	Peterson, D.L.	Taylor
Benson	Frederickson	Langseth	Petty	Ulland
Berg	Freeman	Lantry	Pogemiller	Vega
Berglin	Isackson	Lessard	Purfeerst	Waldorf
Bernhagen	Johnson, D.E.	Luther	Ramstad	Wegscheid
Bertram	Johnson, D.J.	McQuaid	Reichgott	Willet
Chmielewski	Jude	Mehrkens	Renneke	
Dahl	Kamrath	Merriam	Schmitz	
DeCramer	Knaak	Moe, D. M.	Sieloff	
Diessner	Knutson	Moe, R. D.	Solon	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 859: A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

Was read the third time 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:

Adkins	Dieterich	Knutson	Moe, D. M.	Schmitz
Anderson	Frank	Kroening	Moe, R. D.	Sieloff
Belanger	Frederick	Kronebusch	Nelson	Solon
Benson	Frederickson	Laidig	Novak	Spear
Berg	Freeman	Langseth	Olson	Taylor
Berglin	Isackson	Lantry	Peterson, D.L.	Ulland
Bernhagen	Johnson, D.E.	Lessard	Petty	Vega
Bertram	Johnson, D.J.	Luther	Pogemiller	Waldorf
Chmielewski	Jude	McQuaid	Purfeerst	Wegscheid
DeCramer	Kamrath	Mehrkens	Ramstad	Willet
Diessner	Knaak	Merriam	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 923: A bill for an act relating to libraries; prohibiting the theft or damage of library materials; restricting tort liability for public libraries; prescribing a penalty; amending Minnesota Statutes 1982, section 466.01, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 609.

Was read the third time 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Moe, D. M.	Solon
Anderson	Frank	Kroening	Moe, R. D.	Spear
Belanger	Frederick	Kronebusch	Olson	Taylor
Benson	Frederickson	Laidig	Peterson, D.L.	Ulland
Berg	Freeman	Langseth	Petty	Vega
Berglin	Isackson	Lantry	Pogemiller	Waldorf
Bernhagen	Johnson, D.E.	Lessard	Purfeerst	Wegscheid
Bertram	Johnson, D.J.	Luther	Ramstad	Willet
Chmielewski	Jude	McQuaid	Renneke	
DeCramer	Kamrath	Mehrkens	Schmitz	
Diessner	Knaak	Merriam	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 782: A bill for an act relating to highway traffic regulations; providing a penalty for the operation of a vehicle in a manner that endangers or is likely to endanger persons; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

Mr. Wegscheid moved to amend S.F. No. 782 as follows:

Page 1, line 16, after the comma, insert "*or property*"

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Wegscheid moved that the vote whereby the Wegscheid amendment to S.F. No. 782 was adopted on April 27, 1983, be now reconsidered. The motion prevailed.

Mr. Wegscheid withdrew his amendment.

Mr. Wegscheid then moved to amend S.F. No. 782 as follows:

Page 1, line 15, after "*endanger*" insert "*any property or*"

Amend the title as follows:

Page 1, line 4, after "*endanger*" insert "*property or*"

The motion prevailed. So the amendment was adopted.

S.F. No. 782 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 46 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Lantry	Petty	Taylor
Anderson	Isackson	Lessard	Pogemiller	Ulland
Belanger	Johnson, D.E.	Luther	Purfeerst	Vega
Berglin	Johnson, D.J.	McQuaid	Ramstad	Waldorf
Bernhagen	Jude	Mehrkens	Renneke	Wegscheid
Bertram	Kamrath	Merriam	Samuelson	Willet
Chmielewski	Knutson	Moe, R. D.	Schmitz	
DeCramer	Kroening	Olson	Sieloff	
Frank	Laidig	Peterson, C.C.	Solon	
Frederickson	Langseth	Peterson, D.L.	Spear	

Those who voted in the negative were:

Benson Berg Frederick Knaak Kronebusch

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 302: A bill for an act relating to juveniles; authorizing juvenile courts to release information about certain delinquency adjudications and dispositions; amending Minnesota Statutes 1982, section 260.155, 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Olson	Spear
Anderson	Frederick	Kronebusch	Peterson, C.C.	Taylor
Belanger	Frederickson	Laidig	Peterson, D.L.	Ulland
Benson	Freeman	Langseth	Petty	Vega
Berg	Isackson	Lantry	Pogemiller	Waldorf
Berglin	Johnson, D.E.	Lessard	Purfeerst	Wegscheid
Bernhagen	Johnson, D.J.	Luther	Ramstad	Willet
Bertram	Jude	McQuaid	Renneke	
Chmielewski	Kamrath	Mehrkens	Schmitz	
DeCramer	Knaak	Merriam	Sieloff	
Diessner	Knutson	Moe, R. D.	Solon	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 519: A bill for an act relating to taxation; property; clarifying the valuation of agricultural land located in cities; amending Minnesota Statutes 1982, section 273.11, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Solon
Anderson	Dieterich	Kroening	Peterson, C.C.	Spear
Belanger	Frank	Kronebusch	Peterson, D.L.	Stumpf
Benson	Frederick	Laidig	Peterson, R.W.	Taylor
Berg	Frederickson	Langseth	Petty	Ulland
Berglin	Freeman	Lantry	Pogemiller	Vega
Bernhagen	Hughes	Lessard	Purfeerst	Waldorf
Bertram	Isackson	Luther	Ramstad	Wegscheid
Chmielewski	Johnson, D.E.	McQuaid	Reichgott	Willet
Dahl	Johnson, D.J.	Mehrkens	Renneke	
Davis	Jude	Merriam	Samuelson	
DeCramer	Kamrath	Moe, R. D.	Schmitz	
Dicklich	Knaak	Novak	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1006: A bill for an act relating to intoxicating liquor; authorizing

a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

Was read the third time 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:

Adkins	Dicklich	Knutson	Pehler	Solon
Anderson	Diessner	Kronebusch	Peterson, D.C.	Spear
Belanger	Dieterich	Langseth	Peterson, D.L.	Stumpf
Benson	Frank	Lantry	Peterson, R.W.	Taylor
Berg	Frederick	Lessard	Petty	Ulland
Berglin	Frederickson	Luther	Pogemiller	Vega
Bernhagen	Freeman	McQuaid	Purfeerst	Waldorf
Bertram	Hughes	Mehrkins	Ramstad	Wegscheid
Chmielewski	Isackson	Merriam	Reichgott	Willet
Dahl	Johnson, D.E.	Moe, R. D.	Samuelson	
Davis	Jude	Nelson	Schmitz	
DeCramer	Kamrath	Novak	Sieloff	

Those who voted in the negative were:

Knaak	Laidig	Moe, D. M.	Peterson, C.C.	Renneke
Kroening				

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 372: A bill for an act relating to claims against the state; providing for payment of various claims; 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Sieloff
Anderson	Dieterich	Kronebusch	Olson	Solon
Belanger	Frank	Laidig	Pehler	Spear
Benson	Frederick	Langseth	Peterson, C.C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D.C.	Taylor
Berglin	Freeman	Lessard	Peterson, R.W.	Ulland
Bernhagen	Hughes	Luther	Petty	Vega
Bertram	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkins	Purfeerst	Wegscheid
Dahl	Jude	Merriam	Ramstad	Willet
Davis	Kamrath	Moe, D. M.	Reichgott	
DeCramer	Knaak	Moe, R. D.	Renneke	
Dicklich	Knutson	Nelson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 689: A bill for an act relating to the town of St. Cloud; permitting

its division into urban and rural service districts.

Was read the third time 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:

Adkins	Dicklich	Kroening	Olson	Samuelson
Anderson	Diessner	Kronebusch	Pehler	Schmitz
Belanger	Dieterich	Laidig	Peterson, C. C.	Sieloff
Benson	Frank	Langseth	Peterson, D. C.	Solon
Berg	Freeman	Lantry	Peterson, D. L.	Spear
Berglin	Hughes	Lessard	Peterson, R. W.	Stumpf
Bernhagen	Isackson	Luther	Petty	Taylor
Bertram	Johnson, D. E.	McQuaid	Pogemiller	Ulland
Chmielewski	Jude	Merriam	Purfeerst	Vega
Dahl	Kamrath	Moe, D. M.	Ramstad	Waldorf
Davis	Knaak	Nelson	Reichgott	Wegscheid
DeCramer	Knutson	Novak	Renneke	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 91: A bill for an act relating to public utilities; providing for rights of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 91 was read the third time 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 21, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	McQuaid	Peterson, D. C.	Stumpf
Chmielewski	Hughes	Mehrkens	Peterson, R. W.	Taylor
Dahl	Johnson, D. J.	Merriam	Petty	Vega
Davis	Jude	Moe, D. M.	Pogemiller	Waldorf
DeCramer	Knaak	Moe, R. D.	Purfeerst	Wegscheid
Dicklich	Kroening	Nelson	Reichgott	Willet
Diessner	Lantry	Novak	Samuelson	
Dieterich	Lessard	Pehler	Solon	
Frank	Luther	Peterson, C. C.	Spear	

Those who voted in the negative were:

Adkins	Bernhagen	Johnson, D. E.	Olson	Sieloff
Anderson	Bertram	Kamrath	Peterson, D. L.	
Belanger	Frederick	Knutson	Ramstad	
Benson	Frederickson	Kronebusch	Renneke	
Berg	Isackson	Langseth	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 664: A bill for an act relating to the city of St. Cloud; authorizing

the creation of a downtown parking district; providing for its finances.

Was read the third time 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 5, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Solon
Anderson	Dieterich	Langseth	Peterson,C.C.	Spear
Belanger	Frank	Lantry	Peterson,D.C.	Stumpf
Berg	Frederickson	Lessard	Peterson,D.L.	Taylor
Berglin	Freeman	Luther	Petty	Vega
Bernhagen	Hughes	McQuaid	Pogemiller	Waldorf
Bertram	Isackson	Mehrrens	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	Moe, D. M.	Ramstad	Willet
Dahl	Jude	Moe, R. D.	Reichgott	
Davis	Kamrath	Nelson	Renneke	
DeCramer	Knutson	Novak	Samuelson	
Dicklich	Kroening	Olson	Schmitz	

Those who voted in the negative were:

Benson	Frederick	Knaak	Merriam	Peterson,R.W.
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So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1198: A bill for an act relating to state government; providing for deficiencies in appropriations for the expenses of state government with certain conditions; 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Langseth	Peterson,C.C.	Spear
Benson	Frederick	Lantry	Peterson,D.C.	Stumpf
Berg	Frederickson	Lessard	Peterson,D.L.	Taylor
Berglin	Freeman	Luther	Peterson,R.W.	Vega
Bernhagen	Hughes	McQuaid	Petty	Waldorf
Bertram	Isackson	Mehrrens	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Merriam	Purfeerst	Willet
Dahl	Johnson, D.J.	Moe, D. M.	Ramstad	
Davis	Jude	Moe, R. D.	Reichgott	
DeCramer	Kamrath	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 90: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and

highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

Mrs. Lantry moved to amend H.F. No. 90 as follows:

Page 1, line 15, after "vehicle" insert "*that is*" and before the comma insert "*and was equipped with factory-installed seat belts*"

Page 2, line 4, before the comma, insert "*in a seat of the motor vehicle that was equipped with a factory-installed seat belt*"

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend H.F. No. 90 as follows:

Page 2, line 16, after the period, insert "*Notwithstanding any law to the contrary, a violation of this subdivision does not involve the operation of a motor vehicle that must be reported to the department of public safety.*"

The motion prevailed. So the amendment was adopted.

H.F. No. 90 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 42 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Freeman	Lantry	Peterson, R.W.	Ulland
Dahl	Hughes	Luther	Petty	Vega
Davis	Johnson, D.J.	McQuaid	Pogemiller	Waldorf
DeCramer	Jude	Merriam	Purfeerst	Wegscheid
Dicklich	Knaak	Moe, R. D.	Reichgott	Willet
Diessner	Kroening	Nelson	Samuelson	
Dieterich	Kronebusch	Novak	Sieloff	
Frank	Laidig	Pehler	Solon	

Those who voted in the negative were:

Anderson	Bertram	Kamrath	Peterson, C.C.	Stumpf
Belanger	Chmielewski	Knutson	Peterson, D.L.	Taylor
Benson	Frederickson	Lessard	Ramstad	
Berg	Isackson	Mehrkens	Renneke	
Bernhagen	Johnson, D.E.	Olson	Schmitz	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 189: A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Mr. Vega moved that the amendment made to H.F. No. 189 by the Committee on Rules and Administration in the report adopted April 13, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Freeman moved to amend H.F. No. 189 as follows:

(The text of the amended House File is identical to S.F. No. 411)

Page 6, line 6, strike everything after "choice"

Page 6, strike line 7

Page 6, line 8, strike the old language and delete the new language

Page 6, line 9, strike everything before the period and insert ", by consumers participating in the program, of the device, method, or material constituting the energy conservation improvement and for a free choice of the seller, installer, or contractor of the energy conservation improvement, provided that the device, method, material, seller, installer, or contractor is duly licensed, certified, approved, or qualified, including under the residential conservation services program, where applicable"

The motion prevailed. So the amendment was adopted.

H.F. No. 189 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 25 and nays 38, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Kroening	Moe, R. D.	Schmitz
Dahl	Freeman	Lantry	Novak	Solon
Davis	Hughes	Luther	Peterson, D.C.	Spear
DeCramer	Johnson, D.J.	Merriam	Peterson, R.W.	Waldorf
Dicklich	Jude	Moe, D. M.	Pogemiller	Willet

Those who voted in the negative were:

Adkins	Diessner	Knutson	Peterson, C.C.	Sieloff
Anderson	Frank	Kronebusch	Peterson, D.L.	Stumpf
Belanger	Frederick	Laidig	Petty	Taylor
Benson	Frederickson	Langseth	Purfeerst	Uiland
Berg	Isackson	Lessard	Ramstad	Vega
Bernhagen	Johnson, D.E.	McQuaid	Reichgott	Wegscheid
Bertram	Kamrath	Mehrkens	Renneke	
Chmielewski	Knaak	Olson	Samuelson	

So the bill, as amended, failed to pass.

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 Messages From the House. The motion prevailed.

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. 280: A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new

law coded as Minnesota Statutes, chapter 13A.

Senate File No. 280 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 280, 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 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. 61: A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, and 14.

There has been appointed as such committee on the part of the House:

Brandl, Vanasek and Bishop.

Senate File No. 61 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

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. 267: A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the

process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.04.

There has been appointed as such committee on the part of the House:

Scheid, Osthoff and Schreiber.

Senate File No. 267 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

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. 708: A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17, subdivision 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05; 345.06; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 347.05; 347.06;

357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

There has been appointed as such committee on the part of the House:

Clawson, Gustafson and McKasy.

Senate File No. 708 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 30:

H.F. No. 30: A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Skoglund, Kostohryz and Burger have been appointed as such committee on the part of the House.

House File No. 30 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 27, 1983

Ms. Peterson, D.C. moved that H.F. No. 30 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 76.

H.F. No. 76: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

And the House respectfully requests that a Conference Committee of five members be appointed thereon:

Long; Nelson, D.; Munger; Anderson, R. and Sieben have been appointed as such committee on the part of the House.

House File No. 76 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 27, 1983

Mr. Merriam moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 76, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 251.

H.F. No. 251: A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; updating obsolete language; clarifying ambiguous language; amending Minnesota Statutes 1982, section 423A.01, subdivisions 2 and 4.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Rodriguez, F.; Clawson and Wigley have been appointed as such committee on the part of the House.

House File No. 251 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 27, 1983

Mr. Frederickson moved that the Senate accede to the request of the

House for a Conference Committee on H.F. No. 251, 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Dicklich moved that the name of Mr. Merriam be added as a co-author to S.F. No. 60. 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. Kamrath introduced—

S.F. No. 1208: A resolution memorializing the United States Congress to support Beam-Weapon Missile Defense Development.

Referred to the Committee on Veterans and General Legislation.

Mr. Kamrath introduced—

S.F. No. 1209: A bill for an act relating to energy; providing continued funding for the warm room program pilot study; appropriating money.

Referred to the Committee on Energy and Housing.

Messrs. Bertram, Benson, Nelson, Anderson and Frederick introduced—

S.F. No. 1210: A bill for an act relating to taxation; clarifying the term agricultural production for purposes of the sales tax; prohibiting certain retroactive imposition of tax, penalty, and interest; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mrs. McQuaid introduced—

S.F. No. 1211: A bill for an act relating to property taxation; providing for the taxation of certain condominium property; amending Minnesota Statutes 1982, sections 273.11, subdivision 1, and by adding a subdivision; and 515A.1-105.

Referred to the Committee on Taxes and Tax Laws.

Mrs. McQuaid introduced—

S.F. No. 1212: A bill for an act relating to taxation; exempting certain income of elderly persons from taxation; amending Minnesota Statutes 1982, section 290.01, subdivision 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ramstad and Ulland introduced—

S.F. No. 1213: A bill for an act relating to taxation; providing a maximum income tax rate of 12 percent for individuals, estates, and trusts; amending Minnesota Statutes 1982, section 290.06, subdivisions 2c and 2d.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Storm was excused from the Session of today. Messrs. Davis and Merriam were excused from the Session of today from 10:00 a.m. to 3:00 p.m. Messrs. Laidig and Ramstad were excused from the Session of today from 10:00 a.m. to 11:00 a.m. Messrs. Berg, Pehler and Solon were excused from the Session of today until 10:30 a.m. Mr. Novak was excused from the Session of today from 11:30 a.m. to 12:00 noon. Mrs. Brataas was excused from the Session of today until 12:30 p.m. and from this evening's Session. Mr. Sieloff was excused from the Session of today from 1:00 p.m. to 3:00 p.m. Mr. Samuelson was excused from this evening's Session from 7:30 p.m. to 8:45 p.m. Messrs. Dahl, Frank, Jude, Laidig, Luther, Merriam, Pehler, Peterson, R.W., Mrs. Adkins and Ms. Olson were excused from this evening's Session from 7:30 p.m. to 8:00 p.m. Messrs. Dahl, Davis, Dicklich, Dieterich, Diessner, Hughes, Pehler, Ms. Peterson, D.C., Mr. Peterson, R.W., Ms. Reichgott and Mr. Stumpf were excused from this evening's Session from 8:30 p.m. to 9:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 28, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 28, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Monsignor Terrence J. Murphy.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Knutson	Nelson	Renneke
Anderson	Dieterich	Kroening	Novak	Samuelson
Belanger	Frank	Kronebusch	Olson	Schmitz
Benson	Frederick	Laidig	Pehler	Sieloff
Berg	Frederickson	Langseth	Peterson, C.C.	Solon
Berglin	Freeman	Lantry	Peterson, D.C.	Spear
Bernhagen	Hughes	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Petty	Ulland
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Davis	Jude	Merriam	Purfeerst	Waldorf
DeCramer	Kamrath	Moe, D.M.	Ramstad	Wegscheid
Dicklich	Knaak	Moe, R.D.	Reichgott	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

The following communications were received and referred to the committee indicated.

April 22, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment as Commissioner of Veterans' Affairs is hereby respectfully submitted to the Senate for confirmation as required by law:

James H. Main, 1575 Crest Drive, Chaska, Carver County, has been ap-

pointed by me, effective January 3, 1983, for a term expiring the first Monday in January, 1987.

(Referred to the Committee on Veterans and General Legislation.)

Sincerely,

Rudy Perpich, Governor

April 22, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1195.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 148, 464, 611, 653 and 854.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 270, 380, 904, 1101, 521 and 1171.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 27, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 270: A bill for an act relating to agriculture; providing that certain agricultural operations are not private or public nuisances; amending Minnesota Statutes 1982, section 561.19, subdivision 2; repealing Minnesota Statutes 1982, section 561.19, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 84, now on Special Orders.

H.F. No. 380: A bill for an act relating to negligence; regulating the liability of good samaritans; amending Minnesota Statutes 1982, section 604.05.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 373, now on Special Orders.

H.F. No. 904: A bill for an act relating to transportation; establishing collective rate-making procedure for motor vehicle carriers; proposing new law coded in Minnesota Statutes, chapter 221.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 904, now on Special Orders.

H.F. No. 1101: A bill for an act relating to natural resources; authorizing the commissioner to sell to or exchange surplus tree planting stock with other states and the federal government under certain circumstances; amending Minnesota Statutes 1982, section 89.36, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 922, now on Special Orders.

H.F. No. 521: A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 51A.23, subdivisions 6 and 7; 51A.51, subdivisions 2 and 3a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.001, subdivision 3; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20; proposing new law coded in Minnesota Statutes, chapter 47.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 853.

H.F. No. 1171: A bill for an act relating to taxation; clarifying the income tax treatment of certain debt obligations of state and local governments; amending Minnesota Statutes 1982, sections 80A.09, subdivision 1; 115A.69, subdivision 6; 116A.25; 116J.89, subdivision 6; 136.32; 136A.179; 136A.39; 193.146, subdivision 4; 272.02, subdivision 1; 362A.07; 447.35; 447.49; 458.193, subdivision 6; 458A.05, subdivision 6; 458A.09; 462.191, subdivision 3; 462.551; 462A.19, subdivision 1; 472.09, subdivision 4; 473.436, subdivision 6; 473.448; 473.545; and 473.666; repealing Minnesota Statutes 1982, sections 116J.89, subdivision 7; 462A.19, subdivision 2; and 474.12.

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. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1008: A bill for an act relating to courts; authorizing the appointment of court referees; removing term of office restrictions for district court judges assigned to the family court division of the fourth judicial district; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdivisions 1, 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 260.019, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 2

Page 4, line 7, delete "260.019, subdivision 3" and insert "484.701"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete line 4

Page 1, line 5, delete everything before "amending"

Page 1, line 7, delete "1,"

Page 1, line 9, delete "260.019, subdivision 3" and insert "484.701"

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. 1031: A bill for an act relating to agriculture; regulating commerce in seeds; establishing a seed laboratory for the regulatory and service testing of seeds; appropriating money; imposing penalties; proposing new law coded in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 1982, sections 21.47 to 21.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 1, lines 18, 20, and 25, delete "2 to 14" and insert "1 to 13"

Page 2, line 8, delete "each" and insert "two or more of which are"

Page 2, line 20, delete "blending" and insert "combining"

Page 2, line 24, delete "blending" and insert "combining"

Page 2, line 36, after "and" insert "the name of the person"

Page 3, line 33, delete "each" and insert "two or more of which are"

Page 6, line 13, delete "or tag"

Page 6, line 14, delete "statement" and insert "information"

Page 6, line 18, delete "4, 5, 6, 7"

Page 6, line 19, delete "and 8" and insert "3 to 9"

Page 6, delete lines 29 to 36

Page 7, delete lines 1 to 5

Page 7, line 6, delete "seed." and insert "(b)" and delete "shall be shown on the label"

Page 7, line 7, after "the" insert "name of the" and before the period, insert "or variety in the manner provided in subdivision 3"

Page 7, line 8, delete everything before the second "the" and insert "(c)"

Page 7; line 9, delete the quotation marks and before the period, insert "if the seed in the container is a blend"

Page 7, line 10, delete everything before the second "the" and insert "(d)"

Page 7, line 11, delete all quotation marks and before the period, insert "if the seed in the container is a mixture"

Page 7, delete lines 12 and 13

Page 7, line 14, delete "(b)" and insert "(e) The"

Page 7, line 15, delete "(c)" and insert "(f) The"

Page 7, line 16, delete "(d)" and insert "(g) The"

Page 7, line 21, delete "(e)" and insert "(h) The"

Page 7, line 22, delete ". They shall be" and insert a comma

Page 7, line 26, delete "(f)" and insert "(i) The"

Page 7, line 27, delete "other than those" and insert "not"

Page 7, line 28, delete ". They shall be" and insert a comma

Page 7, line 31, delete "(g)" and insert "(j) The"

Page 7, line 32, delete "(h)" and insert "(k) The"

Page 8, line 1, delete "(i)" and insert "(l)"

Page 8, line 6, delete "(j)" and insert "(m) The"

Page 8, after line 8, insert:

"Subd. 3. [HYBRIDS.] If a seed is labeled as a hybrid, the percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to

95 percent hybrid seed". No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed."

Page 8, line 27, delete "purposes"

Page 9, line 4, after "the" insert "following"

Page 9, line 5, delete "in clauses (a) to (c)"

Page 9, line 28, after "the" insert "following"

Page 9, line 29, delete "in clauses (a) to (d)" and delete everything after the period

Page 9, line 30, delete "label."

Page 10, after line 14, insert:

"(e) The origin may be omitted from the label."

Page 10, line 15, delete everything before "shall" and insert "For flower seeds, the following requirements apply:

(a) The label"

Renumber the subdivisions in sequence

Page 12, line 28, delete "4 or 5" and insert "3 or 4"

Page 12, lines 32 and 33, delete the quotation marks

Page 12, line 36, delete "2 to 14" and insert "1 to 13"

Page 13, delete lines 3 to 9 and insert "and for this purpose may hire temporary, part-time employees in unclassified positions subject to the approval of the commissioner of employee relations. Compensation for these employees shall be determined under section 43A.18, subdivision 1 or 2."

Page 13, lines 11, 14, 19, 21, 25 and 32, delete "2 to 14" and insert "1 to 13"

Page 13, line 15, delete "conveyor by" and after "air" insert "conveyance"

Page 13, line 16, delete "conveyor" and insert "conveyance"

Page 13, lines 30 and 36, delete the quotation marks

Page 13, line 36, delete everything after the period

Page 14, line 1, delete everything before the first "the" and delete the second "the"

Page 14, line 2, after "seed" insert "subject to a stop sale order"

Page 14, line 3, delete "prohibiting"

Page 14, line 4, delete everything before "in"

Page 14, line 5, delete everything after the period

Page 14, delete lines 6 and 7

Page 14, lines 9, 23 and 29, delete "2 to 14" and insert "1 to 13"

Page 14, line 9, after "seizure" insert "or condemnation"

Page 14, line 17, delete "*into compliance*" and insert "*to comply with sections 1 to 13*"

Page 14, line 18, delete "*When*" and delete "*applies*" and insert "*may apply*"

Page 14, line 19, after "*court*" insert "*of competent jurisdiction*"

Page 14, lines 20 to 21, delete "*2 to 14*" and insert "*1 to 13*"

Page 14, line 21, delete the comma and insert a period

Page 14, line 25, delete "*shall*" and insert "*may*" and delete "*without*" and insert "*until*"

Page 14, line 26, delete "*having*" and insert "*has had*"

Page 14, lines 34 to 35, delete "*2 to 14*" and insert "*1 to 13*"

Page 14, line 36, delete "*and*"

Page 15, line 1, delete "*alter*"

Page 15, line 3, delete "*make necessary*"

Page 15, line 4, delete everything before "*for*" and insert "*adopt rules pursuant to chapter 14*"

Page 15, line 5, delete "*2 to 14*" and insert "*1 to 13*" and delete "*shall*" and insert "*adopted under prior law relating to seed labeling and regulation*" and delete "*unless*"

Page 15, delete line 6 and insert "*until amended or repealed under this subdivision.*"

Page 15, line 11, delete everything after "*identification*" and insert a period

Page 15, delete lines 12 to 15

Page 15, line 29, delete "*4 and 5*" and insert "*3 and 4*"

Page 16, lines 6 and 21, delete "*4 and 5*" and insert "*3 and 4*"

Page 16, line 27, delete "*or*" and insert "*and*"

Page 17, line 6, delete "*6*" and insert "*5*"

Page 17, lines 9 and 10, delete "*4 and 5*" and insert "*3 and 4*"

Page 17, line 12, delete "*2 to 14*" and insert "*1 to 13*"

Page 17, line 13, delete the quotation marks

Page 17, lines 25 and 33, delete "*4 and 5*" and insert "*3 and 4*"

Page 18, line 2, delete "*4 and 5*" and insert "*3 and 4*"

Page 18, line 5, delete "*2 to 14*" and insert "*1 to 13*" and delete "*7*" and insert "*6*"

Page 18, line 7, before "*A*" insert "*Conviction of*" and delete "*by a person*" and insert "*of the same provision*"

Page 18, delete lines 9 to 13

Page 18, line 14, delete "*is not subject*"

Page 18, delete line 15

Page 18, line 16, before "*which*" insert "*who sells seeds*" and delete "*were*" and insert "*are*"

Page 18, line 18, after the second comma, insert "*is not subject to any penalty under subdivision 1*"

Page 18, line 19, delete "*he*" and insert "*the person*"

Renumber the subdivisions in sequence

Page 18, lines 25 and 27, delete "*2 to 14*" and insert "*1 to 13*"

Page 18, line 26, delete "*set by rule*" and insert "*establish*"

Page 18, lines 31 to 32, delete "*2 to 14*" and insert "*1 to 13*"

Page 18, line 33, delete "*ending*"

Page 18, line 34, delete "*June 30 and December 31 of each year*" and insert "*established by the commissioner*"

Page 19, line 1, delete "*semiannual*" and insert "*reporting*"

Page 19, line 6, delete "*of \$10*" and insert "*fee established by the commissioner*"

Page 19, line 7, delete "*semiannual*"

Page 19, line 9, delete "*semiannual*" and insert "*reporting*"

Page 19, lines 11 and 16, delete "*fee*"

Page 20, line 2, after "*The*" insert "*commissioner shall establish the*"

Page 20, line 2, delete "*shall*"

Page 20, line 3, delete "*be established by rule*"

Page 21, line 4, delete "*Should*" and insert "*If*"

Page 21, line 5, delete "*wish*" and insert "*wishes*"

Page 21, line 6, before "*the*" insert "*and*"

Page 21, line 7, after "*owner*" insert "*has*" and delete "*having*"

Page 21, line 8, delete "*not having any*" and insert "*has no*"

Page 21, line 10, delete "*is required*"

Page 21, line 11, delete "*to*" and insert "*shall*"

Page 21, line 13, delete "*Should*"

Page 21, line 14, delete "*be guilty*" and insert "*who is convicted*"

Page 21, line 16, delete "*, then the violator must*" and insert "*shall*"

Page 21, line 26, delete "*be determined by rule*" and insert "*at least equal 80 percent of the total revenue from all hybrid seed field corn variety registrations*"

Page 22, lines 5, 10 and 12, delete "*2 to 14*" and insert "*1 to 13*"

Page 22, line 7, delete "*16A.28 and the adjustments are not*" and insert "*16A.128*"

Page 22, line 8, delete "*subject to chapter 14*"

Page 22, line 12, delete "*If, at any time after June 30, 1984, this*"

Page 22, delete lines 13 to 24

Page 22, line 30, delete "*16*" and insert "*14*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "*appropriating money;*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 662: A bill for an act relating to economic development; creating the office of tourism; assigning powers and duties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, delete "*his or her*" and insert "*the governor's*"

Page 1, delete line 25

Page 2, delete lines 1 to 7

Page 2, line 8, delete "*(b)*"

Page 2, line 19, delete "*or his or her designee*"

Page 3, line 22, delete "*his or her*" and insert "*the*"

Page 3, line 23, after "*responsibilities*" insert "*provided by sections 1 to 8*"

Page 3, line 27, after "*upon*" insert "*and approved by the commissioner of administration*"

Page 4, line 5, delete "*of his or her office*"

Page 4, line 23, delete everything after the period and insert "*No money shall be expended for appearance in radio or television broadcasts by an elected public official.*"

Page 4, delete lines 24 and 25

Page 4, line 30, delete "*his or her*" and insert "*the director's*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 415: A bill for an act relating to state government; regulating judicial branch salaries; amending Minnesota Statutes 1982, section 15A.083, subdivisions 1 and 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 1982, section 3.855, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) Review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations pursuant to section 43A.18, subdivision 2 covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(b) Review and approve, reject or modify a plan for total compensation and terms and conditions of employment for employees of those positions identified as being managerial pursuant to section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A-;

(c) *Review and approve, reject or modify recommendations for salaries submitted by the governor pursuant to section 43A.18, subdivision 5, covering agency head positions listed in section 15A.081;*

(e) (d) Continually monitor the state's civil service system as provided for in chapter 43A, rules of the commissioner of employee relations and the collective bargaining process as provided for in sections 179.61 to 179.76, as applied to state employees;

(d) (e) Research and analyze the need for improvements in those statutory sections;

(e) (f) Adopt rules not inconsistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters;

(f) ~~Research and analyze insurance programs currently available to teachers and other public school employees in Minnesota and report to the legislature by December 1, 1982. The report shall include a summary of insurance benefit levels and costs, including health, dental, life and disability insurance; differences in the cost of providing like benefits in different regions of the state and in school districts of different sizes; and recommendations on the feasibility of providing a uniform coverage insurance program to all school districts in Minnesota; and~~

(g) Perform such other related functions as are delegated to it by the legislature.

Sec. 2. Minnesota Statutes 1982, section 3.922, subdivision 5, is amended to read:

Subd. 5. [OFFICERS, PERSONNEL.] The board shall annually elect a chairman and such other officers as it may deem necessary. The chairman shall have the authority to appoint subcommittees necessary to fulfill the duties of the board. It shall also employ, and prescribe the duties of such clerks, employees, and agents as it deems necessary. *The compensation of the executive director of the board shall be as provided by section 43A.18.* The chairman shall be an ex-officio member of the state board of human rights. The appropriations and other funds of this board are subject to the provisions of chapter 16. The board shall maintain its primary office in Bemidji and shall also maintain personnel and office space in St. Paul.

Sec. 3. Minnesota Statutes 1982, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. ~~The following salaries or salary ranges are provided for the below listed employees in the executive branch of government~~ *governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivision 5:*

	Salary or Range		
	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1981
Administration, department of commissioner	\$44,000	\$47,000	
Administrative hearings office chief hearing examiner	38,000	40,000	
Agriculture, department of commissioner	38,000	40,000	
Commerce, department of commissioner of banks	34,000	36,500	
commissioner of insurance	34,000	36,500	
commissioner of securities and real estate	34,000	36,500	
director of consumer services	28,000	30,000	
Community college system chancellor	44,000	46,000	
Corrections, department of commissioner	42,000	45,000	
ombudsman	33,000	35,000	
Economic security, department of commissioner	43,000	45,000	
Education, department of			

commissioner	43,000	45,000	
Energy, planning and development department of commissioner			46,000
Finance, department of commissioner	48,000	50,000	
Health, department of commissioner	47,000	49,000	
Higher education coordinating board executive director	40,000	42,000	
Housing finance agency executive director	39,000	41,000	
Human rights, department of commissioner	31,000	33,000	
Indian affairs board executive director	27,000	29,000	
Iron range resources and rehabilitation board commissioner	30,000	31,000	
Labor and industry, department of commissioner	38,000	40,000	
judge of the workers' compensation court of appeals	38,000	40,000	
Mediation services, bureau of director	36,000	38,000	
Natural resources, department of commissioner	44,000	47,000	
Personnel, department of commissioner	44,000	47,000	
Pollution control agency director	38,000	40,000	
Public safety, department of commissioner	38,000	41,000	
Public service, department of commissioner, public utilities commission director	34,000 34,000	36,000 36,000	
Public welfare, department of commissioner	44,000	48,000	

department of commissioner	44,000	47,000
State university system chancellor	44,000	46,000
Transportation, department of commissioner	44,000	48,000
Transportation; regulation board, board member	32,000	
Veterans affairs, department of commissioner	31,000	33,000

Salary Range
Effective
July 1, 1983

\$57,500-\$70,000

Commissioner of education;
Commissioner of finance;
Commissioner of transportation;
Commissioner of public welfare;
Chancellor, community college system;
Chancellor, state university system;
Executive secretary, state board of
investment;

\$50,000-\$60,000

Commissioner of administration;
Commissioner of agriculture;
Commissioner of corrections;
Commissioner of economic security;
Commissioner of employee relations;
Commissioner of energy, planning and
development;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of revenue;
Commissioner of public safety;
Executive director, higher education
coordinating board;
Executive director, housing finance
agency;
Executive director, teacher's
retirement association;
Executive director, state retirement
system;

\$40,000-\$52,500

Commerce department
Commissioner of banks;
Commissioner of insurance;
Commissioner of securities and real
estate;
Director of consumer services;
Commissioner of human rights;
Director, department of public service;
Commissioner of veterans' affairs;

Chief hearing examiner, office of administrative hearings;
 Executive director, education computing consortium;
 Executive director, environmental quality board;
 Director, bureau of mediation services;
 Director, pollution control agency;
 Commissioner, public utilities commission;
 Member, transportation regulation board;
 Chairperson, waste management board;
 Director, zoological gardens.

Sec. 4. Minnesota Statutes 1982, section 15A.081, subdivision 6, is amended to read:

Subd. 6. The following salaries are provided for the constitutional officers of the state:

	Effective July 1, 1979	Effective July 1, 1980
Governor	\$62,000	\$66,500
Attorney general	52,500	56,000
Lieutenant governor	38,000	40,000
Auditor	34,000	36,000
Secretary of state	34,000	36,000
Treasurer	34,000	36,000

	Effective July 1 1983	Effective January 1 1984	Effective July 1 1984	Effective January 1 1985
Governor	\$68,625	\$70,750	\$72,875	\$75,000
Attorney general	57,625	59,250	60,875	62,500
Auditor	39,000	42,000	45,000	48,000
Treasurer	37,500	39,000	40,500	42,000
Secretary of state	37,500	39,000	40,500	42,000
Lieutenant governor	41,500	43,000	44,500	46,000

The salaries of the chief deputy attorney general, deputy auditor, deputy secretary of state and deputy treasurer shall be 95 percent of the salaries of their respective superior constitutional officers.

Sec. 5. Minnesota Statutes 1982, section 15A.081, subdivision 7, is amended to read:

Subd. 7. The following salaries are provided for officers of metropolitan agencies:

	Effective July 1, 1979	Effective July 1, 1980
Chairman, metropolitan council		
(part time)	\$21,000	\$22,500
(full time)	42,000	44,500
Chairman, metropolitan airports commission	10,500	11,500
Chairman, metropolitan		

transit commission				
(part-time)	18,000		19,000	
(full-time)	36,000		38,000	
Chairman, metropolitan waste control commission	16,000		17,000	
	<i>Effective</i>	<i>Effective</i>	<i>Effective</i>	<i>Effective</i>
	<i>July 1</i>	<i>January 1</i>	<i>July 1</i>	<i>January 1</i>
	<i>1983</i>	<i>1984</i>	<i>1984</i>	<i>1985</i>
Chairman, metropolitan council	\$45,875	\$47,250	\$48,575	\$50,000
Chairman, metropolitan airports commission	12,625	13,750	14,875	16,000
Chairman, metropolitan transit commission	40,000	42,000	44,000	46,000
Chairman, metropolitan waste control commission	17,750	18,500	19,250	20,000

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 6. [15A.082] [COMPENSATION COUNCIL.]

Subdivision 1. [CREATION.] A compensation council is created to assist the legislature in establishing the compensation of justices of the supreme court, and judges of the court of appeals, district court, county court, county municipal court, constitutional officers and members of the Minnesota legislature.

Subd. 2. [MEMBERSHIP.] The compensation council consists of twelve members: two members of the House of Representatives appointed by the speaker of the House of Representatives; two members of the Senate appointed by the majority leader of the Senate; one member of the House of Representatives appointed by the minority leader of the House of Representatives; one member of the Senate appointed by the minority leader of the Senate; and six members appointed by and serving at the pleasure of the governor, of whom no more than four may belong to the same political party. The members appointed by the governor shall be compensated as provided in section 15.059, subdivision 3. The legislative coordinating commission shall provide the council with administrative and support services.

Subd. 3. [SUBMISSION OF PLAN.] By January 1, 1984, the compensation council shall submit to the speaker of the House of Representatives and the president of the Senate a recommended compensation plan for justices of the supreme court, and judges of the court of appeals, district court, county court, county municipal court, constitutional officers, and legislators. The salary portion of a plan shall take effect January 1, 1985, unless the plan is modified or rejected in a bill passed by the legislature prior to January 1, 1985. If the legislature does not modify or reject the plan, the legislature shall be deemed to have prescribed compensation for members of the judiciary, constitutional officers, and members of the legislature.

Subd. 4. [EXPIRATION.] The compensation council shall expire on June 30, 1984.

Sec. 7. Minnesota Statutes 1982, section 15A.083, subdivision 1, is amended to read:

Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

	Effective July 1, 1979 1983	Effective July 1, 1980 1984
(1) Chief justice of the supreme court	\$56,000 \$65,000	\$59,000 \$73,000
(2) Associate justice of the supreme court	\$2,500 61,000	56,000 68,000
(3) Chief judge of the court of appeals	61,000	68,000
(4) Judge of the court of appeals	58,000	63,000
(3) (5) District judge, judge of county court (learned in the law), probate court, and county municipal court	45,000 53,000	48,000 58,000
(4) (6) Judge of a county court (not learned in the law)	29,500 40,000	31,500

Sec. 8. Minnesota Statutes 1982, section 15A.083, subdivision 2, is amended to read:

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (4) ~~Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.~~

(2) ~~Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota shall receive a salary of \$45,000, effective July 1, 1979, and \$48,000, effective July 1, 1980.~~

(3) ~~If any judge enumerated in this subdivision of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver, and Dakota or the county or probate court in St. Louis County dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.~~

Sec. 9. Minnesota Statutes 1982, section 15A.083, subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the state court administrator has been consulted in advance and his approval obtained. Any

salary increase that would adjust an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the state court administrator. *The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board in an amount not to exceed \$10,000 per year.*

	Salary or Range		
	Effective July 1, 1979	Effective July 1, 1980	Effective July 1, 1983
Public defender District court administrator	\$37,500	\$40,000	\$52,200
	27,000-37,500	28,500-40,000	36,000-48,000
County attorneys council executive director	22,000	32,000	23,500-34,000
Board on judicial standards executive director	36,000	38,000	32,000-44,000
State court administrator	44,500	47,000	45,500-58,000

Sec. 10. Minnesota Statutes 1982, section 43A.17, is amended by adding a subdivision to read:

Subd. 8. [ACCUMULATED VACATION LEAVE.] The commissioner of employee relations shall not adopt or approve a compensation plan pursuant to section 43A.18, subdivisions 2, 3, and 4, for payroll periods that begin after July 1, 1983, if the compensation plan permits an employee to be paid cash for accumulated vacation leave before separation from state service.

Sec. 11. Minnesota Statutes 1982, section 43A.18, subdivision 3, is amended to read:

*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. *The list shall not include positions listed in subdivision 4.* The commissioner shall annually submit the listing of positions to the chairperson of the legislative commission on employee relations for the commission's review and comment, and shall note on each listing the changes from the prior year.*

(a) The commissioner shall periodically prepare a plan 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 chapter 43A. ~~The plan 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.~~ Before becoming effective those portions of the plan establishing compensation and terms and conditions of employment shall be reviewed and approved or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commis-

sioner's plan in subdivision 2.

(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 plan shall also provide a procedure for establishment of a salary rate for a newly created position and a new appointee to an existing position and for progression through assigned salary ranges.* The employee benefits established under the provisions of the managerial plan may be extended to agency heads whose salaries are established in section 15A.081, subdivision 1, and to constitutional officers, judges of the workers' compensation court of appeals, and tax court judges.

(d) ~~The management plan shall include total compensation 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.~~

~~(e) 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 July 1, 1981 and whose position, as a result of Laws 1981, Chapter 210, 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.

Sec. 12. Minnesota Statutes 1982, section 43A.18, subdivision 4, is amended to read:

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 shall be within the limits of compensation plans which shall have been approved by the commissioner before becoming effective;

(b) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, attorney general, secretary of state, state auditor and state treasurer shall be determined by the governor, attorney general, secretary of state, state auditor and state treasurer, respectively;

(c) Total compensation for unclassified employees of the state board of investment shall be determined by the state board of investment;

(d) (c) Total compensation for unclassified positions pursuant to section

43A.08, subdivision 1, clause (h) 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

(e) (d) Total compensation for classified hearing examiners in the office of administrative hearings shall be determined by the chief hearing examiner.

Sec. 13. Minnesota Statutes 1982, section 43A.18, subdivision 5, is amended to read:

Subd. 5. [GOVERNOR TO SET RECOMMEND CERTAIN SALARIES.] ~~SET~~ The governor shall, on or before ~~January 31~~ *July 1* of each odd numbered year, submit to the legislative commission on employee relations recommendations for salaries *within the salary range* for the positions listed in ~~sections section 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;~~

(e) (b) In making recommendations, the governor shall consider only those criteria established in subdivision 7 8 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~~

(c) *Before the governor's recommended salaries shall take effect, the recommendations shall be reviewed and approved, rejected or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commissioner's plan in subdivision 2. The governor may also at any time propose changes in the salary rate of any positions covered by this subdivision, which shall be submitted and approved in the same manner as provided in this subdivision; 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.

Sec. 14. Minnesota Statutes 1982, section 43A.21, is amended by adding a subdivision to read:

Subd. 5. [CAREER EXECUTIVE SERVICE.] (a) *The commissioner shall designate persons in the classified service as eligible for inclusion in the career executive service. The positions shall include those which carry basic responsibilities for high level professional or scientific competence, policy*

determination, leadership, or the internal management and administration of a department or other major unit.

(b) The commissioner shall prepare a plan for training and development, and mobility of career executive service members consistent with applicable provisions of collective bargaining agreements. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14. The career executive service plan shall not contain additional compensation for members.

(c) No rights or tenure shall attach to a career executive service assignment. An incumbent in the career executive service may be removed from the service by the appointing authority, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, or political affiliation.

(d) An employee in career executive service on July 1, 1983, who is receiving compensation at a level beyond the maximum of the assigned salary range shall continue to receive that rate of pay until the rate is within the assigned salary range.

Sec. 15. Minnesota Statutes 1982, section 105.71, subdivision 2, is amended to read:

Subd. 2. The state board may employ such technical and professional personnel and such other agents and employees, permanent or temporary, as it may require, and shall determine their qualifications, and duties, and Compensation of employees shall be determined pursuant to chapter 43A. It shall have authority to prescribe the powers and duties of its officers and employees.

Upon request of the board for the purpose of carrying out any of its functions, the supervising officer of any state agency, or any state institution of learning, shall, insofar as it may be possible under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign or detail to the state board from the staff or personnel of the agency or institution of learning, and make such special reports, surveys or studies as the state board may request.

Sec. 16. Minnesota Statutes 1982, section 136.034, is amended to read:

136.034 [STATE UNIVERSITY SYSTEM; EXECUTIVE SALARIES.]

Notwithstanding the provisions of ~~chapters 15A and 43~~ chapter 43A, the state university board may establish executive salaries within the state university system, *except for the salary of the chancellor*, in accordance with a management compensation plan based on the level of responsibility and authority of various positions as well as appropriate market comparisons with similar positions in comparable public colleges and universities in the midwest.

The salary of the chancellor, *which shall be established pursuant to section 15A.081, subdivision 1*, is the upper limit of compensation for all other positions in the state university system.

The state university board shall survey compensation levels in comparable public colleges and universities in the midwest during the 1979-81 biennium and report necessary adjustments in the above level of compensation to the governor and legislature as part of its 1981-83 biennial budget request.

Sec. 17. Minnesota Statutes 1982, section 136A.03, is amended to read:

136A.03 [EXECUTIVE OFFICERS; EMPLOYEES.]

The higher education coordinating board may appoint an executive secretary or director as its principal executive officer, and such other officers and employees as it may deem necessary to carry out its duties. The executive secretary or director shall possess such powers and perform such duties as are delegated to him and shall serve in the unclassified service of the state civil service. *The salary of the executive director shall be established pursuant to section 15A.081, subdivision 1.* He shall be a person qualified by training and ability in the field of higher education or in educational administration. The board may also appoint other officers and professional employees who shall serve in the unclassified service of the state civil service and fix the salaries thereof which shall be commensurate with salaries in the classified service; ~~and shall also fix the salary of its principal executive officer.~~ All other employees shall be in the classified civil service.

An officer or professional employee in the unclassified service as provided in this section is a person who has studied higher education or a related field at the graduate level or has similar experience and who is qualified for a career in some aspect of higher education and for activities in keeping with the planning and administrative responsibilities of the board and who is appointed to assume responsibility for administration of educational programs or research in matters of higher education.

Sec. 18. Minnesota Statutes 1982, section 179.741, subdivision 1, is amended to read:

Subdivision 1. [STATE EMPLOYEES.] Subject to the provisions of section 179.742, subdivision 5, all appropriate units of state employees certified as of April 25, 1980 are abolished. The following shall be the appropriate units of executive branch state employees for the purposes of sections 179.61 to 179.76. All units shall exclude employees excluded by section 179.74, subdivision 4 and supervisory employees shall only be assigned to units 12 and 16. Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. No additional units of executive branch state employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of all sworn state patrol personnel, all uniformed conservation officers, and all criminal apprehension agents.

(2) Craft, maintenance, and labor unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982.*

(3) Service unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982.*

(4) Health care non-professional unit. This unit shall consist of those

classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(5) Health care professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.

(6) Clerical and office unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(7) Technical unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(8) Correctional Guards unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(9) State university instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(10) Community college instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(11) State university administrative unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(12) Professional engineering supervisory unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(13) Health treatment unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(14) General professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(15) Professional state residential instructional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

(16) Supervisory employees unit. This unit shall consist of those positions

assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980, as amended through ~~June 16, 1981~~ *May 4, 1982*.

Sec. 19. Minnesota Statutes 1982, section 244.09, subdivision 10, is amended to read:

Subd. 10. The commission may select and employ a research director who shall perform the duties the commission directs, including the hiring of any clerical help and other employees as the commission shall approve. The research director and other staff shall be in the unclassified service of the state and their ~~salary compensation shall be established by the commission pursuant to chapter 43A.~~ They shall be reimbursed for the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.

Sec. 20. Minnesota Statutes 1982, section 256.482, subdivision 2, is amended to read:

Subd. 2. [EXECUTIVE DIRECTOR; STAFF.] The council may select an executive director of the council by a vote of a majority of all council members. The executive director shall be in the unclassified service of the state and shall act as secretary to the council and shall perform such other duties as the council may require of him. The council shall approve employment of such clerical help and other employees as are necessary, upon the recommendation of the executive director. ~~Salaries~~ *The salary* for the executive director and staff shall be established ~~in the manner prescribed by chapter 45A, and pursuant to Chapter 43A.~~ The executive director shall be reimbursed for all actual and necessary expenses incurred as a result of his council responsibilities.

Sec. 21. Minnesota Statutes 1982, section 298.22, subdivision 1, is amended to read:

Subdivision 1. (1) The office of commissioner of iron range resources and rehabilitation is created. The commissioner shall be appointed by the governor under the provisions of section 15.06.

(2) The commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner. All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by section 298.28, subdivision 1. *The compensation of the commissioner shall be set by the legislative coordinating commission.*

(3) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in section 298.28, subdivision 1 as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 22. Minnesota Statutes 1982, section 326.241, subdivision 2, is amended to read:

Subd. 2. [POWERS.] The board shall have power to:

(1) Elect its own officers;

(2) Engage and fix the compensation of ~~such officers,~~ inspectors, and hire employees as it may see fit. *The salary of the executive secretary shall be established pursuant to chapter 43A.* All agents and employees other than contract inspectors shall be in the classified service and shall be compensated pursuant to chapter 43A. All inspectors shall hold licenses as master or journeyman electricians under section 326.242, subdivision 1(1) or subdivision 2(1), and shall give bond in an amount fixed by the board, conditioned upon the faithful performance of their duties.

(3) To pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies, and such like.

(4) To enforce the provisions of Laws 1967, Chapter 602, and provide, upon request, such additional voluntary inspections and reviews as it may deem appropriate.

(5) To issue, renew, refuse to renew, suspend and revoke licenses provided for in Laws 1967, Chapter 602.

(6) To adopt reasonable rules to carry out its duties under Laws 1967, Chapter 602 and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

Sec. 23. Minnesota Statutes 1982, section 352.03, subdivision 4, is amended to read:

Subd. 4. [DUTIES AND POWERS OF BOARD OF DIRECTORS.] It is the duty of the board and it has power to:

(1) Elect a chairman;

(2) Appoint an executive director;

~~(3) Fix the compensation of the executive director and the assistant executive director;~~

(4) (3) Establish rules and regulations for the administration of the provisions of chapters 3A, 352, 352B, 352C, 352D and 490 and transaction of the business of the system, all subject to the limitations of said chapter and the law;

~~(5)~~ (4) Consider and dispose of, or take such other action as the board of directors deems appropriate concerning denials of applications for annuities or disability benefits under this chapter, and complaints of employees and others pertaining to the retirement of employees and the operation of the system;

~~(6)~~ (5) Advise the director on any matters relating to the system and the carrying out of the functions and purposes of said chapter, which advice shall be controlling; and

The director and assistant director shall be in the unclassified service but

appointees may be selected from civil service lists if it is desired to do so. *The salary of the executive director shall be as provided by section 15A.081, subdivision 1. The salary of the assistant director shall be set in accordance with section 43A.18, subdivision 3.*

Sec. 24. Minnesota Statutes 1982, 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~~ *whose salary shall be as provided by section 15A.081, subdivision 1. The salary of the assistant executive director who shall be in the unclassified service, shall be set in accordance with section 43A.18, subdivision 3.* 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. 25. Minnesota Statutes 1982, section 422A.03, subdivision 2, is amended to read:

Subd. 2. The executive director may be removed by a four-sevenths vote of all members of the board at a meeting called for that purpose. Before exercising the power of removal, 15 days written notice shall be given to the executive director setting forth the cause for removal and stating the time and place where the charges will be heard. The hearing shall be open to the public. Other employees under the supervision of the board and employees appointed hereafter shall be subject to applicable civil service laws and rules of the city unless the board determines that they should be unclassified. The compensation *and fringe benefits* of the executive director and the other employees under the supervision of the board shall be fixed by the board, *subject to the approval of the city council.*

Sec. 26. Minnesota Statutes 1982, section 484.68, subdivision 6, is amended to read:

Subd. 6. [SALARY.] The salary of the district administrator shall be set by the state court administrator within the limits provided in section 15A.083, and shall be paid by the state. ~~The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year.~~ If an administrator dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 27. Laws 1980, chapter 564, article XII, section 1, subdivision 3, is amended to read:

Subd. 3. [WASTE MANAGEMENT BOARD.] 15,718,000
This appropriation is available for the following purposes:

(a) General Operations and Management. 718,000

Approved Complement - 14. These positions are in the unclassified service and their continuation is dependent upon the availability of money from appropriations in this subdivision. When these appropriations have been expended the positions shall be cancelled and the approved complement reduced accordingly. The annual salary of the full-time chairperson of the board shall be ~~\$45,000~~ established pursuant to section 15A.081, subdivision 1.

(b) Acquisition of Sites and Buffer Areas for Hazardous Waste Facilities.

6,200,000

This appropriation is from the state waste management fund, to be spent pursuant to article II, section 3, subdivision 4. Up to \$1,200,000 is available for expenditure before June 30, 1981 for costs of staff and independent professional services needed for the selection and acquisition of sites.

(c) Waste Processing Facility Demonstration Program.

8,800,000

This appropriation is from the state waste management fund, to be spent pursuant to article VI, sections 4 and 6. Up to 5 percent is available for administration and technical and professional services.

Sec. 28. [HIGHER EDUCATION SALARIES.]

Notwithstanding Laws 1981, chapter 359, sections 4 and 5, the salaries of the chancellor of the state university system and the chancellor of the community college system shall be established pursuant to section 15A.081, subdivision 1.

Sec. 29. [STATE EMPLOYEE RATIFICATION.]

Subdivision 1. [NEGOTIATED SUPPLEMENTAL AGREEMENTS.] The supplemental agreements negotiated between the state and the exclusive representatives of state bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, and 16, providing for early retirement incentives, which were given interim approval by the legislative commission on employee relations after adjournment of the 1982 legislature, are ratified.

Subd. 2. [COMMISSIONER'S PLAN.] The terms of the commissioner of employee relations' plan for unrepresented state employees, as amended and given interim approval by the legislative commission on employee relations after adjournment of the 1982 legislature, are ratified.

Sec. 30. [UNIVERSITY RATIFICATION.]

Subdivision 1. [EARLY RETIREMENT.] The supplemental labor agreements and other compensation plans approved by the board of regents, providing early retirement incentives for university of Minnesota employees, as approved by the legislative commission on employee relations after adjournment of the 1982 legislature, are ratified.

Subd. 2. [UNREPRESENTED EMPLOYEES SALARY SUPPLEMENTS.] The salary supplements provided in the university of Minnesota regents' compensation plans, as approved by the legislative commission on employee relations after adjournment of the 1982 legislature, are approved for the following groups of unrepresented employees: Twin Cities instructional, professional, supervisory, managerial, confidential nursing, clerical and office, technical, non-instructional, outstate instructional, and graduate assistants.

Subd. 3. [DULUTH AND WASECA.] The salary supplements provided in the labor agreement between the regents of the university of Minnesota and the university education association, representing the organized faculty at the Duluth and Waseca campuses, is ratified, as approved by the legislative commission on employee relations on January 31, 1983.

Sec. 31. [REPEALER.] Minnesota Statutes 1982, section 136A.035, is repealed.

Sec. 32. [EFFECTIVE DATE.]

Sections 13, 18, 29, and 30 are effective the day following final enactment. All other sections are effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to state government; providing for salaries for constitutional officers, agency heads, metropolitan agency heads, and certain judicial positions; establishing a compensation council; limiting local government salaries; prohibiting cash payments for accumulated vacation pay; expanding the authority of the commissioner of employee relations to set salaries; requiring the governor to recommend certain salaries; removing salary setting authority of certain state agencies; removing additional compensation for the career executive service; requiring approval of the Minneapolis city council of compensation and benefits of employees of the Minneapolis employees retirement fund board; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; amending Minnesota Statutes 1982, sections 3.855, subdivision 3; 3.922, subdivision 5; 15A.081, subdivisions 1, 6, and 7; 15A.083, subdivisions 1, 2, and 4; 43A.17, by adding a subdivision; 43A.18, subdivisions 3, 4, and 5; 43A.21, by adding a subdivision; 105.71, subdivision 2; 136.034; 136A.03; 179.741, subdivision 1; 244.09, subdivision 10; 256.482, subdivision 2; 298.22, subdivision 1; 326.241, subdivision 2; 352.03, subdivision 4; 354.06, subdivision 2; 422A.03, subdivision 2; 484.68, subdivision 6; and Laws 1980, chapter 564, article XII, section 1, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1982, section 136A.035."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 114: A bill for an act relating to crimes; prohibiting promotion of minors to engage in sexual performance; prohibiting dissemination and possession of works depicting minors in sexual performance; providing penalties; amending Minnesota Statutes 1982, sections 609.342; 609.343; 609.344; 609.345; 609.364, subdivision 2; 609.3641, subdivision 2; 609.3642, subdivision 2; 609.3643, subdivision 2; 609.3644, subdivision 2; 617.241; 617.246; repealing Minnesota Statutes 1982, section 617.247.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, delete section 5

Pages 6 to 10, delete sections 10 to 13 and insert:

“Sec. 9. Minnesota Statutes 1982, section 617.241, is amended to read:

617.241 [OBSCENE MATERIALS; DISTRIBUTION PROHIBITED; PENALTY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(a) “Obscene” means that the work, taken as a whole, appeals to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. In order to determine that a work is obscene, the trier of fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest in sex of the average person; (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (b); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(b) “Patently offensive sexual conduct” includes any of the following depicted sexual conduct:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadoomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.

(iv) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(c) “Community” means the political subdivision from which persons properly qualified to serve as jurors in a civil proceeding are chosen.

Subd. 2. [CRIME.] It is unlawful for any person knowingly to exhibit,

sell, print, offer to sell, give away, circulate, publish, distribute, or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image, instrument, statue, drawing, or other article which is obscene. ~~“Obscene” for the purpose of this section, is defined as follows: Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interests.~~

Subd. 3. [PENALTY.] Any person violating any provision of this section shall be fined up to \$5,000 for the first offense and up to \$10,000 for the second or a subsequent offense.

Sec. 10. Minnesota Statutes 1982, section 617.243, is amended to read:

617.243 [INDECENT LITERATURE, DISTRIBUTION.]

Subdivision 1. [PROHIBITED ACTIVITY.] ~~Any~~ *No* person, copartnership or corporation shall ~~not~~, as a condition to a sale or delivery for resale of any paper, magazine, book, comic, periodical or publication, require that the purchaser or consignee receive for resale any other article, book, comic or other publication reasonably believed by the purchaser or consignee to be obscene *as defined in section 617.241.*

Subd. 2. [PENALTY.] ~~The~~ *A* violation of ~~the provisions~~ of subdivision 1 is a gross misdemeanor.

Sec. 11. Minnesota Statutes 1982, section 617.246, is amended to read:

617.246 [PROHIBITING PROMOTION USE OF MINORS TO ENGAGE IN OBSCENE WORKS SEXUAL PERFORMANCE PROHIBITED.]

Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the terms defined in this subdivision ~~shall~~ have the meanings given them.

(b) “Minor” means any person ~~who has not attained his or her 18th birthday~~ *under the age of 18.*

(c) “Promote” means to produce, direct, publish, manufacture, issue, or advertise.

(d) “Sexual performance” means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts ~~patently offensive~~ sexual conduct as defined by clause (f) (e).

(e) ~~“An obscene work” is a picture, a film, photograph, negative, slide, drawing or similar visual representation depicting a minor, which taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. In determining whether or not a work is an obscene work the trier of the fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person; and (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (f); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political or scientific value.~~

(f) “Patently offensive Sexual conduct” ~~includes~~ *means* any of the follow-

ing ~~depicted sexual conduct~~ if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadoomasochistic abuse, meaning flagellation ~~or~~, torture, *or similar demeaning acts inflicted* by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals ~~including any explicit, close up representation of a human genital organ.~~

(iv) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(f) "Work" means an original or reproduction of a picture, film, photograph, negative, slide, videotape, videodisc, or drawing.

Subd. 2. [USE OF MINOR.] It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage in posing or modeling alone or with others in any sexual performance ~~for purposes of preparing an obscene work if the person knows or has reason to know that the conduct intended is a sexual performance.~~

~~A violation of this subdivision is a felony. Any person who violates this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000 for the first offense and \$10,000 for a second or subsequent offense, or both.~~

Subd. 3. [OPERATION OR OWNERSHIP OF BUSINESS.] A person who owns or operates a business in which ~~an obscene~~ a work depicting a minor in a sexual performance, as defined in this section, is disseminated, and who knows the content and character of the ~~obscene~~ work disseminated, is guilty of a felony *and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000 for the first offense and \$10,000 for a second or subsequent offense, or both.*

Subd. 4. [DISSEMINATION.] A person who, knowing *or with reason to know* its content and character, disseminates for profit ~~an obscene~~ a work depicting a minor in sexual performance, as defined in this section, is guilty of a felony *and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000 for the first offense and \$10,000 for a second or subsequent offense, or both.*

Subd. 5. [CONSENT; MISTAKE.] *Neither consent to sexual performance by a minor or his parent, guardian, or custodian nor mistake as to the minor's age is a defense to a charge of violation of this section.*

Sec. 12. Minnesota Statutes 1982, section 617.247, is amended to read:

617.247 [POSSESSION OF ~~OBSCENE~~ PICTORIAL REPRESENTATIONS OF MINORS.]

Subdivision 1. [POLICY; PURPOSE.] It is the policy of the legislature in

enacting this section to protect minors from the physical and psychological damage caused by their being used in ~~obscene~~ photographic representations of *sexual conduct which involves minors*. It is therefore the intent of the legislature to penalize possession of ~~obscene~~ photographic representations of *sexual conduct which involve minors* in order to protect the identity of minors who are victimized by involvement in ~~obscene~~ the photographic representations, and to protect minors from future involvement in ~~obscene~~ photographic representations of *sexual conduct*.

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(a) "Photographic representation" means an original or reproduction of a film, videotape, *videodisc*, photograph, negative, or slide.

(b) "Obscene" means that the work, taken as a whole, appeals to pedophiles or to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. In order to determine that a work is obscene, the trier of fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to pedophiles or to the prurient interest in sex of the average person; and (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (c); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(c) "Patently offensive Sexual conduct" includes any of *has* the following depicted sexual conduct if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal *meaning given to it in section 617.246*.

(ii) Sadoomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.

(iv) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Subd. 3. [DISSEMINATION PROHIBITED.] A person who disseminates an ~~obscene~~ a photographic representation of *sexual conduct which involves* a minor, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it, is guilty of a gross misdemeanor.

Subd. 4. [POSSESSION PROHIBITED.] A person who has in possession an ~~obscene~~ a photographic representation of *sexual conduct which involves* a minor, knowing or with reason to know its content and character and that an

actual minor is an actor or photographic subject in it, is guilty of a gross misdemeanor.

Subd. 5. [EXCEPTION.] This section does not apply to law enforcement officers, court personnel, licensed physicians and psychologists, and attorneys in the performance of their official duties the performance of official duties by peace officers, court personnel, or attorneys, nor to licensed physicians, psychologists, or social workers or persons acting at the direction of a licensed physician, psychologist, or social worker in the course of a bona fide treatment or professional education program.

Subd. 6. [CONSENT.] Consent to sexual performance by a minor or his parent, guardian, or custodian is not a defense to a charge of violation of this section.

Subd. 7. [SECOND OFFENSE.] If a person is convicted of a second or subsequent violation of this section within 15 years of the prior conviction, the court shall order a mental examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

Sec. 13. Minnesota Statutes 1982, section 617.298, is amended to read:

617.298 [OBSCENE MOTION PICTURES AT DRIVE-IN THEATRES; DEFINITIONS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section and section 617.299, the terms defined in this section have the meanings given them.

Subd. 2. [OBSCENE.] A motion picture is "Obscene" if:

(a) Considered as a whole, by an average person applying contemporary community standards, it is found to appeal predominantly to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; and

(b) Taken as a whole, it lacks serious literary, artistic, political, or scientific value; and

(c) It depicts or describes in a patently offensive way sexual conduct.

For the purpose of this subdivision, "community" means the political subdivision from which persons properly qualified to serve as jurors in a civil proceeding are chosen has the meaning given to it in section 617.241.

Subd. 3. [NUDITY.] "Nudity" means the showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of an uncovered, or less than opaquely covered, female breast below a point immediately above the top of the nipple (, or the breast with the nipple and immediately adjacent area only covered).

Subd. 4. "Sexual conduct" means any of the following depicted sexual conduct:

(a) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude, or clad in undergarments, a mask or bizarre costume, or the condition of being bound, fettered, or otherwise physically restrained on the part of one who is so clothed as an act of sexual stimulation or gratification;

(b) Human defecation or urination;

~~(c) The condition of human male or female genitals, or the breasts of the female when in a state of sexual stimulation, or the sensual experience of humans in engaging in or witnessing sexual conduct or nudity; or~~

~~(d) Human masturbation, sexual intercourse or sodomy, actual or simulated, or any touching of the genitals, pubic areas or buttocks of a human being, whether alone or between members of the same or opposite sex or between humans or animals in an act of apparent sexual stimulation or gratification.~~

Sec. 14. [REPEALER.]

Minnesota Statutes 1982, section 617.298, subdivision 4, is repealed.

Sec. 15. [EFFECTIVE DATE.]

The provisions of this act are effective the day after final enactment, and apply to crimes committed on or after that date.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "defining terms;"

Page 1, line 7, delete "609.364, subdivision 2;"

Page 1, line 9, after "617.241" insert "; 617.243"

Page 1, line 10, after "617.246" insert "; 617.247; and 617.298"

Page 1, line 11, delete "617.247" and insert "617.298, subdivision 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 557: 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 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. [14.625] [AWARD OF COSTS.]

Except in a case for the purpose of establishing or fixing a rate or for granting, renewing, suspending, or revoking a license, hearing examiners in contested cases, and courts in subsequent judicial review, may award costs, attorney fees, and witness fees under the circumstances set forth in section 549.21.

Sec. 2. Minnesota Statutes 1982, section 549.21, is amended to read:

549.21 [REIMBURSEMENT FOR CERTAIN COSTS IN CIVIL ACTIONS.]

Upon motion of a party, the court in its discretion may award to that party costs, disbursements, reasonable attorney fees, and witness fees if the party

or attorney against whom costs, disbursements, reasonable attorney and witness fees are charged acted in bad faith; asserted a claim or defense ~~knowing it to be that is frivolous and that is costly to the other party~~; asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass; or committed a fraud upon the court. ~~To qualify for an award under this section, a party shall give timely notice of intent to claim an award.~~ An award under this section shall be without prejudice and as an alternative to any claim for sanctions that may be asserted under the rules of civil procedure. Nothing herein shall authorize the award of costs, disbursements, or fees against a party or attorney advancing a claim or defense unwarranted under existing law, if it is supported by a good faith argument for an extension, modification, or reversal of the existing law.

A party under this section includes the state and its political subdivisions.

Sec. 3. [EFFECTIVE DATE.]

This act is effective on August 1, 1983, and applies to all civil actions or contested cases commenced on or after that date."

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete everything before the period and insert "amending Minnesota Statutes 1982, section 549.21; proposing new law coded in Minnesota Statutes, chapter 14"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 795: A bill for an act relating to crimes; providing for increases in maximum authorized fines for crimes and petty misdemeanors; amending Minnesota Statutes 1982, sections 609.02, subdivisions 3, 4, and 4a; and 609.03; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 19, reinstate the stricken language

Page 1, lines 19 and 20, delete the new language

Page 1, line 21, delete everything before the period

Pages 1 and 2, delete section 3

Page 2, line 20, delete "PETTY"

Page 2, line 21, delete "MISDEMEANORS;"

Page 2, delete lines 22 to 25

Page 2, line 26, delete "Subd. 2. [MISDEMEANORS.]"

Page 3, line 11, delete "(a)"

Page 3, line 12, after "fine" insert "specified by law as" and delete "\$2,000" and insert "January 1, 1983, for commission of a felony"

Page 3, line 13, delete "\$4,000" and insert "twice the amount of the fine specified by law"

Page 3, delete lines 14 to 36

Page 4, delete lines 1 to 4

Page 4, line 9, delete "8" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "3" delete the comma and insert "and" and delete ", and 4a"

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. 1092 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1092	1119				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1092 be amended as follows:

Page 2, line 14, reinstate the stricken language

Page 2, line 15, delete "\$10"

Page 2, line 20, delete "temporary" and insert "duplicate"

Page 2, line 22, delete "The"

Page 2, delete lines 23 to 28

Page 2, line 34, delete "temporary" and insert "duplicate"

And when so amended H.F. No. 1092 will be identical to S.F. No. 1119, and further recommends that H.F. No. 1092 be given its second reading and substituted for S.F. No. 1119, 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. 455 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
455	406				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 455 be amended as follows:

Page 1, line 35, delete everything after "the"

Page 1, line 36, delete "business and" and insert "regulation of"

Page 2, line 6, delete "Notwithstanding any law to the contrary,"

Page 2, lines 12 and 13, delete "as provided in chapter 43A"

Page 2, line 14, delete the semicolon and insert a comma and before the period insert "; COMMERCE COMMISSION; COMMERCE DEPARTMENT; COMMISSIONERS OF BANKS, INSURANCE, AND SECURITIES AND REAL ESTATE"

Page 2, delete lines 15 and 16

Page 2, line 30 to page 3, line 2, delete subdivision 2

Page 3, line 14, after "DELEGATION" insert "OF INSURANCE REGULATORY AUTHORITY"

Page 3, line 14, delete "may" and insert "shall"

Page 3, line 15, delete "or more" and delete "executive" and insert "deputy"

Page 3, line 16, delete ", including" and insert "relating to insurance as set forth in chapters 60A to 79, except for budget, personnel, and general administration. The delegation of authority includes"

Page 3, line 17, delete "final"

Page 3, after line 18, insert:

"Subd. 3. [DELEGATION OF FINANCIAL INSTITUTIONS REGULATORY AUTHORITY.] *The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to financial institutions as set forth in chapters 46 to 59A, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rule-making proceedings, and other hearings held under chapter 14.*

Subd. 4. [DELEGATION OF SECURITIES REGULATORY AUTHORITY.] *The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to securities as set forth in chapters 80A, 80B, and 80C, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.*

Subd. 5. [DELEGATION OF REAL ESTATE REGULATORY AUTHORITY.] *The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to real estate as set forth in chapters 82 and 83, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking pro-*

ceedings, and other hearings held under chapter 14.

Subd. 6. [REVIEW BY COMMISSIONER.] Notwithstanding any other law to the contrary, an order issued by a deputy commissioner under subdivisions 2 to 5 may be appealed to the commissioner or reviewed by the commissioner at his discretion within 15 days after receipt of the order. If no appeal is filed and no discretionary review is made, the deputy commissioner's order is the final order. Review of the appeal shall be on the record and shall be subject to the procedures prescribed by rule by the commissioner. Appeal of the commissioner's order, or the order of the deputy commissioner if no appeal is made to the commissioner, shall be as provided under the provisions of the administrative procedure act of chapter 14, unless otherwise provided by law."

Page 4, line 30, after "the" insert "*managerial or commissioner's plan or the*"

Page 5, line 18, strike "to the general fund"

Page 8, line 11, after "1982" insert a comma

Page 10, line 28 to page 11, line 28, delete section 21

Page 13, line 17, delete "34" and insert "30"

Page 13, line 22, after "the" insert "*managerial or commissioner's plan or the*"

Page 14, line 5 to page 17, line 6, delete section 26

Page 18, lines 9 to 14, delete section 28

Page 18, lines 26 to 33, delete section 30

Page 21, line 13, after "the" insert "*managerial or commissioner's plan or the*"

Page 21, line 23 to page 22, line 20, delete section 36

Page 25, line 1, strike "commerce" and insert "health"

Page 25, line 3, strike "commerce" and insert "health"

Page 25, line 31, delete "40" and insert "38"

Page 26, line 15, delete the period and insert a semicolon

Page 26, after line 15, insert:

"(h) 'department of administration' or 'commissioner of administration' where those terms appear in chapter 238; and"

Page 26, line 16, delete "(h)" and insert "(i)"

Delete page 26, line 31 to page 27, line 29

Page 27, line 32, after "45.16;" insert "45.17, subdivision 6;"

Page 27, line 35, delete "42" and insert "37"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "of" insert "administration," and delete "energy,"

Page 1, line 7, delete "planning and development,"

Page 1, line 14 delete "commissioner" and insert "commissioners" and after "and" insert "health and"

Page 1, line 18, delete "15A.081, subdivision 1;"

Page 1, line 21, delete "6,"

Page 1, line 22, delete "116J.03, subdivision 1;"

Page 1, line 24, delete "214.04, subdivision 1;"

Page 1, line 27, delete "chapters" and insert "chapter" and delete "and 116J.57;"

Page 1, line 29, after "45.16;" insert "45.17, subdivision 6;"

And when so amended H.F. No. 455 will be identical to S.F. No. 406, and further recommends that H.F. No. 455 be given its second reading and substituted for S.F. No. 406, 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. 1147 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1147	1096				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1147 be amended as follows:

Page 1, lines 9 to 20, delete section 1

Page 1, line 22, delete "6" and insert "4"

Page 2, line 21, delete "5" and insert "4"

Page 3, line 6, delete "5" and insert "4"

Page 3, line 9, delete "5" and insert "4" and delete "city" and insert "cities"

Page 3, line 12, delete "5" and insert "4"

Page 3, line 16, delete "of Richfield"

Page 3, line 19, delete "5" and insert "4"

Page 3, line 20, delete the second comma

Page 3, delete line 21

Page 3, line 22, delete everything before the period

Renumber the sections in sequence

And when so amended H.F. No. 1147 will be identical to S.F. No. 1096, and further recommends that H.F. No. 1147 be given its second reading and substituted for S.F. No. 1096, 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. 1008, 557 and 795 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 114, 1092, 455 and 1147 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 280. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

H.F. No. 462: A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

Mr. Dicklich moved to amend H. F. No. 462 as follows:

Page 1, after line 11, insert:

“Sec. 2. Laws 1955, chapter 633, section 1, subdivision 2, as amended by Laws 1978, chapter 468, section 1, is amended to read:

Subd. 2. [FEES.] For such certificate the county shall receive a compensation of ~~\$2~~ *not to exceed the fee established by Minnesota Statutes, section 272.46*, for each lot or parcel of land described in the certificate, ~~which~~. *The fee shall be prescribed by the county board and collected by the county auditor. Any number of contiguous tracts of land not exceeding one section, assessed as broad acres, or adjoining lots in the same block, in the city or village, shall be considered as one parcel of land or lot within the meaning of this section. All moneys received by the county auditor under this section shall immediately be paid by him to the county treasurer as hereinafter provided.*

Sec. 3. Laws 1951, chapter 391, section 2. is amended to read:

Sec. 2. Each of the county commissioners shall be allowed and paid in

addition to said salary, his actual and necessary traveling expenses incurred and paid by him in the discharge of his official duties, ~~not exceeding in any one calendar year the sum of \$900 for each commissioner.~~ Such traveling expenses shall be allowed by the county board upon duly verified and itemized bills in the same manner as other claims against the county.

Sec. 4. Laws 1959, chapter 301, section 1, as amended by Laws 1977, chapter 60, section 1, is amended to read:

Section 1. [ST. LOUIS COUNTY; AUTOMOBILE EXPENSE OF COMMISSIONERS.] County commissioners of St. Louis County are hereby authorized to pay themselves when they submit a certified claim to the board, for the use of their privately owned cars used in county business at the rate permitted by law, from the road and bridge fund of their respective districts, and said payments shall be over and above their general expenses for county business authorized by Laws 1951, chapter 391, section 2, ~~but not to exceed in any one calendar year the sum of \$1,800 for each commissioner.~~

Sec. 5. [CLERK OF ST. LOUIS COUNTY BOARD.]

Notwithstanding the provisions of Minnesota Statutes, section 384.09, or any other law to the contrary, the St. Louis county board may designate a person other than the county auditor to be clerk of the county board."

Page 1, line 14, delete "this act" and insert "section 1" .

Page 1, line 15, after the period, insert "Sections 2 to 5 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the St. Louis county board."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the period, insert "; providing that the county board set the fees for tax search certificates; providing for reimbursement of certain expenses of county commissioners; allowing the county board to designate a clerk other than the auditor; amending Laws 1951, chapter 391, section 2; Laws 1955, chapter 633, section 1, subdivision 2, as amended; and Laws 1959, chapter 301, section 1, as amended"

The motion prevailed. So the amendment was adopted.

H.F. No. 462 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 yes 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Sieloff
Anderson	Diessner	Knutson	Olson	Solon
Belanger	Dieterich	Kroening	Pehler	Spear
Benson	Frank	Kronebusch	Peterson, C.C.	Stumpf
Berg	Frederickson	Laidig	Peterson, D.C.	Taylor
Berglin	Freeman	Langseth	Peterson, R.W.	Ulland
Bernhagen	Hughes	Lantry	Pogemiller	Vega
Bertram	Isackson	Lessard	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Dahl	Johnson, D.J.	Mehrkens	Renneke	Willet
Davis	Jude	Merriam	Samuelson	
DeCramer	Kamrath	Moe, D. M.	Schmitz	

So the bill, as amended, passed and its title was agreed to.

H.F. No. 602: A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Samuelson
Anderson	Diessner	Knutson	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederickson	Laidig	Peterson, C. C.	Spear
Berglin	Freeman	Langseth	Peterson, D. C.	Stumpf
Bernhagen	Hughes	Lantry	Peterson, D. L.	Taylor
Bertram	Isackson	Lessard	Peterson, R. W.	Ulland
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, D. M.	Renneke	Willet

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.

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. 76: Messrs. Merriam; Peterson, R. W.; Luther; Petty and Berg.

S.F. No. 238: Messrs. Diessner, Merriam and Bernhagen.

S.F. No. 280: Mr. Merriam, Mrs. Lantry, Messrs. Spear, Petty and Johnson, D.E.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

SPECIAL ORDER

H.F. No. 318: A bill for an act relating to local government; regulating kinds of and charges for water and sewer facilities and services; amending Minnesota Statutes 1982, section 444.075, subdivisions 1 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Spear
Belanger	Frank	Laidig	Peterson, C.C.	Stumpf
Benson	Frederick	Langseth	Peterson, D.C.	Taylor
Berglin	Frederickson	Lantry	Peterson, D.L.	Ulland
Bernhagen	Freeman	Lessard	Petty	Vega
Bertram	Hughes	Luther	Pogemiller	Wegscheid
Chmielewski	Isackson	McQuaid	Purfeerst	Willet
Dahl	Johnson, D.E.	Mehrkens	Ramstad	
Davis	Jude	Merriam	Reichgott	
DeCramer	Kamrath	Moe, D. M.	Renneke	
Dicklich	Knaak	Moe, R. D.	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 725: A bill for an act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents; providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivisions 3 and 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

Mr. Schmitz moved to amend H.F. No. 725, as amended pursuant to Rule 49, adopted by the Senate April 14, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 818.)

Page 4, line 24, reinstate the stricken "of"

Page 5, line 10, delete "*estimated*" and insert "*appraised*"

Page 7, line 5, delete "*estimated*" and insert "*appraised*"

The motion prevailed. So the amendment was adopted.

H.F. No. 725 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:

Anderson	Dieterich	Kroening	Pehler	Sieloff
Belanger	Frank	Kronebusch	Peterson, C.C.	Solon
Benson	Frederick	Laidig	Peterson, D.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.L.	Stumpf
Berglin	Freeman	Lantry	Peterson, R.W.	Taylor
Bernhagen	Hughes	Lessard	Petty	Ulland
Bertram	Isackson	Luther	Pogemiller	Vega
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Moe, D. M.	Renneke	
Dicklich	Knaak	Novak	Samuelson	
Diessner	Knutson	Olson	Schmitz	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 915: A bill for an act relating to public safety; providing that the capitol complex security division of the department of public safety shall be responsible for the detection of crime in the capitol complex; providing benefits to survivors of security guards or guard supervisors employed by the capitol complex security division who are killed in the line of duty; exempting employees of the capitol complex security division from uniform color requirements; amending Minnesota Statutes 1982, sections 299C.46, subdivision 3; 352E.01, subdivision 2; and 626.88, subdivision 1; repealing Minnesota Statutes 1982, section 626.88, subdivision 3.

Mr. Wegscheid moved that S.F. No. 915, No. 23 on Special Orders, be stricken and re-referred to the Committee on Governmental Operations. The motion prevailed.

SPECIAL ORDER

H.F. No. 667: A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

Mr. Benson moved that the amendment made to H.F. No. 667 by the Committee on Rules and Administration in the report adopted April 18, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 667 was read the third time 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:

Adkins	Dieterich	Laidig	Pehler	Solon
Anderson	Frank	Langseth	Peterson, D.C.	Spear
Belanger	Frederick	Lantry	Peterson, D.L.	Stumpf
Benson	Frederickson	Lessard	Peterson, R.W.	Taylor
Berg	Freeman	Luther	Petty	Ulland
Berglin	Hughes	McQuaid	Pogemiller	Vega
Bernhagen	Isackson	Mehrkens	Purfeerst	Waldorf
Bertram	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Chmielewski	Jude	Moe, D. M.	Reichgott	Willet
Dahl	Kamrath	Moe, R. D.	Renneke	
Davis	Knaak	Nelson	Samuelson	
DeCramer	Kroening	Novak	Schmitz	
Diessner	Kronebusch	Olson	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 684: A bill for an act relating to administrative procedures; exempting certain rules from the requirement of approval by the revisor of statutes and related procedures; amending Minnesota Statutes 1982, section 14.38, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Sieloff
Belanger	Frank	Laidig	Peterson,C.C.	Solon
Benson	Frederick	Langseth	Peterson,D.C.	Spear
Berg	Frederickson	Lantry	Peterson,D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson,R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, D. M.	Reichgott	Willet
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 149: A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, 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:

Adkins	Dicklich	Knaak	Moe, R. D.	Reichgott
Anderson	Diessner	Knutson	Nelson	Renneke
Belanger	Dieterich	Kroening	Novak	Samuelson
Benson	Frank	Kronebusch	Olson	Schmitz
Berg	Frederick	Laidig	Pehler	Solon
Berglin	Frederickson	Lantry	Peterson,D.C.	Spear
Bernhagen	Freeman	Lessard	Peterson,D.L.	Stumpf
Bertram	Hughes	Luther	Peterson,R.W.	Taylor
Chmielewski	Isackson	McQuaid	Petty	Vega
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Davis	Jude	Merriam	Purfeerst	Wegscheid
DeCramer	Kamrath	Moe, D. M.	Ramstad	Willet

So the bill passed and its title was agreed to.

NOTICE OF RECONSIDERATION

Ms. Reichgott gave notice of her intention to move for reconsideration of

the vote whereby H.F. No. 667 was passed by the Senate on April 28, 1983.

SPECIAL ORDER

S.F. No. 932: A bill for an act relating to game and fish; removing the limitation on use of muzzle loading firearms to public lands only; amending Minnesota Statutes 1982, section 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Samuelson
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Spear
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Luther	Peterson, R.W.	Taylor
Bertram	Isackson	McQuaid	Petty	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Dahl	Jude	Merriam	Purfeerst	Waldorf
Davis	Kamrath	Moe, D. M.	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R. D.	Reichgott	Willet
Dicklich	Knutson	Nelson	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 879: A bill for an act relating to courts; increasing mileage allowances for jurors; amending Minnesota Statutes 1982, section 593.48.

Mr. Wegscheid moved to amend S.F. No. 879 as follows:

Page 1, line 11, after "at" strike "the" and insert "a"

Page 1, line 12, reinstate the stricken "15" and before "24" insert "to"

The motion prevailed. So the amendment was adopted.

S.F. No. 879 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 2, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, D.C.	Spear
Benson	Frederick	Langseth	Peterson, D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Chmielewski	Isackson	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willet
DeCramer	Kamrath	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	

Messrs. Bertram and Knaak voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 473: A bill for an act relating to traffic regulations; removing restrictions on use at trial of an accused's refusal to take a chemical test; providing that a suspect be informed that refusal to take a chemical test will be used against him at trial; providing penalties; amending Minnesota Statutes 1982, sections 169.121, subdivisions 2, 3, and 4; and 169.123, subdivisions 2, 3, and 4.

Mr. Ramstad moved to amend S.F. No. 473 as follows:

Page 4, after line 3, insert:

"Sec. 4. Minnesota Statutes 1982, section 169.121, subdivision 8, is amended to read:

Subd. 8. [ALCOHOL ASSESSMENT.] When the evidentiary test shows an alcohol concentration of 0.07 or more, that result ~~shall~~ *must* be reported to the commissioner of public safety. The commissioner shall record that fact on the driver's record. ~~When the driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report, the commissioner may require that the driver have an alcohol problem assessment meeting the commissioner's requirements. The commissioner shall require that the driver have an alcohol problem assessment at a facility licensed by the commissioner of public welfare or at an assessment program approved by a county board within seven days after the occurrence of any of the following:~~

(a) *The chemical test shows an alcohol concentration of 0.10 or more;*

(b) *The driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report;*

(c) *When no test is administered for whatever reason and a peace officer who stops the driver has reasonable cause to believe the person is driving, operating, or in physical control of a motor vehicle while under the influence of alcohol and has a prior alcohol-related driving offense or a prior license revocation pursuant to section 169.123. The court may use the assessment in lieu of a presentence investigation pursuant to a conviction under section 169.121 or when a violation of that section is charged and a conviction for a lesser offense results.*

The assessment ~~shall~~ *must* be at the driver's expense. *If the assessment so indicates, an appropriate referral for treatment must be made. In no event shall* The commissioner ~~deny~~ *shall* revoke the license of a person who refuses to take the assessment or to undertake treatment, if treatment is indicated by the assessment, for ~~longer than 90 days~~ *six months after appropriate notice and hearing.* If an assessment is made ~~pursuant to~~ *under* this section, the commissioner may waive the assessment required by section 169.126."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 8, delete the first "and" and after "4" insert ", and 8"

Mr. Merriam moved to amend the Ramstad amendment to S.F. No. 473 as follows:

After the Ramstad amendment, insert:

“Page 7, after line 14, insert:

“Sec. 8. [REPEALER.]

Minnesota Statutes 1982, section 169.1231, is repealed.”

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert “removing requirements for mandatory detoxification in certain instances;”

Page 1, line 9, before the period, insert “; repealing Minnesota Statutes 1982, section 169.1231”

The motion prevailed. So the amendment to the Ramstad amendment was adopted.

The question recurred on the Ramstad amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

Mr. Diessner moved to amend the Ramstad amendment to S.F. No. 473, adopted by the Senate April 28, 1983, as follows:

Page 1, line 34, before “The” insert “*The driver may obtain a second assessment under this subdivision if he disagrees with the results of the first assessment.*”

The motion prevailed. So the amendment to the Ramstad amendment was adopted.

S.F. No. 473 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:

Adkins	Dieterich	Kronebusch	Pehler	Sieloff
Anderson	Frank	Laidig	Peterson, C. C.	Solon
Belanger	Frederick	Langseth	Peterson, D. C.	Spear
Benson	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berg	Freeman	Lessard	Peterson, R. W.	Taylor
Berglin	Hughes	Luther	Petty	Ulland
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D. E.	Mehrrens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, R. D.	Reichgott	Willet
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	
Diessner	Kroening	Olson	Schmitz	

So the bill, as amended, passed and its title was agreed to.

RECONSIDERATION

Mr. Mehrrens moved that the vote whereby H.F. No. 149 was passed by

the Senate on April 28, 1983, be now reconsidered. The motion prevailed.

H.F. No. 149: A bill for an act relating to natural resources; clarifying the hunting of certain animals with dogs; amending Minnesota Statutes 1982, section 98.46, subdivision 2.

Mr. Frederick moved to amend H.F. No. 149 as follows:

Page 1, after line 23, insert:

“Sec. 2. Minnesota Statutes 1982, section 98.48, subdivision 3, is amended to read:

Subd. 3. The commissioner may issue special permits, without fee, to take, possess and transport wild animals in such manner and under such conditions as he may prescribe for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation; or exhibition ~~or pet purposes~~, except those now lawfully possessed for such purposes. *The commissioner shall promulgate rules for issuing special permits to persons for the purpose of possessing wild and native deer as pets.* All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner.”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “providing for rules for special permits for pet deer;”

Page 1, line 4, delete “section” and insert “sections” and after “2” insert “; and 98.48, subdivision 3”

The motion prevailed. So the amendment was adopted.

H.F. No. 149 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Nelson	Renneke
Anderson	Frank	Kronebusch	Novak	Samuelson
Belanger	Frederick	Laidig	Olson	Solon
Benson	Frederickson	Langseth	Pehler	Spear
Berg	Freeman	Lantry	Peterson, D.C.	Stumpf
Berglin	Hughes	Lessard	Peterson, D.L.	Taylor
Bernhagen	Isackson	Luther	Peterson, R.W.	Vega
Bertram	Johnson, D.E.	McQuaid	Petty	Waldorf
Dahl	Jude	Mehrkens	Pogemiller	Wegscheid
Davis	Kamrath	Merriam	Purfeerst	Willet
DeCramer	Knaak	Moe, D. M.	Ramstad	
Dicklich	Knutson	Moe, R. D.	Reichgott	

So the bill, as amended, passed and its title was agreed to.

RECONSIDERATION

Ms. Reichgott moved that the vote whereby H.F. No. 667 was passed by

the Senate on April 28, 1983, be now reconsidered. The motion prevailed.

H.F. No. 667: A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

Ms. Reichgott moved to amend H.F. No. 667 as follows:

Page 1, delete lines 8 and 9

Page 1, line 10, delete everything before the period and insert:

“Employers who offer time off to their employees because they become biological parents shall allow time off on the same terms to employees who become parents by adoption procedures”

The motion prevailed. So the amendment was adopted.

H.F. No. 667 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Langseth	Olson	Samuelson
Anderson	Freeman	Lantry	Pehler	Solon
Benson	Hughes	Lessard	Peterson, D.C.	Spear
Berglin	Isackson	Luther	Peterson, D.L.	Stumpf
Bertram	Johnson, D.E.	McQuaid	Peterson, R.W.	Taylor
Dahl	Jude	Mehrkens	Petty	Vega
Davis	Kamrath	Merriam	Pogemiller	Waldorf
DeCramer	Knaak	Moe, D. M.	Purfeerst	Wegscheid
Dicklich	Kroening	Moe, R. D.	Ramstad	Willet
Frank	Kronebusch	Nelson	Reichgott	
Frederick	Laidig	Novak	Renneke	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 742: A bill for an act relating to courts; establishing a court structure study commission; establishing its powers and duties; requiring a report to the legislature.

Mr. Merriam moved to amend S.F. No. 742 as follows:

Page 2, line 15, before the period, insert *“, including recommendations from the commissioner of corrections concerning court services and probation”*

The motion prevailed. So the amendment was adopted.

S.F. No. 742 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Langseth	Olson	Samuelson
Anderson	Frederick	Lantry	Peterson, C. C.	Schmitz
Benson	Frederickson	Lessard	Peterson, D. C.	Sieloff
Berglin	Freeman	Luther	Peterson, D. L.	Solon
Bertram	Isackson	McQuaid	Peterson, R. W.	Spear
Chmielewski	Johnson, D. E.	Mehrkens	Petty	Stumpf
Dahl	Jude	Merriam	Pogemiller	Vega
Davis	Knaak	Moe, D. M.	Purfeerst	Waldorf
DeCramer	Kroening	Moe, R. D.	Ramstad	Wegscheid
Dicklich	Kronebusch	Nelson	Reichgott	Willet
Dieterich	Laidig	Novak	Renneke	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 958: A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Langseth	Olson	Schmitz
Anderson	Frederick	Lantry	Pehler	Spear
Benson	Frederickson	Lessard	Peterson, D. C.	Stumpf
Berglin	Freeman	Luther	Peterson, R. W.	Taylor
Bertram	Hughes	McQuaid	Petty	Vega
Chmielewski	Isackson	Mehrkens	Pogemiller	Waldorf
Davis	Johnson, D. E.	Merriam	Purfeerst	Wegscheid
DeCramer	Jude	Moe, D. M.	Ramstad	Willet
Dicklich	Knaak	Moe, R. D.	Reichgott	
Diessner	Kroening	Nelson	Renneke	
Dieterich	Kronebusch	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1060: A bill for an act relating to taxation; requiring certain information on income tax forms; amending Minnesota Statutes 1982, section 290.39, by adding a subdivision.

Mr. Renneke moved to amend S.F. No. 1060 as follows:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1982, section 290.39, subdivision 1, is amended to read:

Subdivision 1. [IN GENERAL.] Every return shall specifically set forth the items of gross income, deductions, credits against the tax, and any other data necessary for computing the amount of any item required for determining the amount of the net income tax liability. The return shall be in such form as the commissioner of revenue may prescribe. *A space shall be provided on the return in which each individual taxpayer shall indicate the*

number of the school district in which he resides. The filing of a return required under this section shall be deemed an assessment subject to revision of the tax shown due on the basis of such return.

In the event a taxpayer files a return which does not contain all the information required by this subdivision, the commissioner may, in addition to any other remedies which may be available, bring an action in equity by the state against the taxpayer for an injunction ordering the taxpayer to file a complete and proper return in accordance with this subdivision. The district courts of this state shall have jurisdiction over the action and disobedience of an injunction issued under this subdivision shall be punished as a contempt of district court."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "income; requiring indication on tax return of school district in which taxpayer resides;"

Page 1, line 4, after the comma, insert "subdivision 1, and"

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1060 was read the third time 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 3, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Renneke
Anderson	Dieterich	Kronebusch	Olson	Solon
Benson	Frank	Langseth	Peterson, C. C.	Spear
Berglin	Frederick	Lantry	Peterson, D. C.	Stumpf
Bertram	Frederickson	Lessard	Peterson, D. L.	Taylor
Chmielewski	Freeman	Luther	Peterson, R. W.	Vega
Dahl	Hughes	McQuaid	Petty	Waldorf
Davis	Isackson	Mehrkens	Pogemiller	Willet
DeCramer	Johnson, D. E.	Moe, R. D.	Ramstad	
Dicklich	Jude	Nelson	Reichgott	

Messrs. Knutson, Merriam and Wegscheid voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 584: A bill for an act relating to commerce; regulating the consignment of works of art; specifying the rights and duties of consignors and consignees; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

Was read the third time 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Peterson, D.C.	Solon
Anderson	Frank	Lantry	Peterson, D.L.	Spear
Benson	Frederick	Lessard	Peterson, R.W.	Stumpf
Berglin	Freeman	Luther	Petty	Taylor
Bertram	Hughes	McQuaid	Pogemiller	Vega
Chmielewski	Isackson	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Davis	Jude	Moe, R. D.	Reichgott	Willet
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	
Diessner	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 230: A bill for an act relating to insurance; prohibiting sex discrimination under Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1982, section 62E.08, 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Lessard	Peterson, D.C.	Spear
Anderson	Freeman	Luther	Peterson, D.L.	Stumpf
Benson	Hughes	McQuaid	Peterson, R.W.	Taylor
Berglin	Isackson	Mehrkens	Petty	Vega
Bertram	Johnson, D.E.	Merriam	Pogemiller	Waldorf
Chmielewski	Knaak	Moe, R. D.	Purfeerst	Wegscheid
Dahl	Knutson	Nelson	Ramstad	Willet
Davis	Kroening	Novak	Reichgott	
DeCramer	Kronebusch	Olson	Renneke	
Dicklich	Langseth	Pehler	Samuelson	
Dieterich	Lantry	Peterson, C.C.	Solon	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 954: A bill for an act relating to the Minneapolis park and recreation board; providing for the appointment of various employees; amending Laws 1969, chapter 1024, sections 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Schmitz
Anderson	Dieterich	Kronebusch	Pehler	Sieloff
Belanger	Frank	Laidig	Peterson, C. C.	Solon
Benson	Frederick	Langseth	Peterson, D. C.	Spear
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	
Davis	Kamrath	Moe, R. D.	Reichgott	
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1062: A bill for an act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, 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:

Adkins	Dieterich	Kronebusch	Pehler	Sieloff
Anderson	Frank	Laidig	Peterson, C. C.	Solon
Belanger	Frederick	Langseth	Peterson, D. C.	Spear
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Willet
Davis	Kamrath	Moe, D. M.	Reichgott	
DeCramer	Knaak	Moe, R. D.	Renneke	
Dicklich	Knutson	Novak	Samuelson	
Diessner	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1168: A bill for an act relating to insurance; covered claims under the insurance guaranty act; rulemaking power of commissioner on nonrenewal of auto insurance and self-insurance; application fee for self-insurers; commissioner to adopt rules on nonrenewals of policies; amending Minnesota Statutes 1982, sections 60C.09, subdivision 1; 65B.17; and 65B.48, 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Samuelson
Anderson	Dieterich	Kroening	Olson	Schmitz
Belanger	Frank	Kronebusch	Peterson,C.C.	Sieloff
Berg	Frederick	Laidig	Peterson,D.C.	Solon
Berglin	Frederickson	Langseth	Peterson,D.L.	Spear
Bernhagen	Freeman	Lessard	Peterson,R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Chmielewski	Isackson	McQuaid	Pogemiller	Ulland
Dahl	Johnson, D.E.	Mehrrens	Purfeerst	Vega
Davis	Jude	Merriam	Ramstad	Waldorf
DeCramer	Kamrath	Moe, D. M.	Reichgott	Wegscheid
Dicklich	Knaak	Moe, R. D.	Renneke	Willet

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Vega moved that the vote whereby H.F. No. 189 failed to pass the Senate on April 27, 1983, be now reconsidered. The motion prevailed.

H.F. No. 189: A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

CALL OF THE SENATE

Mr. Vega imposed a call of the Senate for the balance of the proceedings on H.F. No. 189. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Frank moved to amend H.F. No. 189 as follows:

Page 6, line 4, after the period, insert "*The commission shall evaluate the program on the basis of cost-effectiveness and the reliability of technologies employed.*"

Page 6, line 16, delete "\$5,000,000" and insert "\$50,000,000"

The motion prevailed. So the amendment was adopted.

H.F. No. 189 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 21, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Luther	Petty	Spear
Bertram	Freeman	Merriam	Pogemiller	Stumpf
Chmielewski	Hughes	Moe, D. M.	Purfeerst	Taylor
Dahl	Johnson, D.J.	Moe, R. D.	Ramstad	Ulland
Davis	Jude	Nelson	Reichgott	Vega
DeCramer	Kroening	Novak	Samuelson	Waldorf
Dicklich	Langseth	Pehler	Schmitz	Wegscheid
Diessner	Lantry	Peterson,D.C.	Sieloff	Willet
Dieterich	Lessard	Peterson,R.W.	Solon	

Those who voted in the negative were:

Adkins	Bernhagen	Kamrath	McQuaid	Renneke
Anderson	Frederick	Knaak	Mehrrens	
Belanger	Frederickson	Knutson	Olson	
Benson	Isackson	Kronebusch	Peterson,C.C.	
Berg	Johnson, D.E.	Laidig	Peterson,D.L.	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 692: A bill for an act relating to public utilities; specifying the treatment of certain expenses; amending Minnesota Statutes 1982, section 216B.16, subdivision 7.

Mr. Spear moved that S.F. No. 692 be stricken from Special Orders and re-referred to the Committee on Public Utilities and State Regulated Industries. The motion prevailed.

SPECIAL ORDER

S.F. No. 952: A bill for an act relating to occupations and professions; regulating the period of time between professional boxing contests, matches, or exhibitions; amending Minnesota Statutes 1982, section 341.115.

Mr. Chmielewski moved to amend S.F. No. 952 as follows:

Page 1, line 17, delete the new language

Page 2, line 1, after "fitness" insert " *subscribed and sworn to under oath,*"

Page 2, line 19, delete "*wrestling and*"

Page 2, line 23, after "*in*" insert "*any*"

Page 2, line 23, before the period, insert "*or the board, in its discretion, determines that an electroencephalogram is necessary to protect the health of the boxer*"

The motion prevailed. So the amendment was adopted.

Mr. Dahl moved to amend S.F. No. 952 as follows:

Page 2, line 23, before the period, insert "*and it must include an eye examination designed to reveal any retinal defects or damage that could be aggravated by boxing*"

The motion prevailed. So the amendment was adopted.

Mr. Freeman moved to amend S.F. No. 952 as follows:

Page 2, lines 2 to 17, reinstate the stricken language

Page 2, lines 17 to 23, delete the new language

The motion prevailed. So the amendment was adopted.

S.F. No. 952 was then progressed.

SPECIAL ORDER

S.F. No. 984: A bill for an act relating to taxation; authorizing cities to impose taxes on the gross receipts from the furnishing of certain lodging; requiring these funds to be dedicated to tourism marketing and promotion; proposing new law coded in Minnesota Statutes, chapter 477A.

Mr. Pehler moved to amend S.F. No. 984 as follows:

Page 1, delete subdivision 2

Re-number the remaining subdivision

The motion did not prevail. So the amendment was not adopted.

S.F. No. 984 was then progressed.

SPECIAL ORDER

S.F. No. 366: A bill for an act relating to appropriations; authorizing the Arrowhead regional development commission to repay an appropriation with funds raised by a levy; amending Laws 1981, chapter 356, section 30.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berg	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Ulland
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D. M.	Reichgott	Willet
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Kroening	Novak	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1165: A bill for an act relating to motor vehicles; providing for registration, taxation, and special license plates for classic motorcycles; proposing new law coded in Minnesota Statutes, chapter 168.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Pehler	Sieloff
Anderson	Dieterich	Laidig	Peterson, C.C.	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berg	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Ulland
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D. M.	Reichgott	Willet
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Kroening	Novak	Schmitz	

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Freeman moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 473. The motion prevailed.

Mr. Jude moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1165. The motion prevailed.

Mr. Pehler introduced—

Senate Concurrent Resolution No. 11: A Senate concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring:

(1) The Senate and the House of Representatives shall meet in joint convention on Tuesday, May 3, 1983, in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives, in a joint meeting, are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Mr. Pehler moved that the foregoing resolution 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. Moe, D.M. introduced—

S.F. No. 1214: A bill for an act relating to nuclear energy; providing for the decommissioning of nuclear power plants; requiring decommissioning financing and physical plans; requiring the establishment of decommissioning fund committees; providing for decommissioning trust funds; proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Energy and Housing.

Mr. Moe, D.M. introduced—

S.F. No. 1215: A bill for an act relating to nuclear energy; prohibiting the construction of nuclear fission electrical generating plants in Minnesota;

proposing new law coded in Minnesota Statutes, chapter 216B.

Referred to the Committee on Energy and Housing.

MEMBERS EXCUSED

Mrs. Brataas and Mr. Storm were excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today from 11:00 a.m. to 2:45 p.m. Mr. Kamrath was excused from the Session of today from 12:30 to 1:00 p.m. Messrs. Dahl and Frank were excused from the Session of today from 12:45 to 1:15 p.m. Ms. Olson was excused from the Session of today at 2:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, April 29, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-THIRD DAY

St. Paul, Minnesota, Friday, April 29, 1983

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Nelson imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Winfield V. Johnson.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kronebusch	Olson	Sieloff
Anderson	Dieterich	Laidig	Pehler	Solon
Belanger	Frank	Langseth	Peterson, D.C.	Spear
Benson	Freeman	Lantry	Peterson, D.L.	Storm
Berg	Hughes	Lessard	Peterson, R.W.	Stumpf
Berglin	Isackson	Luther	Petty	Taylor
Bernhagen	Johnson, D.E.	McQuaid	Pogemiller	Ulfand
Bertram	Johnson, D.J.	Mehrkens	Purfeerst	Vega
Chmielewski	Jude	Merriam	Ramstad	Waldorf
Dahl	Kamrath	Moe, D.M.	Reichgott	Wegscheid
Davis	Knaak	Moe, R.D.	Renneke	Willet
DeCramer	Knutson	Nelson	Samuelson	
Dicklich	Kroening	Novak	Schmitz	

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 communication was received.

April 29, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 47 and 402.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 246, 323, 673 and 1067.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

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. 92: A bill for an act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

Senate File No. 92 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

Mr. Bertram moved that the Senate do not concur in the amendments by the House to S.F. No. 92, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 808: A bill for an act relating to the state seal; providing a description of the official state seal; amending Minnesota Statutes 1982, section 1.143; proposing new law coded in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 1982, sections 1.144 and 358.02.

Senate File No. 808 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

CONCURRENCE AND REPASSAGE

Mrs. Kronebusch moved that the Senate concur in the amendments by the House to S.F. No. 808 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 808: A bill for an act relating to the state seal; providing a description of the official state seal; amending Minnesota Statutes 1982, section 1.143; proposing new law coded in Minnesota Statutes, chapters 1 and 5; repealing Minnesota Statutes 1982, sections 1.144 and 358.02.

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 44 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Nelson	Schmitz
Anderson	Dicklich	Kroening	Novak	Solon
Belanger	Diessner	Kronebusch	Olson	Storm
Benson	Frank	Langseth	Peterson, D.L.	Stumpf
Berg	Hughes	Lantry	Petty	Taylor
Bernhagen	Isackson	Lessard	Purfeerst	Ulland
Bertram	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Chmielewski	Jude	Moe, D. M.	Renneke	Wegscheid
Davis	Kamrath	Moe, R. D.	Samuelson	

Those who voted in the negative were:

Berglin	Knaak	Pehler	Pogemiller	Spear
Dahl	Luther	Peterson, D.C.	Reichgott	Willet
Dieterich				

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 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. 238: A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

There has been appointed as such committee on the part of the House:

Munger; Nelson, D. and Carlson, D.

Senate File No. 238 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

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. 280: A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new law coded as Minnesota Statutes, chapter 13A.

There has been appointed as such committee on the part of the House:

Quinn, Kelly, Dempsey, Welle and Waltman.

Senate File No. 280 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 375, 519, 537, 582, 794, 606, 657 and 672.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 375: A bill for an act relating to public welfare; authorizing the establishment of community work experience programs on a pilot demonstration basis; proposing new law coded in Minnesota Statutes, chapter 256.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 572, now on Special Orders.

H.F. No. 519: A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 958, now on Special Orders.

H.F. No. 537: 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; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

Referred to the Committee on Finance.

H.F. No. 582: A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; limiting certain inmate functions; authorizing the use of necessary force to prevent escape; providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanor probationers; removing archaic language; amending Minnesota Statutes 1982, sections 241.01, subdivision 3a; 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; 609.135, subdivision 1; and 624.714, subdivision 13.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 713, now on Special Orders.

H.F. No. 794: A bill for an act relating to the legislature; enacting the

present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 919, now on Special Orders.

H.F. No. 606: A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; removing the 60-day hearing requirement for mentally retarded persons; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; authorizing the commissioner to accept admissions to regional centers from the Indian Health Service; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 13, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.06; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22, subdivision 1; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26; proposing new law coded in Minnesota Statutes, chapter 253B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 732, now on Special Orders.

H.F. No. 657: A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying requirements for compliance with standards for zoning ordinances for municipal airports; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; 398A.07, subdivision 2; and Laws 1980, chapter 610, section 1, as amended.

Referred to the Committee on Finance.

H.F. No. 672: A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3 and 4; 297A.25, subdivision 1; 297A.27, subdivision 1;

297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; 297A.391; and 297B.03; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, sections 297A.05 and 297A.251.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 726, now on Special 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. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1189: A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1982, section 184.22, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, after "184.21" insert "to 184.28 and 184.32"

Page 1, line 10, strike "shall" and insert "do"

Page 1, line 13, strike "provided"

Page 1, line 14, strike "that" and insert "if"

Page 1, line 24, strike "and"

Page 2, line 5, strike "and"

Page 2, lines 5 and 8, strike "shall" and insert "does"

Page 2, line 15, strike "shall" and insert "must"

Page 2, line 16, strike "may"

Page 2, line 16, strike "require" and insert "requires"

Page 2, line 21, strike "is"

Page 2, line 22, strike "authorized to" and insert "may"

Page 2, line 29, after "and" insert "be"

Page 2, line 30, strike "In the event" and insert "If"

Page 2, line 32, strike "in the event" and insert "if"

Page 3, after line 1, insert:

"Sec. 2. Minnesota Statutes 1982, section 184.22, is amended by adding a subdivision to read:

Subd. 3. [REGISTRATION.] Any firm established as an exempt firm under subdivision 2 shall file, within ten days of its establishment, a sworn statement with the commissioner indicating whether or not it will conduct its

business in a manner consistent with the provisions of subdivision 2 and other information the commissioner by rule requires. All exempt firms are subject to the provisions of section 184.29 and the bond provisions of section 184.30. For newly established firms, these fees and bonds must accompany the initial statement filed with the commissioner and all subsequent annual filings.

Sec. 3. Minnesota Statutes 1982, section 184.22, is amended by adding a subdivision to read:

Subd. 4. [CONTINUED EXEMPTION.] A search firm exempted under subdivision 2 prior to the effective date of this act is not subject to the provisions of section 184.29 or 184.30.

Sec. 4. Minnesota Statutes 1982, section 184.29, is amended to read:

184.29 [FEES.]

Before a license ~~shall be~~ is granted to an applicant ~~such~~, the applicant shall pay the following fee:

(a) An employment agent shall pay an annual license fee of \$200 for each license.

(b) *A search firm exempt under section 184.22, subdivision 2, shall pay an annual registration fee of \$200, accompanying the annual statement to the commissioner.*

~~Applicants~~ (c) An applicant for a counselor's license shall pay a license fee of \$10 and a renewal fee of \$5.

~~Applicants~~ (d) An applicant for an employment agency manager's license shall pay a license fee of \$10 and a renewal fee of \$5.

Sec. 5. Minnesota Statutes 1982, section 184.30, subdivision 1, is amended to read:

Subdivision 1. Every application for an employment agency's license ~~shall~~, and every annual report required to be filed under section 184.22, subdivision 2, must be accompanied by a surety bond approved by the department in the ~~penal sum~~ amount of \$10,000 for each location; ~~with one or more sureties or a duly authorized surety company to be approved by the department and~~. The bond must be filed in the office of the secretary of state and conditioned that the employment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as ~~such~~ an employment agency will ~~conform to and not violate any of the terms or requirements~~ comply with the provisions of sections 184.21 to 184.40 ~~or violate the covenants of~~ and any contract made by ~~such~~ the employment agent in the conduct of ~~said~~ the business. ~~Action on this bond may be brought by and prosecuted in the name of any~~ A person damaged by ~~any~~ a breach ~~or~~ of any condition ~~thereof~~ of the bond may bring an action on the bond, and successive actions may be maintained ~~thereon~~ on it.

Sec. 6. Minnesota Statutes 1982, section 184.41, is amended to read:

184.41 [VIOLATIONS.]

Any person who ~~shall engage~~ engages in the business of or ~~act~~ acts as an employment agent or counselor without first procuring a license as required

by section 184.22, ~~and~~ any employment agent, manager, or counselor who ~~shall violate~~ *violates* the provisions of this chapter, ~~shall be and any exempt firm which violates any of the provisions of section 184.22, subdivision 2, is~~ guilty of a misdemeanor.

In addition to the penalties for commission of a misdemeanor, the department may ~~proceed by~~ *bring* an action for an injunction against any person who ~~shall engage~~ *engages* in the business of or ~~aet~~ *acts* as an employment agent or counselor without first procuring the license required under section 184.22 and against any employment agent, manager, or counselor who ~~shall violate~~ *violates* the provisions of this chapter. If an agency, a manager, or a counselor is found guilty of a misdemeanor in any action relevant to the operation of an agency, the department may suspend or revoke the license of the agency, manager, or counselor."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "subjecting certain search firms to fee and bond requirements; requiring certain statements, fees, and bonds to be submitted at the time a search firm is established;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 4, after "2" insert ", and by adding subdivisions; 184.29; 184.30, subdivision 1; and 184.41"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 79: A bill for an act relating to horse racing; defining certain terms; establishing a racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate race-tracks, conduct horse racing, and engage in certain occupations; prescribing license fees; authorizing the assigning of racing days; establishing a division of pari-mutuel betting in the department of public safety and providing for the powers and duties of the commissioner; authorizing pari-mutuel betting on horse racing and prescribing taxes thereon; providing for the regulation of horse racing and establishing fines; establishing a breeders fund; prohibiting certain acts relating to horse racing and establishing penalties; providing for the recommendation of legislation establishing treatment programs for compulsive gamblers; amending miscellaneous statutes to include pari-mutuel related provisions; providing a withholding tax on certain pari-mutuel winnings and on occupation license holders; clarifying what is not a lottery; defining sports bookmaking and making it a felony; providing for the forfeiture of certain gambling devices, prizes, and proceeds; appropriating money; amending Minnesota Statutes 1982, sections 10A.09, subdivisions 1 and 5; 38.04; 290.09, subdivisions 5 and 29; 290.17, subdivision 2; 290.92, by adding subdivisions; 609.75, subdivisions 1 and 3, and by adding a subdivision; 609.76; 609.761; proposing new law coded as Minnesota Statutes, chapter 299J; proposing new law coded in Minnesota Statutes, chapter 609.

Reports the same back with the recommendation that the bill be amended

as follows:

- Page 3, line 26, delete “, *nor*” and insert “*or*”
- Page 3, line 27, delete the comma
- Page 4, line 18, delete “*to*” and insert “*must*”
- Page 4, line 21, delete “*keep*” and insert “*inform*”
- 1 Page 4, line 22, delete “*informed*”
- Page 4, line 23, delete “*thereto*” and insert “*in it*”
- Page 4, line 29, delete “, *the*”
- Page 4, line 30, delete “*Administrative Procedure Act*”
- Page 5, line 19, delete “*all such*” and insert “*the*”
- Page 6, line 11, delete “*has the following powers and duties*” and insert “*may*”
- Page 6, lines 12, 16, 19, and 22, delete “*to*”
- Page 6, line 14, delete the first “*to*”
- Page 6, line 22, delete the comma
- Page 6, line 23, delete “*the Administrative Procedure Act,*”
- Page 7, line 6, delete “*having obtained*” and insert “*obtaining*”
- Page 7, line 11, delete “*or*” and insert “*and*”
- Page 8, line 31, delete everything after “*rule*”
- Page 8, line 32, delete everything before the semicolon and insert “*relating to horse racing, pari-mutuel betting, or any other form of gambling*”
- Page 8, line 35, delete “*and*”
- Page 9, line 1, after “*actions*” insert “*relating to the subject matter of the application or acts or omissions arising from it*”
- Page 9, line 5, delete everything after the period
- Page 9, delete lines 6 to 8
- Page 9, line 9, delete everything before “*If*”
- Page 9, line 12, delete “*to*” and insert “*must*”
- Page 9, line 14, delete “*secretary of state*” and insert “*commission; and (f) an affirmative action plan establishing goals and timetables consistent with the Minnesota Human Rights Act, chapter 363*”
- Page 11, line 6, delete “*sections 14.57 to 14.70 of*”
- Page 11, line 7, delete “*the Administrative Procedure Act*” and insert “*chapter 14*”
- Page 12, line 17, delete “*and*”
- Page 12, line 19, after “*actions*” insert “*relating to the subject matter of the application or acts or omissions arising from it*”

Page 12, line 23, delete everything after the period

Page 12, delete lines 24 to 26

Page 12, line 27, delete everything before "If"

Page 12, line 30, delete "to" and insert "must"

Page 12, line 32, delete "*secretary of state*" and insert "*commission; and (f) an affirmative action plan establishing goals and timetables consistent with the Minnesota Human Rights Act, chapter 363*"

Page 13, line 31, delete "sections"

Page 13, line 32, delete everything before "and" and insert "chapter 14"

Page 14, line 11, after the semicolon, insert "and"

Page 14, line 29, delete everything after "rule"

Page 14, line 30, delete everything before the semicolon and insert "*relating to horse racing, pari-mutuel betting, or any other form of gambling*"

Page 14, line 36, after "actions" insert "*relating to the subject matter of the application or acts or omissions arising from it*"

Page 15, line 3, delete everything after the period

Page 15, delete lines 4 to 6

Page 15, line 7, delete everything before "If"

Page 15, line 11, delete the first "to" and insert "must"

Page 15, line 12, delete "*secretary of state*" and insert "*commission*"

Page 16, line 9, delete everything after "under"

Page 16, line 10, delete "Act" and insert "chapter 14"

Page 19, line 5, delete "*has the following powers and duties*" and insert "*may*"

Page 19, lines 6, 11, 12, 14, 17, 19, 27, 30, 34, and 36, delete "to"

Page 19, line 7, delete "*the Administrative Procedure Act,*"

Page 19, line 21, delete the first "to"

Page 19, line 26, delete "*His duties are*" and insert "*He shall*"

Page 20, lines 4 and 34, delete "*His duties are*" and insert "*He shall*"

Page 20, lines 5, 7, 8, 13, and 35, delete "to"

Page 20, line 10, delete the second "to"

Page 20, line 27, delete "*such an*" and insert "*the*"

Page 21, lines 2 and 4, delete "to"

Page 22, line 28, delete "*has the*"

Page 22, line 29, delete "*authority to*" and insert "*may*"

Page 22, line 33, delete "*the Administrative Procedure*"

Page 22, line 34, delete "Act" and insert "chapter 14"

Page 26, line 33, after the period, insert "As a condition of approval, the commissioner shall require that the contract include an affirmative action plan establishing goals and timetables consistent with the Minnesota Human Rights Act, chapter 363."

Page 28, line 24, delete "such"

Page 28, line 25, delete "as he considers"

Page 29, lines 2, 4, and 5, delete "so"

Page 29, line 20, delete ", the Administrative"

Page 29, line 21, delete "Procedure Act"

Page 29, line 31, after "of" insert "civil"

Page 30, line 4, delete everything after "under"

Page 30, line 5, delete "Administrative Procedure Act" and insert "chapter 14"

Page 30, line 8, delete "has the authority" and insert "may"

Page 30, line 9, delete "to"

Page 31, line 1, delete ", the Administrative Procedure Act,"

Page 31, line 4, delete everything after "15"

Page 31, line 5, delete everything before the period and insert ", 1984"

Page 31, line 9, delete "; the Administrative"

Page 31, line 10, delete "Procedure Act"

Page 31, line 24, delete "with" and insert "to"

Page 32, line 3, delete "provided that" and insert a period

Page 32, line 22, delete everything after "with"

Page 32, delete lines 23 and 24 and insert "a person involved in the conduct of a race to commit an illegal act or to fail to perform a duty."

Page 34, line 31, delete "normal"

Page 35, line 11, after "1." insert "[TIME FOR FILING.]"

Page 35, line 31, after "5." insert "[FORM.]"

Page 36, line 31, strike "; this" and insert ". The"

Page 37, lines 26, 31, and 34, strike "such" and insert "the"

Page 38, line 5, strike "such" and insert "the"

Page 39, lines 18 and 21, strike "Such" and insert "The"

Page 39, line 27, strike "regulations" and insert "rules"

Page 39, line 34, strike "said" and insert "the"

Page 40, lines 3, 6, and 17, strike "such" and insert "the"

Page 40, line 8, strike "regulations" and insert "rules"

Page 41, lines 16 and 21, strike "such" and insert "the"

Page 43, lines 27, 29, 31, 34, and 35, strike "such" and insert "the"

Page 43, lines 28 and 36, strike "such" in both places and insert "the" in both places

Page 44, lines 6, 9, 20, 21, and 32, strike "such" and insert "the"

Page 46, line 2, strike "so"

Page 46, line 23, after "26." insert "[PARI-MUTUEL WINNINGS.]"

Page 47, line 12, after "27." insert "[PARI-MUTUEL PURSES.]"

Page 49, line 15, delete "2" and insert "1"

Page 49, lines 30, 32, 34, and 36, strike "or"

Page 50, line 21, delete "chapter ..." and insert "articles 1 to 5"

Page 50, line 30, delete "and"

Page 50, line 33, before the period, insert "; and

(d) Property used or intended to be used to illegally influence the outcome of a horse race"

Page 52, after line 13, insert:

"Sec. 17. [STUDY OF RACE HORSE TESTING.]

On or before January 1, 1984, the commissioner of public safety shall report to the legislature on the establishment of guidelines for testing race horses for the purposes of detecting medication."

Page 52, line 14, delete "17" and insert "18"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1152: A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete the new language

Page 2, after line 8, 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. Spear from the Committee on Judiciary, to which was referred

S.F. No. 483: A bill for an act relating to crimes; establishing degrees of

burglary; prescribing penalties; providing mandatory terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*dwelling or other*"

Page 1, line 14, delete "*affording*" and insert "*human*" and delete "*for human beings or*" and insert "*including any*"

Page 1, line 15, delete "*to*" and delete "*with a*" and delete "*so adapted*"

Page 1, line 17, delete "*by a person*"

Page 2, lines 6, 17, 27, and 33, delete "*of the lawful possessor*" and insert "*and*"

Page 2, lines 7 and 18, delete "*there*"

Page 2, line 21, delete "*or*"

Page 2, line 25, delete the period and insert " ;

(c) the portion of the building entered contains a pharmacy or other lawful business or practice in which controlled substances are routinely held or stored, and the entry is forcible; or

(d) when entering or while in the building, the burglar possesses a tool to gain access to money or property."

Page 3, delete sections 3 and 4 and insert:

"Sec. 3. [609.583] [FIRST BURGLARY OF A DWELLING.]

If a person is convicted of burglary of a dwelling under section 2, subdivision 1, clause (a), or subdivision 2, clause (a), and is not committed by the court to the commissioner of corrections for a term of imprisonment of more than one year, the court shall stay execution of sentence, notwithstanding the provisions of section 609.135, and shall require the defendant as a condition of probation to serve not less than 90 days incarceration in a county jail, county regional jail, county workfarm, county workhouse, or other regional or local correctional facility. The court may allow the defendant the work release privileges of section 631.425 during the period of incarceration. The period of incarceration may be waived by the court in conjunction with the defendant providing restitution to the victim or performing community work service or a combination of restitution and community work service.

Sec. 4. [609.584] [SECOND BURGLARY OF A DWELLING.]

If a person is convicted of burglary of a dwelling under section 2, subdivision 1, clause (a), or subdivision 2, clause (a), within ten years after a first conviction of burglary of a dwelling and is not committed by the court to the commissioner of corrections for a term of imprisonment of more than one year, the court shall stay execution of sentence, notwithstanding the provisions of section 609.135, and shall require the defendant as a condition of probation to serve not less than 180 days incarceration in a county jail, county regional jail, county workfarm, county workhouse, or other regional or local correctional facility. The court may allow the defendant the work

release privileges of section 631.425 during the period of incarceration. The period of incarceration may be waived by the court in conjunction with the defendant providing restitution to the victim or performing community work service or a combination of restitution and community work service."

Amend the title as follows:

Page 1, line 4, after "incarceration" insert "in certain instances"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 1151: A bill for an act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivision 4, and by adding a subdivision; and 297B.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, strike "the" and insert "*any other*" and strike "hereinbefore"

Page 1, line 18, strike "such a return" and insert "*it*" and strike "shall be" and insert "*is*"

Page 1, line 19, strike "wilfully" and insert "*willfully*"

Page 1, line 23, reinstate "as to any material matter" and strike "shall be" and insert "*is*"

Page 1, lines 24 and 26, delete "*wilfully*" and insert "*willfully*"

Page 1, line 25, delete "*shall be*" and insert "*is*"

Page 2, line 1, delete "*shall be*" and insert "*is*"

Page 2, line 1, before "*felony*" insert "*gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a*"

Page 2, line 5, strike "and six months"

Page 2, line 8, strike "such" and insert "*an*"

Page 2, line 14, delete "*wilfully*" and insert "*willfully*"

Page 2, line 21, delete "*shall be*" and insert "*is*"

Page 2, line 22, before "*felony*" insert "*gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a*"

Page 2, line 29, strike "thereof" and insert "*of it*"

Page 2, line 30, strike the second "the" and insert "*its*"

Page 2, line 31, strike "thereof" and strike "thereto" and insert "*to it*"

Page 2, line 32, strike "so" and strike "Such" and insert "*The*"

- Page 2, line 33, strike "said" and insert "the" in both places
- Page 2, line 34, strike "said" and insert "the"
- Page 2, line 36, strike "such" and insert "the"
- Page 3, lines 3, 5, 17, 30, 33, 35, and 36, strike "such" and insert "the"
- Page 3, lines 21 and 24, strike "so"
- Page 3, lines 29, 30 and 31, strike "wilfully" and insert "willfully"
- Page 3, lines 29 and 31, strike "such a" and insert "the"
- Page 3, line 32, strike "any such" and insert "the"
- Page 3, line 33, strike "thereof" and insert "of it"
- Page 3, lines 35 and 36, strike the parentheses and insert commas
- Page 4, lines 11 and 16, strike "such" and insert "the"
- Page 4, lines 11, 14, and 15, strike the parentheses and insert commas
- Page 4, lines 12 and 15, strike "wilfully" and insert "willfully"
- Page 4, line 18, strike "regulations" and insert "rules"
- Page 4, lines 19 and 28, strike "such a" and insert "the"
- Page 4, line 29, strike "such a" and insert "the" in both places
- Page 4, line 20, strike "such"
- Page 4, line 21, strike "shall become" and insert "is"
- Page 4, line 23, after "6" insert ", paragraph"
- Page 4, line 24, strike "the" and insert "any other" and strike "hereinbefore"
- Page 4, line 28, strike "wilfully" and insert "willfully"
- Page 4, lines 30 and 31, delete the new language
- Page 4, line 31, strike "shall be" and insert "or attempts to evade or defeat the tax is"
- Page 4, line 32, delete "\$150" and insert "\$300"
- Page 4, line 33, delete "shall be" and insert "is"
- Page 5, lines 2, 4, and 10, strike "wilfully" and insert "willfully"
- Page 5, line 4, strike "such"
- Page 5, line 7, strike "regulations" and insert "rules"
- Page 5, lines 7, 14, 29, 31, and 36, strike "shall be" and insert "is"
- Page 5, line 11, delete "wilfully" and insert "willfully"
- Page 5, line 18, strike "such" and insert "an"
- Page 6, line 1, strike "shall be" and insert "is"
- Page 6, line 3, after "6" insert ", paragraph"
- Page 6, line 4, delete "wilfully" and insert "willfully"

Page 6, lines 11 and 12, delete "*shall be*" and insert "*is*"

Page 6, line 12, delete "\$150" and insert "\$300"

Page 6, line 18, delete "*and six months*"

Page 7, lines 11 and 14, delete "\$150" and insert "\$300"

Page 7, line 19, delete "*and six months*"

Page 7, line 25, strike "shall"

Page 7, line 26, strike "be" and insert "*is*"

Page 7, line 30, delete "*shall be*" and insert "*is*"

Page 7, line 33, after "4." insert "[PENALTIES; FAILURE TO FILE OR PAY.]" and strike "the" and insert "*any other*" and strike "hereinbefore"

Page 7, line 34, strike "wilfully" and insert "*willfully*"

Page 7, line 35, strike "wilfully" in both places and insert "*willfully*" in both places

Page 8, lines 2 and 3, delete the new language

Page 8, line 3, strike "shall be" and insert "*or attempts in any manner to evade or defeat the taxes imposed by this chapter is*"

Page 8, lines 5 and 25, delete "\$150" and insert "\$300"

Page 8, lines 5 and 35, strike "shall be" and insert "*is*"

Page 8, line 8, strike "such" and insert "*an*"

Page 8, line 13, delete "*and six months*"

Page 8, line 17, after "8." insert "[PENALTY; FALSE CLAIM.]" and delete "*wilfully*" and insert "*willfully*"

Page 8, lines 24 and 25, delete "*shall be*" and insert "*is*"

Page 8, line 33, strike "shall" and delete "*prepare,*" and strike "complete or submit" and insert "*prepares, completes or submits*"

Page 9, line 4, delete "\$150" and insert "\$300" and delete "*shall be*" and insert "*is*"

Page 9, line 5, delete "*chapter*" and insert "*section*"

Page 9, line 13, delete "*and six months*"

Page 9, line 14, strike "shall violate" and insert "*violates*"

Page 9, line 15, strike "shall"

Page 9, line 16, strike "be" and insert "*is*"

Page 9, line 19, strike "such fine and imprisonment"

Page 9, delete lines 21 to 25 and insert:

"*This act is effective the day after final enactment and applies to offenses committed on or after that date.*"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

H.F. No. 218: A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil 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; requiring development of a plan for notifying crime victims about available financial assistance and social services; providing for victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.115, subdivision 1; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

RIGHTS OF VICTIMS OF CRIMES

“Section 1. [611A.01] [DEFINITIONS.]

For the purposes of sections 1 to 5:

(a) “Crime” means conduct that is included within the definition of “crime” in section 609.02, subdivision 1, or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (ii) the act was alleged or found to have been committed by a juvenile; and

(b) “Victim” means a person who incurs loss or harm as a result of a crime. If the victim has died as a result of a crime, “victim” includes the deceased’s surviving spouse or next of kin.

Sec. 2. [611A.02] [VICTIM SERVICE NOTIFICATION.]

The executive director of the crime victims reparations board shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but need not be limited to, information about available victim crisis centers, programs for victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs, and domestic violence shelters and programs.

The plan shall take into account the fact that some counties currently have informational service systems and victim or witness services or programs.

This plan shall be presented to the appropriate standing committees of the legislature no later than February 1, 1984.

Sec. 3. [611A.03] [VICTIM’S RIGHT TO RECEIVE INFORMATION.]

Upon request, the probation officer shall provide the victim with informa-

tion about the court's options for sentencing and other dispositions.

Sec. 4. [611A.04] [VICTIM'S RIGHT TO REQUEST RESTITUTION.]

Subdivision 1. [REQUEST; DECISION.] A victim has the right to request that restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender.

The court shall grant or deny restitution, and shall state on the record its reasons for its decision on restitution if a request for restitution has been made.

Subd. 2. [PROCEDURES.] The offender shall make restitution payments to the clerk of the county, municipal, or district court of the county in which the restitution is to be paid. The court shall retain jurisdiction to modify the restitution order.

Subd. 3. [EFFECT OF ORDER FOR RESTITUTION.] A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 299B.10 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.

Sec. 5. [611A.05] [RIGHT TO NOTICE OF RELEASE.]

The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, other than for work release, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The commissioner or other custodial authority complies with this section if he mails the notice of impending release to the victim at the address which the victim has most recently provided to him in writing.

ARTICLE 2

Section 1. Minnesota Statutes 1982, section 241.26, subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in a work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury and, to be credited to the "work release account", which account is hereby established, to the account of such the inmate. Such The moneys shall be and remain under the control of the commissioner for the sole benefit of such the inmate, subject to disbursement by the commissioner for the following purpose purposes and in the following order:

(1) The cost of such the inmate's keep as determined by the provision of subdivision 7, which moneys shall be deposited in the general fund of the state treasury if such the inmate is housed in a state correctional institution, or shall be paid to the appropriate city or county treasurer if such the inmate is housed in a city or county facility;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) *Court-ordered restitution*;

(5) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

~~(5)~~ (6) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All moneys in the "work release account" ~~established by this subdivision~~ are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 2. Minnesota Statutes 1982, section 243.23, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, *for the payment of court-ordered restitution*, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 3. Minnesota Statutes 1982, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] When a defendant has been convicted of a misdemeanor, *or gross misdemeanor, or felony*, the court may, *and when the defendant has been convicted of a felony, the court shall*, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused ~~thereby~~ *by it* to others and to the community. If the court ~~so~~ directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

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.~~

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the con-

sent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, ~~Minnesota Statutes, Section section~~ 244.10, ~~upon its effective date,~~ and Rule 27 of the rules of criminal procedure.

Sec. 4. Minnesota Statutes 1982, section 609.115, is amended by adding a subdivision to read:

Subd. 1b. [ADDITIONAL CONTENTS.] *The presentence investigation report shall also include the following information relating to victims:*

(a) A summary of the damages or harm and any other problems generated by the criminal occurrence;

(b) A concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of his opinion; and

(c) An attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition if the victim provides the officer conducting the presentence investigation with this written material within a reasonable time prior to the disposition.

Sec. 5. Minnesota Statutes 1982, section 609.115, is amended by adding a subdivision to read:

Subd. 1c. [NOTICE TO VICTIM.] *The officer conducting the presentence or predispositional report shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the following information: (i) the charge or juvenile court petition to which the defendant has been convicted or pleaded guilty, or the juvenile respondent has admitted in court or has been found to have committed by the juvenile court, and of any plea agreement between the prosecution and the defense counsel; (ii) his right to request restitution pursuant to article 1, section 4; (iii) his right to be present at the sentencing or juvenile court disposition; and (iv) his right to object in writing to the court, prior to the time of sentencing or juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. To assist the victim in making a recommendation under clause (iv), the officer shall provide the victim with information about the court's options for sentencing and other dispositions. Failure of the officer to comply with this subdivision does not give any rights or grounds for post conviction or post juvenile disposition relief to the defendant or juvenile court respondent, nor does it entitle a defendant or a juvenile court respondent to withdraw a plea of guilty.*

Sec. 6. Minnesota Statutes 1982, section 609.498, is amended to read:

609.498 [TAMPERING WITH A WITNESS.]

Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the first degree and may be sentenced as provided in subdivision 1a:*

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law, ~~is guilty of tampering with a witness in the first degree and may be sentenced;~~

(b) intentionally threatens to cause injury to person, family, or property in retaliation against a person who was summoned as a witness at any trial, proceeding, or inquiry authorized by law, within a year following that trial, proceeding, or inquiry;

(c) intentionally prevents or dissuades or attempts to prevent or dissuade, by means of force or threats of injury to person, family, or property, a person from providing information to law enforcement authorities concerning a crime; or

(d) intentionally threatens to cause injury to person, family, or property in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person providing the information.

Subd. 1a. [PENALTY.] Whoever violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine not to exceed \$5,000.

Subd. 2. [TAMPERING WITH A WITNESS IN THE SECOND DEGREE.] Whoever does any of the following is guilty of tampering with a witness in the second degree and may be sentenced as provided in subdivision 3:

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, ~~clauses clause~~ (3), (4), or (5), a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law, ~~is guilty of tampering with a witness in the second degree and;~~ or

(b) intentionally prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime.

Subd. 3. [SENTENCE.] Whoever violates subdivision 2 may be sentenced to imprisonment for not more than one year or to payment of a fine not to exceed \$1,000.

Sec. 7. Minnesota Statutes 1982, section 631.425, subdivision 5, is amended to read:

Subd. 5. [EARNINGS.] The earnings of the prisoner may be collected by the sheriff, probation department, welfare board or suitable person or agency designated by the court. From ~~such~~ the earnings, the person or agency designated to collect them may pay the cost of the prisoner's maintenance, both inside and outside the jail, but the charge for maintenance inside the jail shall not exceed the legal daily allowance for board allowed the sheriff for ordinary prisoners, and, to the extent directed by the court, pay the support of his dependents, if any, ~~and~~ court costs and fines, ~~and court-ordered restitution~~, if any. Any balance shall be retained until his

discharge when it shall be paid to him.

Sec. 8. [EFFECTIVE DATE.]

Articles 1 and 2 of this act are effective August 1, 1983, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before "establishing"

Page 1, line 13, delete "subdivisions" and insert "subdivision" and delete "and 6"

Page 1, line 14, delete everything after the first semicolon

Page 1, line 15, after "1" insert ", and by adding subdivisions"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 789: A bill for an act relating to communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal; proposing new law coded in Minnesota Statutes, chapter 238.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 238.02, subdivision 1, is amended to read:

Subdivision 1. The words and phrases used in ~~sections 238.04 to 238.17~~ *this chapter* have the following meanings unless a different meaning clearly appears in the text.

Sec. 2. [238.135] [LINES CROSSING OVERHEIGHT MOVING ROUTES.]

After July 1, 1983, any cable communications company needing to construct, extend, or replace cable communications transmission lines which cross a street or highway designated by the state or by the applicable city or county as an overheight moving corridor route shall locate the new or replacement transmission lines either underground or at a height not less than 24 feet above the surface of the roadway.

Sec. 3. [238.22] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The terms used in sections 3 to 21 have the meanings given them in this section.*

Subd. 2. [DWELLING UNIT.] *"Dwelling unit" means a single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and san-*

itation.

Subd. 3. [MANUFACTURED HOME PARK.] "Manufactured home park" means a site, lot, field, or tract of land upon which two or more occupied manufactured homes are located.

Subd. 4. [MOBILE HOME PARK.] "Mobile home park" means a manufactured home park.

Subd. 5. [MULTIPLE DWELLING COMPLEX.] "Multiple dwelling complex" means a site, lot, field, or tract of land or water, other than a manufactured home park, or mobile home park, containing more than one occupied dwelling unit. A condominium or condominium complex is not a multiple dwelling unit.

Subd. 6. [PROPERTY OWNER.] "Property owner" means a landlord, organization, or other person controlling access to a manufactured home park, a mobile home park, or a multiple dwelling complex.

Subd. 7. [RESIDENT.] "Resident" means a person or entity paying rent to a property owner.

Sec. 4. [238.23] [ACCESS REQUIRED.]

A property owner shall provide access by a franchised cable communications company to the property owner's manufactured home park, mobile home park, or multiple dwelling complex. The access provided must be perpetual and freely transferable by one cable communications company to another. A cable communications company granted access, and its successors in interest, must fully comply with sections 3 to 21. Access must include entrance onto the premises of the property owner and an easement for purposes of surveying, designing, installing, inspecting, maintaining, operating, repairing, replacing, or removing equipment used in the construction and operation of a cable communications system.

Sec. 5. [238.24] [CONDITIONS FOR ACCESS.]

Subdivision 1. [IN GENERAL.] An installation of cable communications facilities under sections 3 to 21 must conform to reasonable conditions necessary to protect the safety, functioning, and aesthetic appearance of the premises, and the convenience and well-being of the property owner and residents or association members.

Subd. 2. [OWNER APPROVAL.] A property owner may require from a cable communications company before installation or modification of cable communications facilities, diagrams showing plans for the placement and securing of the facilities. A property owner may approve or disapprove installation plans. Approval of plans may not be unreasonably withheld.

Subd. 3. [INSTALLATION; BOND.] The facilities must be installed in an expeditious and workmanlike manner, must comply with applicable codes, and, when economical and feasible, must be installed parallel to utilities. A property owner may require a cable communications company to post a bond or equivalent security in an amount not exceeding the estimated cost of installation of the cable communications facilities on the premises. Any bond filed by a cable communications company with a municipality which would provide coverage to the property owner as provided under this subdivision

shall be considered to fulfill the requirements of this subdivision.

Subd. 4. [INDEMNIFY FOR DAMAGE.] A cable communications company shall indemnify a property owner for damage caused by the installation, operation, maintenance, or removal of the facilities.

Subd. 5. [RELOCATION.] A property owner may require a cable communications company, after reasonable written notice, to promptly relocate cable communications facilities on or within the premises of the property owner for the purpose of rehabilitation, redecoration, or necessary maintenance of the premises by the property owner.

Subd. 6. [MASTER ANTENNA TELEVISION SYSTEM.] Nothing in sections 3 to 21 precludes a property owner from entering into an agreement for use of a master antenna television system by a cable communications company.

Subd. 7. [NOT RETROACTIVE.] Nothing in sections 3 to 21 affects the validity of an agreement effective before the effective date of this act between a property owner, a cable communications company, or any other person providing telecommunications services on or within the premises of the property owner.

Subd. 8. [COST ALLOCATED.] A cable communications company shall bear the entire cost of the installation, operation, maintenance, and removal of a cable communications facility within the initial franchise service area.

Subd. 9. [COMPENSATION FOR ACCESS.] (a) In exchange for obtaining access to a property owner's premises and within 30 days after installation of a cable communications system, a cable communications company shall:

(1) compensate the property owner for the difference in fair market value of the premises resulting directly from the installation of the cable communications facilities; and

(2) reimburse the property owner in an amount not more than \$100 for premises containing less than ten dwelling units, and \$200 for other premises, for actual costs incurred by the property owner with respect to the professional review of the plans and drawings regarding installation or modification of the cable communications system, associated contractual materials, and other documentation.

(b) With respect to paragraph (a), clause (1), payment by the cable communications company of a one-time charge of \$1 for each dwelling unit on the owner's premises is presumed to compensate the property owner for the taking of the easement resulting from the installation of the cable communications facilities. The property owner may appeal any presumptive one-time award of \$1 for each dwelling unit or any other compensation paid to a property owner under paragraph (a), clause (1). The appeal procedure is as provided under sections 6 to 20.

(c) Because access provided under sections 3 to 21 only allows a cable communications system to provide its service to residents or association members and does not preclude a property owner from providing any alternative communication service, proof of a difference in fair market value for purposes of compensating a property owner under paragraph (a), clause (1),

may not include any alleged loss of an exclusive right to provide communication services.

Subd. 10. [ADDITION OF DWELLING UNITS.] If, at any time after installation of a cable communications system, a property owner constructs or places additional dwelling units on the owner's premises, the cable communications company, within 30 days after completion of the construction or placement, shall pay the property owner a one-time charge not exceeding \$1 for each additional dwelling unit.

Subd. 11. [CHANNEL CAPACITY.] (a) A property owner must provide access by a franchised cable communications company, as required under section 4, only if that cable company installs equipment with channel capacity sufficient to provide access to other providers of television programming or telecommunications services so that residents or association members have a choice of alternative providers of those services. If the equipment is installed, the cable communications company shall allow alternative providers to use the equipment. If some of the residents or association members choose to subscribe to the services of an alternative provider, the cable company that installed the equipment shall be reimbursed by the other providers for the cost of equipment and installation on the property on a pro rata basis which reflects the number of subscribers of each provider on that property to the total number of subscribers on that property. In determining the pro rata amount of reimbursement by any alternative provider, the cost of equipment and installation shall be reduced to the extent of cumulative depreciation of that equipment at the time the alternative provider begins providing service.

(b) If equipment is already installed as of the effective date of this section with channel capacity sufficient to allow access to alternative providers, the access and pro rata reimbursement provisions of paragraph (a) apply.

(c) The board shall promulgate rules to implement the provisions of this section.

Sec. 6. [238.25] [PROCEDURE; DISPUTED COMPENSATION.]

Subdivision 1. [INITIATION; PETITION.] If a property owner grants access to a cable communications company, as required under section 4, but disputes the sufficiency of the compensation tendered by the company under section 5, subdivisions 9 or 10, the property owner may petition the board to resolve the dispute. The petition must be filed by the property owner within 45 days after the date of mailing of the tendered compensation by the cable communications company.

Subd. 2. [NOTICE.] Notice of the petition must be served upon the cable communications company in the same manner as a summons in a civil action.

Sec. 7. [238.26] [PROCEDURE; ACCESS REFUSED.]

Subdivision 1. [INITIATION.] If a property owner refuses to provide access to a cable communications company, as required under section 4, the company may request in writing any municipality in which it has a franchise to initiate proceedings under the provisions of sections 7 to 20 to obtain access. Upon receipt of such a request, the municipality shall initiate proceedings as provided under sections 7 to 20. The cable communications

company shall represent the municipality in the petition process and in any appeal therefrom and shall pay all costs and fees including compensation to the property owner and appraisal fees incurred by the municipality in obtaining access.

Subd. 2. [PETITION.] To obtain access to a property owner's property, the cable communications company must file a petition with the board describing the land to which access is desired, stating by whom and for what purposes access is desired, giving the names of all property owners, and requesting the initiation of a contested case proceeding and the appointment of a hearing examiner to appraise the damages which may be occasioned by the access.

Subd. 3. [NOTICE.] (a) Notice of the objects of the petition must be served upon all persons named in the petition as property owners in the same manner as a summons in a civil action.

(b) Service may be made upon a property owner by three weeks' published notice if:

(1) the property owner is not a resident of the state; or

(2) the property owner's place of residence is unknown to the petitioner and the petitioner, his agent, or attorney files an affidavit stating that he believes that the property owner is not a resident of the state, and that he has mailed a copy of the notice to him at his place of residence, or that after diligent inquiry his place of residence cannot be ascertained by the affiant.

(c) If the state is a property owner, the notice must be served upon the attorney general.

(d) Any property owner not served as provided under this subdivision is not bound by the proceeding unless the owner voluntarily appears as a party to the proceeding.

Sec. 8. [238.27] [INSTALLATION PLANS FURNISHED.]

After receiving notice of a petition for obtaining access, as provided under section 7, and upon request, any property owner must be furnished installation plans as provided in section 5, subdivision 2.

Sec. 9. [238.28] [ENTRY FOR SURVEYS.]

For the purpose of making surveys and examinations to accomplish all necessary preliminary purposes or for other purposes relative to any proceedings to obtain access under sections 7 to 20, the petitioner or designated representatives may lawfully enter upon any parcel of land upon where access is sought, doing no unnecessary damage and being liable only for actual damage done. Any property owner preventing entrance for the purposes of this section is guilty of a misdemeanor.

Sec. 10. [238.29] [NOTICE OF PENDENCY.]

At the time of filing a petition under section 7, the petitioner/cable communications company may file for record with the county recorder a notice of the pendency of the proceeding, describing with reasonable certainty the lands affected. If the proceeding is abandoned in whole or in part, the petitioner shall within ten days after the date of abandonment file for record with

the county recorder a notice to that effect, describing with reasonable certainty the lands abandoned.

Sec. 11. [238.30] [BOARD TO COMMENCE CONTESTED CASE PROCEEDINGS.]

Upon proof being filed with the board of service of the notice of petition, as provided under section 6 or 7, the board shall request in writing the office of administrative hearings to designate a hearing examiner to perform the duties established under section 12, and shall take all necessary steps to commence a contested case proceeding as provided under chapter 14.

Sec. 12. [238.31] [HEARING EXAMINER, POWERS, DUTIES.]

Upon receipt of the written request of the board, as provided under section 11, the office of administrative hearings shall appoint a hearing examiner to determine the difference in fair market value of the premises, as required by section 5, subdivision 9. In making this determination, the hearing examiner shall consider the amount of benefits, if any, and the damages, if any, resulting directly from the installation of the cable communications facilities. If the hearing examiner finds a diminution of fair market value, the hearing examiner shall recommend that the amount of diminution be awarded as damages. The hearing examiner shall conduct hearings, regulate the admission of proof, make recommendations to the board, and take all other actions in conformance with the requirements of chapter 14.

Sec. 13. [238.32] [FINAL ORDER.]

Upon receiving the recommendations of the hearing examiner, the board shall make its decision as provided under the requirements of chapter 14.

Sec. 14. [238.33] [REPORT; NOTICE.]

In the case of a petition filed under section 6, the board shall notify the petitioner/property owner and the respondent/cable communications company of its final decision or order.

In the case of a petition filed under section 7, the board shall notify the petitioner/cable communications company of its final decision or order. Within ten days after the date petitioner receives the notification, the petitioner shall notify each respondent/property owner and any attorney of record by mail of the final decision or order, setting forth the date of the final decision or order, the amount of the damages fund, if any, and all the terms and conditions pertaining to that respondent. The notification must be addressed to the last known post office address of each respondent and any attorney of record.

Sec. 15. [238.34] [PAYMENTS; DEPOSIT WITH BOARD.]

The cable communications company shall pay to the property owner as provided under the board's final decision or order any award of damages pursuant to a petition filed under section 6 or 7; except that, where the residence of a party/property owner is unknown, or the party/property owner is an infant or other person under legal disability, or being legally capable, refuses to accept payment, or if for any reason it is doubtful to whom any payment should be paid, the cable communications company may make the payment to the board, to be paid out under the direction of the board. Unless

an appeal is taken, as provided under section 18, the deposit with the board is considered a payment of the amount specified in the final decision or order. The payment when deposited may not draw interest from the date of deposit.

Sec. 16. [238.35] [POSSESSION.]

Subdivision 1. [BEFORE FINAL ORDER.] Whenever the petitioner/cable communications company requires access to all or part of the property owner's property prior to the filing of the final decision or order of the board pursuant to a petition filed under section 7, the petitioner shall, at least 45 days prior to the date on which access is required, notify the property owner of the intent to exercise the right of access by notice served by certified mail. Before exercising the right of access, the petitioner shall pay to the property owner, or deposit with the board, an amount equal to petitioner's appraisal of damages. If it is necessary to deposit the above amount with the board, the petitioner may apply to the board for an order granting the petitioner access to the property or properties described in the petition.

Subd. 2. [AFTER FINAL ORDER.] (a) The petitioner/cable communications company has the right of access after the filing of the final decision or order by the board:

(1) upon payment of the amount specified in the final decision or order if the appeal is waived by the parties; or

(2) upon payment or deposit with the board of three-fourths of the amount specified in the final decision or order if the appeal is not waived by the parties.

(b) Any amount deposited under paragraph (a), clause (2), must be deposited by the board in an interest bearing account no later than the business day next following the day on which the amount was deposited with the board. All interest credited to the amount deposited from the date of deposit must be paid to the ultimate recipient of the amount deposited.

Sec. 17. [238.36] [DISMISSAL.]

In the case of a petition filed under section 7, the petitioner/cable communications company may at any time dismiss the proceeding against any parcel of land by notifying the property owners and the board. When the proceeding is dismissed the property owner may recover from the petitioner reasonable costs and expenses and temporary damages, if any.

Sec. 18. [238.37] [APPEAL.]

An appeal of the final decision or order of the board may be taken in accordance with the provisions of chapter 14, except that in addition to the requirements of chapter 14, notice must be served upon all property owners.

Sec. 19. [238.38] [FINAL CERTIFICATE.]

Upon completion of the proceedings, the attorney for the cable communications company shall make a certificate describing the easement taken and the purpose or purposes for which taken, and reciting the fact of final payment of all awards or judgments in relation thereto. The certificate must be filed with the board if no appeal is taken or with the clerk of court if an appeal has been taken. A certified copy of the certificate must be filed for record

with the county recorder. The record is notice to all parties of the easement of the petitioner on the lands therein described.

Sec. 20. [238.39] [NO RELOCATION BENEFITS.]

Neither sections 117.50 to 117.56 nor the uniform relocation assistance and real property acquisition policies act of 1970 shall be construed as applying to any persons affected by the proceedings under sections 6 to 20.

Sec. 21. [238.40] [PROHIBITIONS.]

Subdivision 1. [INTERFERENCE WITH FACILITIES.] A property owner may not interfere with the installation, operation, inspection, maintenance, or removal of cable communications facilities.

Subd. 2. [DISCRIMINATION.] A property owner may not discriminate in rental charges or in granting of property rights, or otherwise, between residents or association members who receive cable communications service and those who do not.

Subd. 3. [AGREEMENTS INTERFERING WITH RIGHTS TO ANTENNA EQUIPMENT.] A cable communications company may not enter into an agreement with a property owner to do or permit an act that would have the effect, directly or indirectly, of diminishing or interfering with existing rights of a resident or an association member to use or obtain master or individual antenna equipment."

Delete the title and insert:

"A bill for an act relating to cable communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal and specifying the process for appeal and for access to property pending decision on appeal; specifying certain prohibitions; amending Minnesota Statutes 1982, section 238.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 238."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1097: A bill for an act relating to agriculture; making certain changes in the grain buyers act; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 8, and by adding a subdivision; 223.17; 223.18; and 223.19; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 223.16, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] For the purpose of sections 223.15 to

223.19 and section 13 the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 2a. [CASH SALE.] "Cash sale" means a sale for which cash or a check is received by the seller before the close of business the day after the sale and transfer of possession of the grain; or a sale of a shipment of grain which is part of a multi-shipment sale for which a scale ticket clearly marked "CASH" has been received by the seller prior to the completion of the entire sale and for which cash or a check is received by the seller not later than ten days after the sale of that shipment or 48 hours after the completion of the entire sale.

Sec. 3. Minnesota Statutes, section 223.16, subdivision 7, is amended to read:

Subd. 7. [~~ITINERANT INDEPENDENT GRAIN BUYER.~~] "~~Itinerant Independent grain buyer~~" means a person who ~~travels from place to place is licensed to purchase grain for resale using a truck, semitrailer or trailer owned or operated by that person but who does not have a private or public grain warehouse license.~~

Sec. 4. Minnesota Statutes 1982, section 223.16, subdivision 8, is amended to read:

Subd. 8. [NONWAREHOUSE GRAIN BUYER.] "Nonwarehouse grain buyer" means a person without a private or public grain warehouse license who is licensed to engage in the business of purchasing grain for resale, excluding an ~~itinerant independent grain buyer. A nonwarehouse grain buyer need not use his own vehicles to transport the purchased grain.~~

Sec. 5. Minnesota Statutes 1982, section 223.16, subdivision 11, is amended to read:

Subd. 11. [PRODUCER.] "Producer" means a person who ~~owns or manages a grain producing or growing operation and holds or shares the responsibility for marketing the grain produced grows grain on land that he owns or leases.~~

Sec. 6. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 12a. [SCALE TICKET.] "Scale ticket" means a memorandum issued by a grain elevator or warehouse operator to a depositor at the time grain is delivered, showing the weight and kind of grain.

Sec. 7. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 16. [VOLUNTARY EXTENSION OF CREDIT CONTRACT.] "Voluntary extension of credit contract" means a contract for the purchase of a specific amount of grain in which the title to the grain passes to the grain buyer upon delivery, but the price is to be determined or payment for the grain is to be made at a date later than the date of delivery of the grain to the grain buyer. Voluntary extension of credit contracts include deferred or delayed payment contracts, unpriced sales, no price established contracts,

average pricing contracts, and all other contractual arrangements with the exception of cash sales and grain storage agreements evidenced by a grain warehouse receipt.

Sec. 8. Minnesota Statutes 1982, section 223.17, is amended to read:

223.17 [LICENSES; BONDING; CLAIMS; DISBURSEMENTS.]

Subdivision 1. [LICENSES.] An application for a grain buyer's license must be filed with the commissioner and the license issued before any grain may be purchased. *The fee for any license is \$150.* The types of grain buyers' licenses are:

- (a) private grain warehouse operator's license;
- (b) public grain warehouse operator's license;
- (c) nonwarehouse grain buyer's license; and
- (d) ~~itinerant~~ independent grain buyer's license.

~~Public grain warehouse operators' licenses cover both grain buying and grain storage.~~ The applicant for a grain buyer's license shall identify all grain buying locations owned or controlled by the grain buyer and all vehicles owned or controlled by the grain buyer used to transport purchased grain. *Every applicant for a grain buyer's license shall have a permanent established place of business at each licensed location. An "established place of business" means any permanent enclosed building either owned by the applicant or leased by the applicant for a period of at least one year, and where the books, records, and files necessary to conduct the business are kept and maintained.*

Subd. 2. [LICENSE RENEWAL.] A license must be renewed annually. If a person receives more than one license from the commissioner, the licenses shall be issued at the same time, but only after all conditions for each license are met. Multiple licenses should be combined into one license if possible.

Subd. 3. [GRAIN BUYERS AND STORAGE FUND; FEES.] The commissioner shall set the fees for inspections ~~and licenses~~ under sections 223.15 to 223.19 at levels necessary to pay the expenses of administering and enforcing sections 223.15 to 223.19 *and section 13. These fees may be adjusted pursuant to the provisions of section 16A.128.*

There is created in the state treasury the grain buyers and storage fund. Money collected pursuant to sections 223.15 to 223.19 shall be paid into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 223.15 to 223.19 *and section 13.*

Subd. 4. [BOND.] Before a *grain buyer's* license is issued, the applicant for a ~~grain buyers~~ the license ~~shall~~ *must* file with the commissioner a bond in a penal sum prescribed by the commissioner but not ~~more~~ *less* than the following amounts:

- (a) \$10,000 for each ~~private or public grain warehouse up to a maximum of five grain warehouses;~~
- (b) \$10,000 for each semitrailer used by an itinerant grain buyer up to a maximum of five semitrailers;

(c) \$5,000 for each truck used by an itinerant grain buyer up to a maximum of five trucks;

(d) \$5,000 for each trailer used by an itinerant grain buyer up to a maximum of five trailers; and

(e) \$50,000 for each nonwarehouse grain buyer \$10,000 for grain buyers whose gross annual purchases are \$100,000 or less;

(b) \$20,000 for grain buyers whose gross annual purchases are more than \$100,000 but not more than \$750,000;

(c) \$30,000 for grain buyers whose gross annual purchases are more than \$750,000 but not more than \$1,500,000;

(d) \$40,000 for grain buyers whose gross annual purchases are more than \$1,500,000 but not more than \$3,000,000; and

(e) \$50,000 for grain buyers whose gross annual purchases exceed \$3,000,000. A grain buyer who has filed a bond with the commissioner prior to July 1, 1983, is not required to increase the amount of the bond to comply with this section until July 1, 1984. The amount of the bond shall be based on the most recent financial statement of the grain buyer filed under subdivision 6.

A first-time applicant for a grain buyer's license after July 1, 1983, shall file a \$20,000 bond with the commissioner. This bond shall remain in effect for the first year of his license. Thereafter, the licensee shall comply with the applicable bonding requirements contained in clauses (a) to (e) of this section.

In lieu of the bond required by this subdivision the applicant may deposit with the state treasurer cash, a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

Subd. 5. ~~[VOLUNTARY EXTENSION OF CREDIT CASH SALES; MANNER OF PAYMENT.]~~ Upon demand by a seller of grain, a grain buyer shall pay 90 percent of the estimated or actual value of grain purchased at the time the physical possession of the grain is conveyed from the seller to the grain buyer. For a cash sale of a shipment of grain which is part of a multi-shipment sale, the grain buyer shall tender payment to the seller not later than ten days after the sale of that shipment or 48 hours after completion of the entire sale. For other cash sales the grain buyer, before the close of business the day after the sale and transfer of possession of grain, shall tender payment to the seller or his duly authorized representative, or shall wire or mail transfer funds to the seller's account amounting to at least 80 percent of the grain's value at the time of delivery. The grain buyer shall complete final settlement as rapidly as possible through ordinary diligence. Any transaction wherein this demand is not exercised which is not a cash sale in compliance with the provisions of this subdivision constitutes a voluntary extension of credit and which is not afforded protection under the grain buyer's bond, and which must comply with sections 9 and 10.

Subd. 5a. [GRAIN PURCHASES FROM UNLICENSED PRODUCERS.]

No grain buyer may refuse to purchase grain from a producer solely because the producer is not bonded or is not licensed by the commissioner; provided, that any producer who buys grain from other producers shall be licensed and bonded as required by this chapter.

Subd. 6. [~~CONFIDENTIAL STATEMENTS REQUIRED FINANCIAL STATEMENTS.~~] For the purpose of fixing or changing the amount of a required bond or for any other proper reason, the commissioner shall require an annual financial ~~statements~~ statement from a licensee which has been prepared in accordance with generally accepted accounting principles and which meets the following requirements:

(a) *The financial statement shall include, but not be limited to the following: (1) a balance sheet; (2) a statement of income (profit and loss); (3) a statement of retained earnings; (4) a statement of changes in financial position; and (5) a statement of the dollar amount of grain purchased in the previous fiscal year of the grain buyer.*

(b) *The financial statement shall be accompanied by a compilation report of the financial statement which is prepared by a grain commission firm or a management firm approved by the commissioner or by an independent public accountant, in accordance with standards established by the American Institute of Certified Public Accountants.*

(c) *The financial statement shall be accompanied by a certification by the chief executive officer or his designee of the licensee, under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement.*

Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. All financial statements filed with the commissioner are private or nonpublic data as provided in section 13.02.

Subd. 6a. [~~SUSPENSION, REVOCATION, OR REFUSAL TO ISSUE LICENSE.~~] (a) *If ~~the~~ a license applicant or a licensee fails to furnish financial statements or to furnish any new bond required, the commissioner may immediately refuse to issue or renew the license or may suspend the license and the licensee shall surrender the license to the commissioner. Within 15 days the .*

(b) *The commissioner may refuse to issue or renew a license or may suspend a license if he determines, based upon the financial statement filed under this section or other financial information obtained by him, that the applicant or licensee is not financially able to properly perform the services and operate the business for which the license is issued.*

(c) *When a license is suspended the licensee shall surrender the license to the commissioner. An applicant or licensee may request an administrative hearing subject to chapter 14 within 15 days after the commissioner suspends a license or refuses to issue or renew a license under clause (b) to determine whether the license should be issued, renewed, or revoked. If no request is made within 15 days after suspension, the commissioner shall revoke the license. All financial statements submitted to the commissioner are confidential.*

Subd. 7. [~~PRODUCER BOND AND CONTRACT CLAIMS.~~] A producer

claiming to be damaged by a breach of the conditions of a bond of a contract for the purchase of grain by a licensed grain buyer may file a written claim with the commissioner. The claim must state the facts constituting the claim. The claim must be filed with the commissioner within 180 days of the breach of the conditions of the bond contract. If the commissioner believes that a claim is valid, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Subd. 8. [BOND DISBURSEMENT.] (a) The bond required under subdivision 4 shall provide for payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer in the manner provided by section 223.17, subdivision 5, including loss caused by failure to pay within the time required. The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. ~~The bond shall not cover any transaction which constitutes a voluntary extension of credit.~~

(b) ~~Upon notification of default,~~ The commissioner shall promptly determine the validity of all claims filed with him and notify all parties having filed ~~claims~~ the claimants of the determination. An aggrieved party may appeal the commissioner's determination by requesting, within 15 days, that the commissioner initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment promptly to those claimants entitled to payment. ~~When the commissioner determines it necessary,~~ The commissioner may apply to the district court for an order appointing a trustee or receiver to manage and supervise the operations of the grain buyer in default. The commissioner may participate in any resulting court proceeding as an interested party.

(c) If a grain buyer has become liable to more than one producer by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all producers entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

(d) The bond shall not be cumulative from one licensing period to the next. The maximum liability of the bond shall be its face value for the licensing period.

Subd. 9. [DEFAULTS; VIOLATIONS.] *If the commissioner finds, after an investigation is conducted, that a complaint is valid or that a licensee is in violation of the provisions of this chapter, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days, the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.*

Sec. 9. [223.175] [VOLUNTARY EXTENSION OF CREDIT CONTRACTS; FORM.]

Grain buyers using voluntary extension of credit contracts must include in the contracts those items prescribed by the commissioner by rule. The contract shall include a statement of the legal and financial responsibilities of grain buyers and sellers established in this chapter. The contract shall also include the following statement in not less than ten point capital type, framed in a box with space provided for the seller's signature: "THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT. THIS CONTRACT IS NOT COVERED BY ANY GRAIN BUYER'S BOND." The seller shall sign the contract in the space provided beneath the statement.

Sec. 10. [223.177] [PURCHASE BY VOLUNTARY EXTENSION OF CREDIT CONTRACTS.]

Subdivision 1. [INDICATION OF INTENTION.] Every grain buyer who intends to purchase grain by voluntary extension of credit contracts shall indicate his intention to do so annually to the commissioner on a form provided by the commissioner.

Subd. 2. [ORAL CONTRACTS.] Any grain buyer entering into a voluntary extension of credit contract orally or by phone shall give or mail to the seller a written confirmation conforming to the requirements of section 9 before the close of the next business day.

Subd. 3. [EXECUTION OF CONTRACTS.] A voluntary extension of credit contract shall be executed before the close of the next business day after the contract is entered into or, in the case of an oral or phone contract, after the written confirmation is received by the seller. Provided, however, that if a scale ticket has been received by the seller prior to the completion of the grain shipment, the contract must be executed within ten days after the sale.

Subd. 4. [GRAIN, RIGHTS, OR PROCEEDS HELD.] A licensed grain buyer purchasing grain by voluntary extension of credit contracts shall at all times maintain grain, rights in grain, or proceeds from the sale of grain totaling 90 percent of the grain buyer's obligations for grain purchased by voluntary extension of credit contracts. That amount must be evidenced or represented by one or more of the following:

(a) grain owned and actually held by the grain buyer in a grain warehouse owned or controlled by the grain buyer;

(b) rights in grain evidenced or represented by warehouse receipts issued by a state or federally licensed grain warehouse;

(c) cash on hand or cash held on account in federally or state licensed institutions;

(d) short-term investments held in time accounts with federally or state licensed institutions;

(e) balances on grain margin accounts;

(f) voluntary extension of credit contracts for grain shipped to a processor or terminal as purchaser, less any payment or advance that has been received; or

(g) an irrevocable letter of credit, as defined in section 336.5-103, or other evidence of proceeds from the sale of grain acceptable to the commissioner.

Subd. 5. [VALUE OF GRAIN.] For the purpose of computing the dollar value of inventories of voluntary extension of credit obligations, the value of grain is determined by the current market price on the day of delivery.

Subd. 6. [TRANSFER OF TITLE.] The title to grain delivered on a voluntary extension of credit contract transfers to the grain buyer on the day of delivery.

Subd. 7. [STORAGE CHARGES PROHIBITED.] No storage charges may be charged with respect to grain purchased on voluntary extension of credit contracts.

Subd. 8. [RECORDS.] A grain buyer shall keep sufficiently detailed books and records of voluntary extension of credit contracts and evidences of grain, rights in grain, and the proceeds from the sale of grain so as to clearly show compliance with this section. The commissioner or his authorized agent may inspect these books and records at such time and place and as he may deem necessary to determine whether grain buyers are complying with the provisions of this chapter.

Sec. 11. Minnesota Statutes 1982, section 223.18, is amended to read:

223.18 [PENALTY.]

A person buying grain without first obtaining a grain buyer's license is guilty of a misdemeanor. Each day of operation without a grain buyer's license constitutes a separate offense. *In case of license revocation, no new license shall be granted to the person whose license was revoked nor to anyone either directly or indirectly engaged with him in the licensed business for two years. A grain dealer who withholds records from the commissioner, keeps or files records which he knows to be false, alters records fraudulently, or presents to the commissioner any records which he knows to be false is guilty of a gross misdemeanor.*

Sec. 12. Minnesota Statutes 1982, section 223.19, is amended to read:

223.19 [RULES.]

The commissioner may ~~promulgate~~ *adopt temporary or permanent rules pursuant to chapter 14 to carry out the provisions of sections 223.15 to 223.19 and section 13.*

Sec. 13. [223.20] [ATTORNEY GENERAL; ENFORCEMENT.]

The attorney general, upon request of the commissioner, shall assist the commissioner in enforcing this chapter.

Sec. 14. Minnesota Statutes 1982, section 336.9-401, is amended to read:

336.9-401 [PLACE OF FILING; ERRONEOUS FILING; REMOVAL OF COLLATERAL.]

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is ~~equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, or motor vehicles which are not inventory~~, then in the office of the county recorder in the county of

the debtor's residence if the debtor is an individual who is a resident of this state but if the debtor is an individual who is not a resident of this state or is a corporation, partnership or other organization then in the office of the secretary of state; ~~and in addition when the collateral is crops growing or to be grown in the office of the county recorder in the county where the land is located;~~

(b) When the collateral is equipment to be used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or crops growing or to be grown, then in the office of the county recorder in the county of the debtor's residence if the debtor is an individual or organization with residence in this state, but if the debtor is not a resident of this state, then in the office of the secretary of state;

(c) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

(e) (d) In all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence in this state or the use of the collateral, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 336.9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. Such a filing shall not be deemed a separate filing from the filings required by other laws, if applicable, set forth in subsection (3) of section 336.9-302. This filing constitutes a fixture filing (section 336.9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

(7) "Motor vehicle" means any device propelled or drawn by any power other than muscular power in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting building and road construction equipment.

Sec. 15. Laws 1982, chapter 635, section 9, is amended to read:

Sec. 9. [REPEALER.]

Minnesota Statutes 1980, sections 223.04; 223.07; 223.08; 223.09; 223.10; 223.11; 232.01; 232.02, subdivisions 4, 5, 6, 7, 8 and 9; 232.03; 232.04; and 232.06, subdivision 5; Minnesota Statutes 1981 Supplement, sections 223.01; 223.02; 223.03; 223.05; and 232.02, subdivisions 1, 2 and 3, are repealed. Sections 4 to 6 are repealed July 1, 1983. Any claims under sections 4 to 6 which are not settled before July 1, 1983, may be settled under the provisions of section 4, subdivisions 7 and 8, as they existed prior to July 1, 1983.

Sec. 16. [STATUTES REMAIN IN EFFECT.]

Notwithstanding Minnesota Statutes, section 645.36, Minnesota Statutes, sections 223.15 to 223.19 remain in effect without interruption.

Sec. 17. [EFFECTIVE DATE.]

This act is effective July 1, 1983.

Delete the title and insert:

“A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 1, 7, 8, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 270 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:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
270	84				

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. 904 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
904	904				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 904 be amended as follows:

Page 1, after line 24, insert:

“Sec. 2. [PUBLIC UTILITIES COMMISSION.]

Prior to the effective date of Laws 1980, chapter 534, as amended by Laws 1981, chapter 357, section 108, the public utilities commission shall perform the duties of the board under section 1.”

And when so amended H.F. No. 904 will be identical to S.F. No. 904, and further recommends that H.F. No. 904 be given its second reading and substituted for S.F. No. 904, 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. 1101 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:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1101	922				

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. 380 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
380	373				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 380 be amended as follows:

Page 1, delete lines 10 to 25

Page 2, delete lines 1 to 12 and insert

“~~A~~ Any person, *except persons who are reasonably expecting to receive compensation or who are acting within the course of their employment or within the scope of their duties as part of a police, fire, rescue, sheriff, or life support transportation service provider*, who in good faith ~~and in the exercise of reasonable care~~ renders emergency care at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by

that person in rendering the emergency care *unless that person acts in a willful and wanton or reckless manner in providing the care.*”

Page 2, delete lines 18 to 20

And when so amended H.F. No. 380 will be identical to S.F. No. 373, and further recommends that H.F. No. 380 be given its second reading and substituted for S.F. No. 373, 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. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for January 31, 1983:

**DEPARTMENT OF ECONOMIC SECURITY
COMMISSIONER**

Barbara Beerhalter

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. 1189, 1152, 483, 1151 and 789 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 218, 270, 904, 1101 and 380 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 1204. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1214. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1215. The motion prevailed.

Mr. Petty moved that S.F. No. 50 be taken from the table. The motion prevailed.

S.F. No. 50: A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

Mr. Petty moved that the Senate do not concur in the amendments by the House to S.F. No. 50; 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.

SPECIAL ORDER

H.F. No. 259: A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; amending Minnesota Statutes 1982, section 361.09, 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Nelson	Renneke
Anderson	Dicklich	Kroening	Novak	Samuelson
Belanger	Diessner	Kronebusch	Olson	Schmitz
Benson	Dieterich	Langseth	Pehler	Solon
Berg	Frank	Lantry	Peterson, D.C.	Spear
Berglin	Hughes	Lessard	Peterson, D.L.	Storm
Bernhagen	Isackson	Luther	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Kamrath	Moe, D. M.	Ramstad	Wegscheid
Davis	Knaak	Moe, R. D.	Reichgott	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 598: A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Pehler	Solon
Anderson	Diessner	Kronebusch	Peterson, D.C.	Spear
Belanger	Dieterich	Langseth	Peterson, D.L.	Storm
Benson	Frank	Lantry	Peterson, R.W.	Stumpf
Berg	Hughes	Lessard	Petty	Taylor
Berglin	Isackson	Luther	Pogemiller	Ulland
Bernhagen	Johnson, D.E.	McQuaid	Purfeerst	Vega
Bertram	Johnson, D.J.	Mehrkens	Ramstad	Waldorf
Chmielewski	Jude	Moe, R. D.	Reichgott	Wegscheid
Dahl	Kamrath	Nelson	Renneke	Willet
Davis	Knaak	Novak	Samuelson	
DeCramer	Knutson	Olson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 769: A bill for an act relating to property exempt from attachment, garnishment, or levy of execution; limiting the homestead exemption from seizure or sale; requiring notice to judgment debtors prior to delivery of funds owed to the judgment debtor by any third party to satisfy a creditor's claim; providing for an exemption notice within certain time limits; providing penalties for failure to send the exemption notice; clarification of certain exempt funds; providing for an increase in the amount of household goods exempt; amending Minnesota Statutes 1982, sections 510.01; 510.04; 550.041; 550.14; 550.141, by adding a subdivision; 550.37, subdivisions 4, 13, 14, 19, 20, and 24, and by adding a subdivision; 571.41, subdivisions 5 and 6, and by adding subdivisions; 571.42; and 571.67.

Mr. Willet moved to amend S.F. No. 769 as follows:

Page 2, after line 14, insert:

"Sec. 3. Minnesota Statutes 1982, section 548.15, is amended to read:

548.15 [DISCHARGE OF RECORD.]

Upon the satisfaction of a judgment, whether wholly or in part, or as to all or any of several defendants, the clerk shall enter the satisfaction in the judgment roll, and note ~~the same~~ *it*, with ~~the its~~ *its* date ~~thereof~~, on the docket. If the docketing is upon a transcript from another county, the entry on the docket shall be sufficient. A judgment shall be deemed satisfied when there is filed with the clerk:

(1) An execution satisfied, to the extent stated in the sheriff's return ~~thereon~~ *on it*;

(2) A certificate of satisfaction signed and acknowledged by the judgment creditor;

(3) A like certificate signed and acknowledged by the attorney of the creditor, unless his authority as attorney has previously been revoked and an entry of the revocation made upon the register; ~~but~~ the authority of an attorney to satisfy a judgment ~~shall cease~~ *ceases* at the end of six years from its entry;

(4) An order of the court, made on motion, requiring the execution of a certificate of satisfaction, or directing satisfaction to be entered without it;

(5) Where a judgment is docketed on transcript, a copy of either of the foregoing documents, certified by the clerk of the court in which the judgment was originally entered and in which the originals were filed.

A satisfaction made in the name of a partnership ~~shall be~~ *is* valid if executed by a member ~~thereof~~ *of it* while the partnership continues. The judgment creditor, or his attorney while his authority continues, may also satisfy a judgment of record by a brief entry on the register, signed by him and dated and witnessed by the clerk, who shall note the satisfaction on the margin of the docket. When a judgment is satisfied otherwise than by return of execution, the judgment creditor or his attorney shall give a certificate ~~thereof~~ *of it within ten days after the satisfaction.*"

Page 2, line 36, delete "18" and insert "19"

Page 4, line 18, delete "18" and insert "19"

Page 5, line 20, after "attorney" insert "or judgment creditor"

Page 5, line 23, after "court" insert ", within ten days after the satisfaction,"

Page 6, line 5, delete "18" and insert "19"

Page 7, line 23, delete "18" and insert "19"

Page 14, line 32, delete "18" and insert "19"

Page 16, line 8, delete "18" and insert "19"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after the first semicolon, insert "548.15;"

The motion prevailed. So the amendment was adopted.

Mr. Dieterich moved to amend S.F. No. 769 as follows:

Page 1, line 30, delete everything after "exceeding"

Page 1, line 31, delete "debtors with joint ownership" and insert "\$150,000"

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend S.F. No. 769 as follows:

Pages 1 and 2, delete sections 1 and 2

Page 2, line 36, delete "18" and insert "16"

Page 4, line 18, delete "18" and insert "16"

Page 6, line 5, delete "18" and insert "16"

Page 7, line 23, delete "18" and insert "16"

Page 14, line 32, delete "18" and insert "16"

Page 16, line 8, delete "18" and insert "16"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "limiting the"

Page 1, line 4, delete everything before "requiring"

Page 1, line 12, delete "510.01;"

Page 1, line 13, delete "510.04;"

The motion prevailed. So the amendment was adopted.

S.F. No. 769 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 56 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson, D. L.	Storm
Anderson	Dieterich	Lessard	Peterson, R. W.	Stumpf
Belanger	Frank	Luther	Petty	Taylor
Berg	Freeman	McQuaid	Pogemiller	Ulland
Berglin	Hughes	Mehrkens	Purfeerst	Vega
Bernhagen	Isackson	Moe, D. M.	Ramstad	Waldorf
Bertram	Johnson, D. E.	Moe, R. D.	Reichgott	Wegscheid
Chmielewski	Johnson, D. J.	Nelson	Renneke	Willet
Dahl	Jude	Novak	Schmitz	
Davis	Kroening	Olson	Sieloff	
DeCramer	Laidig	Pehler	Solon	
Dicklich	Langseth	Peterson, D. C.	Spear	

Messrs. Benson, Kamrath and Mrs. Kronebusch voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 441: A bill for an act relating to housing; increasing the maximum permissible return to certain mortgagors; increasing the maximum amount of housing finance agency rehabilitation loans; combining certain bonding categories; clarifying other housing finance agency duties and powers; modifying certain duties and powers of issuers of local housing revenue bonds; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 4, 9, 14a, 18, and by adding a subdivision; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b, and by adding a subdivision; 462A.22, subdivisions 1 and 5; and 462C.07, subdivision 1; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

Mr. Kroening moved to amend H.F. No. 441, as amended pursuant to Rule 49, adopted by the Senate April 6, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 324)

Page 5, line 27, reinstate the stricken “; provided that”

Page 5, line 35, before the period insert:

“(i) the aggregate price at which an issue of notes or bonds is initially offered by underwriters to investors, as set forth in the agency’s official statement with respect to the offering, shall not exceed by more than three percent the aggregate price paid by the underwriters to the agency at the time of delivery; (ii) the commission paid by the agency to an underwriter or agent for placing an issue of notes or bonds with investors shall not exceed three percent of the aggregate price at which the issue is offered to investors as set forth in the agency’s offering statement; and (iii) the spread or commission shall be an amount determined by the agency to be reasonable in the light of the risk assumed and the expenses of issuance, if any, required to be paid by the underwriters or agent”

Page 7, after line 15, insert:

“Sec. 13. Minnesota Statutes 1982, section 462C.05, subdivision 7, is amended to read:

Subd. 7. A development may consist of a combination of a multifamily housing development and a new or existing health care facility, as defined by section 474.02, if the following conditions are satisfied:

(a) The multifamily housing development is designed and intended to be used for rental occupancy;

(b) The multifamily housing development is designed and intended to be used primarily by elderly or physically handicapped persons; and

(c) Nursing, medical, personal care, and other health related assisted living services are available on a 24 hour basis in the development to the residents.

The limitations of section 462C.04, subdivision 2, clause (c), shall not apply to projects defined in this subdivision and approved by the Minnesota housing finance agency before ~~July~~ *October* 1, 1983. ~~The limitations of section 462C.07, subdivision 2, shall not apply to bonds issued for projects defined in this subdivision.~~

The Minnesota housing finance agency shall provide, in the annual report required by section 462C.04, subdivision 2, information on the costs incurred for the issuance of bonds for projects defined in this subdivision. The report shall also include the Minnesota housing finance agency's recommendations for the regulation of costs of issuance for future issues.

Sec. 14. Minnesota Statutes 1982, section 462C.07, subdivision 1, is amended to read:

Subdivision 1. To finance programs or developments described in any plan the city may, upon approval of the program as provided in section 462C.04, subdivision 2, issue and sell revenue bonds or obligations which shall be payable exclusively from the revenues of the programs or developments. In the purchase or making of single family housing loans and the purchase or making of multifamily housing loans and the issuance of revenue bonds or other obligations the city may exercise within its corporate limits, any of the powers the Minnesota housing finance agency may exercise under chapter 462A, without limitation under the provisions of chapter 475; ~~and the revenue bonds or other obligations may be sold at 97 percent or more of their principal amount, notwithstanding the provisions of section 462A.09.~~

Page 7, after line 18, insert:

“Sec. 16. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert “modifying certain duties and powers of issuers of local housing revenue bonds;”

Page 1, line 10, after the semicolon, delete “and”

Page 1, line 11, after the semicolon, insert “462C.05, subdivision 7; and 462C.07, subdivision 1”

The motion prevailed. So the amendment was adopted.

H.F. No. 441 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Spear
Anderson	Diessner	Kroening	Olson	Storm
Belanger	Dieterich	Kronebusch	Pehler	Stumpf
Benson	Frank	Laidig	Peterson, D.C.	Taylor
Berg	Freeman	Langseth	Petty	Ulland
Berglin	Hughes	Lantry	Pogemiller	Vega
Bernhagen	Isackson	Lessard	Purfeerst	Waldorf
Bertram	Johnson, D.E.	Luther	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	McQuaid	Renneke	Willet
Dahl	Jude	Mehrkens	Schmitz	
Davis	Kamrath	Moe, D. M.	Sieloff	
DeCramer	Knaak	Moe, R. D.	Solon	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 463: A bill for an act relating to port authorities; authorizing revenue bond financing of certain facilities; eliminating the interest rate limit on revenue bonds and authorizing private sale; clarifying contractual and operational authority of port authorities; amending Minnesota Statutes 1982, sections 458.192, subdivisions 1, 4, and by adding a subdivision; 458.194, subdivisions 2, 3, and by adding a subdivision; and 458.195, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Laidig	Pehler	Storm
Anderson	Dicklich	Langseth	Peterson, D.C.	Stumpf
Belanger	Diessner	Lantry	Petty	Taylor
Berglin	Freeman	Lessard	Pogemiller	Vega
Bernhagen	Hughes	McQuaid	Purfeerst	Wegscheid
Bertram	Johnson, D.E.	Mehrkens	Ramstad	
Chmielewski	Jude	Nelson	Reichgott	
Dahl	Knutson	Novak	Renneke	
Davis	Kronebusch	Olson	Sieloff	

Those who voted in the negative were:

Benson	Kamrath	Luther	Peterson, R. W.	Waldorf
Berg	Knaak	Moe, D. M.	Ulland	Willet
Isackson	Kroening			

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 934: A bill for an act relating to elections; authorizing the use of electronic voting systems for absentee voting under certain circumstances; authorizing the secretary of state to promulgate rules; amending Minnesota

Statutes 1982, sections 203B.08, by adding subdivisions; 203B.11; and 203B.12, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 203B.

Was read the third time 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:

Adkins	DeCramer	Knaak	Moe, D. M.	Reichgott
Anderson	Dicklich	Knutson	Nelson	Renneke
Belanger	Diessner	Kroening	Novak	Sieloff
Benson	Dieterich	Kronebusch	Olson	Storm
Berg	Frank	Laidig	Pehler	Stumpf
Berglin	Freeman	Langseth	Peterson, D. C.	Ulland
Bernhagen	Hughes	Lantry	Peterson, R. W.	Vega
Bertram	Isackson	Lessard	Petty	Waldorf
Chmielewski	Johnson, D. E.	Luther	Pogemiller	Wegscheid
Dahl	Jude	McQuaid	Purfeerst	Willet
Davis	Kamrath	Mehrkens	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 892: A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment, and reporting requirements; establishing a quarterly revenue fee; proposing new law coded as Minnesota Statutes, chapter 62H.

Mr. Willet moved to amend S.F. No. 892 as follows:

Page 3, after line 33, insert:

“Sec. 8. [62H.08] [EXEMPTION.]

A homogenous joint employer plan providing group health benefits, which was in existence prior to March 1, 1983, and which is associated with, or organized or sponsored by, an association exempt from taxation under United States Code, title 26, section 501(c)(6), and controlled by a board of trustees a majority of whom are members of the association, is exempt from the requirements of this act and the insurance laws of this state.”

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Willet then moved to amend S.F. No. 892 as follows:

Page 1, line 16, delete “250” and insert “100”

The motion did not prevail. So the amendment was not adopted.

S.F. No. 892 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Langseth	Peterson, D.L.	Spear
Anderson	Frank	Lantry	Peterson, R.W.	Storm
Belanger	Freeman	Lessard	Petty	Stumpf
Benson	Isackson	Luther	Pogemiller	Taylor
Berg	Johnson, D.E.	Mehrkens	Purfeerst	Ulland
Berglin	Jude	Merriam	Ramstad	Vega
Bertram	Kamrath	Moe, R. D.	Reichgott	Waldorf
Chmielewski	Knaak	Novak	Renneke	Wegscheid
Dahl	Knutson	Olson	Schmitz	Willet
Davis	Kroening	Pehler	Sieloff	
Diessner	Laidig	Peterson, D.C.	Solon	

So the bill, as amended, passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Mr. Renneke introduced—

S.F. No. 1216: A bill for an act relating to wild animals; fur buyers licensing; amending Minnesota Statutes 1982, section 98.46, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

MEMBERS EXCUSED

Mrs. Brataas, Messrs. Frederick, Frederickson and Peterson, C.C. were excused from the Session of today. Messrs. Freeman and Johnson, D.J. were excused from the Session of today from 9:00 a.m. to 9:50 a.m. Mr. Sieloff was excused from the Session of today from 9:00 to 10:45 a.m. Mr. Merriam was excused from the Session of today from 9:00 a.m. to 12:00 noon. Mr. Knaak was excused from the Session of today from 10:15 to 11:00 a.m. Ms. Reichgott was excused from the Session of today from 10:40 to 11:00 a.m. Mrs. McQuaid, Mr. Hughes and Mrs. Kronebusch were excused from the Session of today at 11:45 a.m. Mr. Dicklich was excused from the Session of today at 12:00 noon.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, May 2, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-FOURTH DAY

St. Paul, Minnesota, Monday, May 2, 1983

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rabbi Kassel Abelson.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kronebusch	Pehler	Solon
Anderson	Frank	Laidig	Peterson, C.C.	Spear
Belanger	Frederick	Langseth	Peterson, D.C.	Storm
Benson	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berg	Freeman	Lessard	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Ulland
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Brataas	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Chmielewski	Jude	Moe, D.M.	Reichgott	Willet
Dahl	Kamrath	Moe, R.D.	Renneke	
Davis	Knaak	Nelson	Samuelson	
DeCramer	Knutson	Novak	Schmitz	
Dicklich	Kroening	Olson	Sieloff	

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 communication was received.

April 28, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
	413	59	April 28	April 28
	459	60	April 28	April 28
	468	61	April 28	April 28
	552	62	April 28	April 28
	597	63	April 28	April 28
	909	64	April 28	April 28

Sincerely,

Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Luther 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. 862: A bill for an act relating to public employment; providing rights for certain part-time employees; amending the definition of supervisory employee; authorizing recognition of legal strikes by non-members of bargaining units; specifying the relationship between collective bargaining agreements and arbitration awards and municipal charters and ordinances; amending Minnesota Statutes 1982, sections 179.63, subdivisions 7 and 9; 179.64, by adding a subdivision; 179.66, subdivision 5; 179.71, subdivision 3; and 179.72, subdivision 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 1982, section 179.63, subdivision 7, is amended to read:

Subd. 7. “Public employee” or “employee” means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee’s bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal

character for a period not in excess of ~~100~~ 67 working days in any calendar year;

(g) temporary or part time employees who are under the age of 22, are full time students enrolled in a nonprofit or public educational institution prior to their being hired by an employer and who have indicated, either in their application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary or part time employment.

The exclusions of clauses (e) and (f) shall not apply to:

(1) an employee hired by a school district to replace an absent teacher who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher; and

(2) an employee hired by a school district for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons.

Employees included as "public employees" pursuant to clauses (1) and (2) shall not be included under master contracts expiring June 30, 1981, for purposes of salary or fringe benefits;

(g) employees of charitable hospitals as defined by section 179.35, subdivision 3;

(h) full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid, irrespective of number of hours of service per week;

(i) an individual who renders part time teaching service for less than 300 hours in a fiscal year as an instructor in an adult vocational education program.

Sec. 2. Minnesota Statutes 1982, 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~~ a person ~~having~~ who has 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~~ the authority is not merely routine or clerical in nature but requires the use of independent judgment. ~~Any~~ A determination of "supervisory employee" may be appealed to the public employment relations board.

Effective May 2, 1983, the removal of employees by the employer from non-supervisory bargaining units for the purpose of designating the employees as "supervisory employees" shall require the prior written agreement of the exclusive representative or the written approval of the director before the redesignation is effective.

Sec. 3. Minnesota Statutes 1982, section 179.66, subdivision 2, is

amended to read:

Subd. 2. A public employer has an obligation to meet and negotiate in good faith with the exclusive representative of the public employees in an appropriate unit regarding grievance procedures and the terms and conditions of employment, but ~~such~~ *the* obligation does not compel the public employer or its representative to agree to a proposal or require the making of a concession.

The public employer's duty under this subdivision exists notwithstanding contrary provisions in a municipal charter, ordinance, or resolution. A provision of a municipal charter, ordinance, or resolution which limits or restricts a public employer from negotiating or from entering into binding contracts with exclusive representatives is superseded by this subdivision.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following their final enactment."

Delete the title and insert:

"A bill for an act relating to public employment; providing rights for certain part-time employees; amending the definition of supervisory employee; authorizing recognition of legal strikes by non-members of bargaining units; providing that the public employer's duty to bargain supersedes all municipal charters, ordinances or resolutions; amending Minnesota Statutes 1982, sections 179.63, subdivisions 7 and 9; and 179.66, subdivision 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. 206: 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; appropriating money; 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 23, after "*facility*" insert "*, including the state and political subdivisions of the state,*"

Page 3, line 6, delete "*through December 31, 1982*"

Page 3, delete subdivision 11

Page 3, line 15, delete "*in*"

Page 3, line 16, delete "*the state*" and delete the comma

Page 3, line 17, delete “, *this state, a political subdivision of this state,*”

Renumber the subdivisions in sequence

Page 7, line 33, delete “30” and insert “20”

Page 7, line 36, delete “270” and insert “120”

Page 8, line 19, delete “45” and insert “30”

Page 9, line 22, delete “270” and insert “120”

Page 9, line 28, delete “*and that requiring the employer to remain open*”

Page 9, delete line 29

Page 9, line 30, delete “*to the employer attributable to the affected establishment,*”

Page 9, line 33, delete “45” and insert “30”

Page 9, line 36, delete “270” and insert “120”

Pages 10 and 11, delete section 8

Page 12, line 26, delete “*statement*” and insert “*information*”

Page 12, line 36, delete “12” and insert “11”

Page 13, line 4, delete “12” and insert “11”

Renumber the sections and the proposed coding 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 Economic Development and Commerce, to which was referred

S.F. No. 853: A bill for an act relating to financial institutions; providing for the payment of hearing costs on contested applications; including credit union share insurance corporations and industrial loan and thrift guarantee issuers in the group of organizations permitted to receive examination reports; removing the requirement that a financial institution's board of directors hold qualifying shares; clarifying limitations on junior mortgage loans by banks; establishing application fees; removing a certain filing requirement; reducing the number of savings association incorporators; clarifying the notice requirements for savings association conversions; clarifying the industrial loan and thrift company lending limit and increasing the capital to deposit limitation; providing first installment requirements for regulated lenders and motor vehicle sales finance companies; providing credit insurance disclosure requirements for regulated lenders; clarifying financial corporation organizational requirements; amending Minnesota Statutes 1982, sections 45.04, subdivision 1; 46.07, subdivision 2; 47.54, subdivision 1; 48.06; 48.19, subdivision 1; 48.68; 49.36, subdivision 1; 49.37; 51A.03, subdivisions 1 and 4; 51A.065, subdivision 4; 51A.13, subdivisions 2 and 2a; 52.203; 53.01; 53.03, subdivisions 1, 5, and 6; 53.04, subdivision 3a; 53.05; 53.06; 56.131, subdivision 1; 56.155, subdivision 1; 168.72, subdivision 1; 300.025; and 300.20.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, line 36, strike "any" and insert "a"

Page 1, line 37, strike "an" and insert "a written" and strike ", in writing,"

Page 1, line 38, strike ", and shall"

Page 2, line 1, strike "file the same in its office, which" and insert ". The"

Page 2, line 1, strike "shall" and insert "must"

Page 2, line 2, strike ", requesting" and insert "and request"

Page 2, line 4, strike "At the time of"

Page 2, line 5, strike "filing the application"

Page 2, line 5, strike "pay" and insert "file the application with the department with"

Page 2, line 5, before "filing" insert "\$1,000" and strike "of"

Page 2, strike lines 6 and 7

Page 2, line 8, strike "the sum of" and insert "and a"

Page 2, line 8, strike "as a" and insert "investigation"

Page 2, line 8, strike "for investigating the application which"

Page 2, line 9, strike "shall" and insert ". The fees must"

Page 2, line 10, strike "by the treasurer" and "of the state"

Page 2, line 12, strike "at its office at the state"

Page 2, line 13, strike "capitol, at which hearing it shall" and insert "to"

Page 2, line 14, strike the first "shall" and insert "will"

Page 2, line 14, strike the second "shall" and insert "must"

Page 2, line 15, strike "some" and insert "a"

Page 2, line 17, after "there" strike "be" and insert "is"

Page 2, line 19, strike "shall" and insert "must"

Page 2, line 25, after the comma, insert "50 percent of"

Page 2, line 28, delete "shall" and insert "must" and after "by" insert "the"

Page 2, line 28, after "and" insert "50 percent by the"

Page 2, line 29, delete "equally"

Page 3, line 23, strike "an" and insert "a written"

Page 3, line 24, strike ", in writing,"

Page 3, line 25, strike the comma

Page 3, line 26, strike ", together"

Page 3, line 27, after the comma, insert "50 percent of"

Page 3, line 31, after "and" insert "50 percent by the"

Page 3, line 31, delete "equally"

Page 4, line 2, strike "shall" and insert "must"

Page 4, line 5, strike "as" and strike "above" and insert " in section 47.52"

Page 4, line 35, strike "same"

Page 5, line 7, strike "any such" and insert "these"

Page 5, line 11, strike "when"

Page 5, line 12, strike "such" and insert "if the"

Page 5, line 16, strike "providing" and insert "if"

Page 6, line 7, strike "; provided, that" and insert ". However,"

Page 6, after line 9, insert:

"Sec. 7. [48.90] [DISPOSITION OF CREDIT INSURANCE INCOME.]

Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the following terms have the meanings given them.

(b) "Credit insurance" means credit life and accident and health insurance as defined in section 62B.02.

(c) "Officer", "director", "employee", and "shareholder" include the spouse and minor children of the officer, director, employee, or shareholder.

(d) "Interest" includes ownership through a spouse or minor children; ownership through a broker, nominee, or agent; and ownership through a corporation, partnership, association, joint venture, or proprietorship.

Subd. 2. [SCOPE AND PURPOSE.] This section applies to sales of credit insurance by employees, officers, directors, and shareholders of a banking institution and by corporations, partnerships, associations, and other entities in which these persons have an interest. The purposes of this section are (1) to prohibit employees, officers, directors, and shareholders of banking institutions from benefiting personally on the sale of credit insurance to loan customers and (2) to encourage marketing of credit insurance through the use of banking facilities only under arrangements which assure that employees, officers, directors, and shareholders do not receive benefits not shared with all stockholders of the banking institution.

Subd. 3. [DISTRIBUTION OF CREDIT INSURANCE INCOME.] No employee, officer, director, or shareholder of a banking institution, nor a corporation, partnership, association, or other entity in which these persons have an interest, may retain commissions or other income from the sale of credit insurance in connection with a loan made by the banking institution. All such income received by these persons or by a corporation, partnership, association, or other entity in which these persons have an interest, must be turned over to the banking institution. Nothing in this section prohibits a banking institution from receiving the income directly in the form of commis-

sions or as compensation for use of its premises, personnel, and good will.”

Page 6, line 16, strike the comma and delete “together”

Page 6, line 22, strike “as may be”

Page 6, line 23, strike “requested,” and insert “by request”

Page 6, line 23, strike “as may be obtained”

Page 7, line 6, strike “, and” and insert a semicolon

Page 7, line 7, after the semicolon, insert “and stating”

Page 7, line 20, strike “as may be”

Page 8, line 19, strike “same” and insert “them”

Page 8, line 20, strike the comma

Page 9, line 8, strike “so”

Page 9, line 36, strike “; provided, that” and insert “. However,”

Page 10, after line 25, insert:

“Sec. 15. Minnesota Statutes 1982, section 51A.51, subdivision 2, is amended to read:

Subd. 2. [INCORPORATION FEE.] At the time of filing the application for a certificate of incorporation, the incorporators shall pay a \$1,000 filing fee of ~~\$1,000~~ which shall be paid into the state treasury and credited to the general fund, and shall pay to the banking department ~~the sum of a~~ \$500 as a ~~investigation fee for investigating the application.~~ *If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by applicant and 50 percent by the intervening parties.*

Sec. 16. Minnesota Statutes 1982, section 51A.51, subdivision 3a, is amended to read:

Subd. 3a. [FEE FOR ESTABLISHMENT OF OTHER THAN PRINCIPAL OFFICE.] There shall accompany each application to the commissioner for establishment of other than the principal office a \$1,000 filing fee of ~~\$1,000~~ payable to the state treasury and \$500 payable to the banking department. *If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by applicant and 50 percent by the intervening parties.*”

Page 11, line 35, strike “such”

Page 12, line 27, strike “cause an” and insert “file a written”

Page 12, line 27, strike “, in writing, to”

Page 12, line 28, strike “be made to” and insert “with”

Page 12, line 30, strike “and filed in”

Page 12, line 31, strike “its office”

Page 13, line 2, after "a" insert "\$1,000" and strike "of"

Page 13, line 2, delete "\$1,000" and strike ", to be paid into"

Page 13, strike line 3

Page 13, line 4, strike "shall pay to the commissioner of banks the sum of"

Page 13, line 4, after the stricken "\$250" insert "and a"

Page 13, line 4, strike "as a" and insert "investigation"

Page 13, line 5, strike "for investigating the application, which fee shall" and insert ". The fees must"

Page 13, line 7, strike "of the state, and" and insert ". The applicant shall also"

Page 13, line 9, after "thereto" insert "at that time"

Page 13, line 10, after the stricken "pay" insert "50 percent of"

Page 13, line 13, strike "of the state"

Page 13, line 14, after "and" insert "50 percent by the"

Page 13, line 14, delete "equally"

Page 14, line 4, strike "Where" and insert "The filing fee for a branch application shall be \$500 and the investigation fee \$250. If"

Page 14, line 35, after the comma, insert "50 percent of"

Page 15, line 2, strike "shall" and insert ", must"

Page 15, line 2, after "and" insert "50 percent by the"

Page 15, line 3, delete "equally"

Page 15, line 11, strike "shall" and insert "may"

Page 15, line 17, after "in" delete the remaining new language and insert "amounts in compliance with section 53.05, clause (3), or 56.131, subdivision 1, paragraph (a), whichever is less"

Page 15, lines 18 and 19, delete the new language

Page 16, lines 14 and 15, reinstate the stricken language

Page 16, line 25, strike "provided,"

Page 17, after line 18, insert:

"Sec. 25. Minnesota Statutes 1982, section 56.001, subdivision 3, is amended to read:

Subd. 3. [APPLICABLE CHARGE.] "Applicable charge" means the amount of interest attributable to each monthly installment period of the loan contract. The applicable charge is computed as if each installment period were one month and any charge for extending the first installment period beyond one month, or reduction in charge for a first installment less than one month, is ignored. The applicable charge for any installment period is that which would have been made for the period had the loan been made

on an interest-bearing basis at the single annual percentage rate permitted by section 56.131, subdivision 1, based upon the assumption that all payments were made according to schedule. For convenience in computation, the licensee may round the single annual rate to the nearest one quarter of one percent."

Page 19, line 7, strike "provided further that"

Page 21, line 20, after "borrower" insert "*before the transaction is completed*"

Page 21, line 21, strike "before the transaction is completed"

Page 24, line 6, delete "*making application*" and insert "*applying*"

Page 24, line 9, strike "provided" and insert "*however*"

Page 24, line 14, strike "transacting the same" and insert "*business*"

Page 24, line 16, strike the comma

Page 24, line 26, strike "the same" and insert "*it*"

Page 24, line 28, strike the semicolon and insert a comma

Page 24, line 29, after "each" strike the comma

Page 24, line 36, strike "provided that" and insert "*. However,*"

Page 25, line 14, strike "When" and insert "*If*"

Page 25, line 15, after "provides" insert a comma

Page 25, line 17, after the second "of" insert "*a*"

Page 25, line 18, strike "banks" and after "~~shall~~" insert "*bank*"

Page 25, line 27, delete "26" and insert "30"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 21, after the semicolon, insert "providing that no employee, officer, director, or shareholder of a banking institution, or a corporation, partnership, or association in which these persons have an interest, may retain income from the sale of credit insurance in connection with a loan made by the banking institution; providing that the income must be turned over to the banking institution;"

Page 1, line 26, after "2a;" insert "51A.51, subdivisions 2 and 3a;"

Page 1, line 28, after "53.06;" insert "56.001, subdivision 3;"

Page 1, line 30, after "300.20" insert "; proposing new law coded in Minnesota Statutes, chapter 48"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 810: A bill for an act relating to energy; providing for omnibus

energy measures; creating a department of energy; transferring energy related duties; creating an energy coordination board; creating an intervention office; creating an energy authority; authorizing the Minnesota housing finance agency to participate in energy projects; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.09; 116J.10; 462A.02, subdivision 10; 462A.05, by adding subdivisions; and 462A.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 116H; 216A; 216B; and 462A; repealing Minnesota Statutes 1982, section 116J.28.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE I

TRANSFER OF POWERS AND

CREATION OF DEPARTMENT OF

ENERGY AND ECONOMIC DEVELOPMENT

Section 1. [TRANSFER OF POWERS.]

Subdivision 1. [AUTHORIZATION.] All powers, duties, and functions vested in or imposed on the department of energy, planning and development or the commissioner of energy, planning and development by sections 116J.04 to 116J.36, 116J.58 to 116J.91 and other laws are transferred to, vested in, and imposed on the commissioner of the department of energy and economic development created in section 6, including the following specific powers:

- (a) community development corporation grants, as provided in 116J.65;*
- (b) the “503” certified state development company, as provided in section 116J.67;*
- (c) the issuance of industrial revenue bonds, as provided in chapter 474;*
- (d) the administration of the area redevelopment act and the federal revolving loan program as provided in chapter 472; and*
- (e) the authority to pass through appropriations to the Duluth port authority, as provided by chapter 116J.*

The responsibilities of the commissioner of energy, planning, and development that relate to clauses (a) to (e) are transferred to, vested in, and imposed on the economic development division and the Minnesota energy and economic development fund. The division and the fund are deemed to be the successors to these responsibilities as they were constituted immediately prior to the effective date of this article.

Subd. 2. [POSITIONS TRANSFERRED.] Personnel positions in the department of energy, planning and development in the classified civil service and temporary positions in the unclassified service established pursuant to section 43A.08, and the small business finance agency formerly assigned to functions that are transferred by this section to the department of energy and economic development are continued and transferred with their incumbents to the department of energy and economic development along with the func-

tions transferred. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plans or under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Subd. 3. [BALANCES TRANSFERRED.] The unexpended balance of any appropriation to the department of energy, planning and development which was assigned to the energy and development divisions of the department or to any office within the energy and development divisions is transferred to the commissioner of energy and economic development who shall pay all valid claims presented against those appropriations.

Subd. 4. [RECORDS TRANSFERRED.] The commissioner of energy, planning and development, the assistant commissioners for the economic development and energy divisions, and office directors within the economic development and energy divisions shall transfer to the commissioner of the department of energy and economic development all contracts, books, maps, plans, papers, records, and property of every description within their jurisdiction or control which are relevant to the activities and functions transferred by this section to the commissioner of the department of energy and economic development.

Subd. 5. [PROCEEDINGS CONTINUED.] Any proceeding, court action, prosecution, or other business or matter that is pending on the effective date of this section and that involved or was commenced by the commissioner of energy, planning and development and which involved personnel or functions transferred to the department of energy and economic development by this section may be conducted and completed by the commissioner of the department of energy and economic development in the same manner, under the same terms and conditions, and with the same effect as though it involved or was commenced and conducted or completed by the officer who began it.

Subd. 6. [AUTHORITY CONTINUED.] The authority of the commissioner of the department of energy and economic development regarding functions transferred to the commissioner by this section is a continuation of the authority of the officer from which it was transferred regarding those functions, with the same force and effect as though the functions, powers, or duties of the officer had not been assigned or transferred, and does not constitute a new authority for the purposes of succession to all rights, powers, duties, and obligations of the officer, as constituted at the time of the assignment or transfer. All rules adopted under authority of power, duty, or responsibility transferred by this section to the commissioner of the department of energy and economic development shall remain in full force and effect until amended or repealed.

Sec. 2. Minnesota Statutes 1982, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as permanent members ~~the commissioner of the department of energy, planning and development,~~ the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, ~~the commissioner of energy and economic development,~~ the commissioner of health, the commissioner of transportation, and a representative of the governor's office designated by the governor.

The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate.

Sec. 3. Minnesota Statutes 1982, section 116J.03, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] As used in sections ~~116J.05 to 116J.35~~; 116J.41 to 116J.54; ~~116J.58 to 116J.91~~; ~~299A.03~~; and ~~299A.04~~, the terms defined in this section have the meaning given them.

Sec. 4. [216A.096] [INTERVENTION OFFICE.]

There is created in the department of public service an intervention office to carry out intervention activities before federal and other energy regulatory agencies outside of the state. The office shall be staffed by one full-time staff member appointed by the director of the department of public service to serve in the unclassified service, and as the need arises by appropriate employees of the departments and agencies represented on the energy coordination board. Policies and functions of the intervention office shall be carried out under the direction of the director of the department of public service. The director shall keep the energy coordination board apprised of all intervention activities.

Sec. 5. [116J.281] [CERTIFICATE OF NEED.]

Subdivision 1. [ASSESSMENT OF NEED CRITERIA.] The commissioner of energy and economic development shall, pursuant to chapter 14 and sections 116J.05 to 116J.30, adopt assessment of need criteria to be used in the determination of need for large energy facilities pursuant to this section.

Subd. 2. [TRANSFER OF CERTIFICATE OF NEED PROGRAM.] All powers, responsibilities, and authorities for the issuance of certificates of need for large energy facilities are transferred from the department of energy, planning and development or its successor agency to the department of energy and economic development.

Sec. 6. [116L.01] [DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT.]

Subdivision 1. [CREATION.] A department of energy and economic development is created as the principal agency of the state for the administration of laws, including this chapter, relating to energy and economic development. The department of energy and economic development is the successor to the department of energy, planning and development in the administration of those laws.

Subd. 2. [COMMISSIONER.] A commissioner of the department of energy and economic development shall be appointed by the governor in accordance with section 15.06, and shall be compensated in accordance with section 15A.081. The commissioner shall be knowledgeable in issues relating to energy and economic development.

Subd. 3. [ORGANIZATION.] The department shall be organized into three divisions which shall be designated the energy division, the economic development division, and the financial management division. Each division shall be responsible for administering the duties and functions assigned to it by law. When the duties of the divisions are not allocated by law, the com-

missioner may establish and revise the assignments of each division. Each division shall be under the direction of a deputy commissioner.

Subd. 4. [DEPUTY COMMISSIONERS.] The deputy commissioners of the energy, economic development, and financial management divisions 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. 7. [INSTRUCTIONS TO THE REVISOR.]

Subdivision 1. [TERMS.] (a) The revisor of statutes shall substitute the terms "commissioner of the department of energy and economic development" or "commissioner" for the terms meaning the commissioner or department of energy, planning and development, where those terms appear in sections 116J.04 to 116J.36 and 116J.58 to 116J.91, and other laws relating to the energy and development functions of the department of energy, planning and development.

(b) The revisor of statutes shall remove the terms "energy and development" wherever it appears in Minnesota Statutes in reference to the department of energy, planning and development, the commissioner of energy, planning and development or similar terms to reflect the removal of the energy and development functions from that department.

Subd. 2. [SUBSTITUTION OF TERMS.] The revisor of statutes is directed to change the words "commissioner," "commissioner of energy, planning and development," "agency," "state agency," or similar terms to "the economic development division" wherever it appears in sections 116J.65 and 116J.67; and in chapters 472 and 474.

The revisor of statutes is directed to change "development revolving fund" or similar terms to "Minnesota economic development fund" wherever it appears in section 472.13.

The revisor of statutes is directed to change the words "agency" or "small business finance agency" or similar terms to "energy and economic development authority" wherever it appears in chapter 116J and other laws to reflect the transfer of that authority to the energy and economic development authority.

Subd. 3. [RENUMBERING.] The revisor of statutes shall in Minnesota Statutes renumber each section specified in column A with the numbers set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A	Column B
116J.04	116L.02
116J.05	16L.03
116J.06	116L.04
116J.07	116L.05
116J.08	116L.06
116J.09	116L.07
116J.10	116L.08

116J.11	116L.09
116J.12	116L.10
116J.13	116L.11
116J.14	116L.12
116J.15	116L.13
116J.16	116L.14
116J.17	116L.15
116J.18	116L.16
116J.19	116L.17
116J.20	116L.18
116J.21	116L.19
116J.22	116L.20
116J.23	116L.21
116J.24	116L.22
116J.25	116L.23
116J.26	116L.24
116J.27	116L.25
116J.28	116L.26
116J.29	116L.27
116J.30	116L.28
116J.31	116L.29
116J.32	116L.30
116J.33	116L.31
116J.34	116L.32
116J.35	116L.33
116J.36	116L.34
116J.58	116L.52
116J.59	116L.53
116J.60	116L.54
116J.61	116L.55
116J.62	116L.56
116J.63	116L.57
116J.64	116L.58
116J.65	116L.59
116J.66	116L.60
116J.67	116L.61
116J.68	116L.62
116J.69	116L.63
116J.70	116L.64
116J.71	116L.65
116J.72	116L.66
116J.73	116L.67
116J.74	116L.68
116J.75	116L.69
116J.76	116L.70
116J.77	116L.71
116J.78	116L.72
116J.79	116L.73
116J.80	116L.74
116J.81	116L.75
116J.82	116L.76
116J.83	116L.77
116J.84	116L.78
116J.85	116L.79
116J.86	116L.80

116J.87	116L.81
116J.88	116L.82
116J.89	116L.83
116J.90	116L.84
116J.91	116L.85

Sec. 8. [REPEALER.]

Minnesota Statutes 1982, sections 116J.62; 116J.88, subdivision 3; and 116J.89, subdivisions 8, 9, and 10, are repealed.

ARTICLE 2

POWERS AND DUTIES OF THE DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT

Section 1. Minnesota Statutes 1982, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

(a) Manage the department as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) Require certificate of need for construction of large energy facilities;

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design and implement a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, and transportation areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and

the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation, *resource recovery*, or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

(m) Serve as a member of the environmental quality board.

Sec. 2. Minnesota Statutes 1982, section 116J.10, is amended to read:

116J.10 [POWERS.]

The commissioner may:

(a) Adopt rules pursuant to chapter 14 as necessary to carry out the purposes of sections 116J.05 to 116J.30 and, when necessary for the purposes of section 116J.15, adopt temporary rules pursuant to sections 14.29 to 14.36;

(b) Make all contracts pursuant to sections 116J.05 to 116J.30 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant intended for the administration of sections 116J.05 to 116J.30. Notwithstanding any other law the commissioner is designated the state agent to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116J.05 to 116J.30.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request;

(f) Provide on-site technical assistance to units of local government in order to enhance local capabilities for dealing with energy problems;

(g) Administer for the state, energy programs pursuant to federal law, regulations or guidelines, except for the crisis fuel assistance and low income weatherization programs administered by the department of economic security, and coordinate the programs and activities with other state agencies, units of local government and educational institutions;

(h) Intervene in certificate of need proceedings;

(i) Design and administer a statewide program and actively involve major organizations and community leaders in its work and shall solicit funds from all sources;

(j) Develop a state energy investment plan with yearly energy conservation and alternative energy development goals, investment targets, and market-

ing strategies;

(k) Perform market analysis studies relating to conservation, alternative and renewable energy resources, and energy recovery;

(l) Provide general technical assistance to project applicants to assure the preparation of complete, fully descriptive proposals for projects;

(m) Assist with the preparation of proposals for innovative conservation, renewable, alternative, or energy recovery projects;

(n) Manage and disburse funds made available for the purpose of research studies or demonstration projects related to energy conservation or other activities deemed appropriate by the commissioner.

ARTICLE 3

ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY

Section 1. [116L.35] [CITATION.]

Sections 1 to 34 may be cited as the Minnesota energy and economic development authority law of 1983.

Sec. 2. [POLICIES.]

Subdivision 1. [FINDINGS.] A reliable, economic supply of energy is essential for the state's households and local governments. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. As a result, a partnership of the private and public sectors is needed to provide leadership, cooperation, and aid for the purposes of planning, developing, and managing economically viable energy conservation programs.

Subd. 2. [FUNDING POLICY.] It is further declared that adequate funds and assistance must be provided to assist and to encourage the establishment, maintenance, and growth of energy conservation and indigenous energy resources in the state and to reduce to a manageable level the cost of energy to households and local governments, including, without limitation, the provision of loans to assist households and municipalities in the design, distribution, promotion, maintenance, installation, or acquisition of energy conservation and alternative energy resource materials and devices.

Subd. 3. [PARTNERSHIP POLICY.] It is further declared that a partnership of the private and public sectors, established through the creation of an energy and economic development authority, will promote the purpose of reducing energy costs, increasing energy efficiency, and developing Minnesota's indigenous energy resources. By providing an arrangement where monies, personnel, information, material, and technologies can be pooled and costs shared, the partnership between the public and private sectors will promote the policies declared in this section more effectively than would be the case if these sectors acted independently.

Subd. 4. [HEALTH AND WELFARE PROMOTED.] It is further declared that a partnership of the private and public sectors and the creation of an energy and economic development authority will promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of the citizens of the state, by reducing waste of resources, and by protecting and enhancing the tax base on which state and local govern-

ments depend for the financing of public services.

Sec. 3. [116L.36] [DEFINITIONS.]

Subdivision 1. [GENERAL.] For purposes of sections 3 to 10, the terms defined in this section have the meanings ascribed to them unless the context in which they are used clearly indicates otherwise or another meaning is specifically provided.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of the department of energy and economic development.

Subd. 3. [DEPARTMENT.] "Department" means the department of energy and economic development.

Subd. 4. [AUTHORITY.] "Authority" means the Minnesota energy and economic development authority created in section 4.

Subd. 5. [PERSON.] "Person" includes an individual, firm, partnership, corporation, or association.

Subd. 6. [CONSERVATION.] "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.

Subd. 7. [MUNICIPALITY.] "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by this article.

Subd. 8. [ALTERNATIVE ENERGY RESOURCE.] "Alternative energy resource" means a source of energy available from indigenous Minnesota resources including but not limited to peat, biomass, solar energy, wind, municipal wastes, agricultural or forestry wastes, hydro-power, and agricultural crops suitable for conversion to an energy fuel.

Subd. 9. [RENEWABLE ENERGY RESOURCE.] "Renewable energy resource" means a source of energy occurring in Minnesota which, when consumed for energy purposes, is replaced within a matter of days, months, or years by new or additional supplies of the energy source. Renewable energy resources include, but are not limited to, forestry products and forest harvest residues, solar energy, wind energy, water-power, and agricultural wastes.

Subd. 10. [ENERGY RECOVERY.] "Energy recovery" means the extraction of energy from materials, components, or processes which would normally represent wasted energy resources. Municipal solid wastes, volatile sewer gases, and power plant waste heat, among others, offer the potential for energy recovery.

Subd. 11. [FINANCIAL INSTITUTION.] "Financial institution" means a bank or other financial corporation described in chapter 47, an insurance company licensed to do business under chapter 60A, a securities broker-dealer licensed under chapter 80A, or a credit union.

Sec. 4. [116L.37] [CREATION OF AUTHORITY; MEMBERS.]

Subdivision 1. [MEMBERS.] There is created an authority of the state to be known as the "Minnesota energy and economic development authority,"

which shall perform the functions and exercise the powers given to it by law. The authority shall have nine members, including the commissioner, and eight members appointed by the governor with the advice and consent of the senate.

Subd. 2. [TERMS; COMPENSATION; REMOVAL; VACANCIES.] Compensation, removal of members, and filling of vacancies of the members of the authority appointed by the governor shall be as provided in section 15.0575. The commissioner of energy and economic development shall be the chair of the authority.

Subd. 3. [STAFF.] The authority shall be under the administrative control of the commissioner. The financial management division shall provide administrative and technical support to the authority and the commissioner may enter into agreements under which staff from private corporations, agencies, or other organizations are loaned to the authority for the purpose of fulfilling its prescribed duties.

Subd. 4. [SERVICES.] The authority shall identify general consultative and technical services to assist in financing and marketing household and municipal energy conservation or alternative energy development. It may enter into agreements or other transactions concerning the receipt or provisions of those services.

Subd. 5. [LIABILITY OF MEMBERS.] The members of the authority shall not be liable personally, either jointly or severally, for any debt or obligation created or incurred by the authority.

Sec. 5. [116L.43] [GENERAL POWERS OF THE AUTHORITY.]

Subdivision 1. For the purpose of exercising the specific powers granted to the authority, it shall have the general powers granted in this section.

Subd. 2. It may sue and be sued.

Subd. 3. It may have a seal and alter the same at will.

Subd. 4. It may make, and from time to time, amend and repeal rules and temporary rules not inconsistent with this article.

Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.

Subd. 6. 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. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where the acquisition is necessary or appropriate to protect any loan in which the authority has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.

Subd. 8. It may sell, at public or private sale, any note, mortgage or other instrument or obligation evidencing or securing a loan.

Subd. 9. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or

desirable.

Subd. 10. It may consent, whenever 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 loan, loan commitment, contract or agreement of any kind to which the authority is a party.

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with sections 3 to 10.

Sec. 6. [116L.431] [DATA PRIVACY.]

Financial information, including but not limited to credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any loan or loan guarantee issued by the authority is private data on individuals, pursuant to section 13.02, subdivision 12.

Sec. 7. [116L.39] [POWERS AND DUTIES OF THE AUTHORITY RELATING TO ENERGY.]

Subdivision 1. [BROAD INTERPRETATION.] The authority through the commissioner shall perform, direct, or closely oversee the functions and programs delegated to it.

The powers granted to the authority shall be broadly interpreted to facilitate innovative leadership in all areas of energy including policy setting, goal definition, strategy planning, conservation, development of renewable and alternative energy resources, energy recovery, and monitoring.

Subd. 2. [CAMPAIGN FOR ENERGY EFFICIENCY.] The authority shall promote a campaign for energy efficiency. The authority shall actively promote public awareness of the potentials and benefits of energy efficiency.

Subd. 3. [JOB CREATION, LOW INCOME.] The authority shall assure that programs under its control and direction make accommodation wherever possible for job creation and the needs of low income families and persons.

Subd. 4. [LOAN GUARANTEES.] The authority shall operate a program of loan guarantees for commercial projects as specified in section 8.

Subd. 5. [REVENUE BONDS.] The authority shall operate a revenue bonding program for commercial projects as specified in section 9.

Subd. 6. [BONDS IN OWN NAME.] The authority shall issue revenue bonds in its own name for purposes of the program authorized in subdivision 5 and section 9.

Subd. 7. [LOANS TO MUNICIPALITIES.] The authority shall operate a program of loans to municipalities for capital expenses relating to energy conservation, recovery, or development as specified in section 10.

Subd. 8. [GENERAL OBLIGATION BOND LOANS.] The authority shall determine the use of and allocate the proceeds of the general obligation bonds issued by the commissioner of finance for purposes of the program established in section 10. Financial and technical support for this program shall be provided to the authority through the commissioner by the financial

management division.

Subd. 9. [DISTRICT HEATING LOAN PROGRAM.] The authority shall administer the district heating loan program established in section 116J.36 on behalf of the commissioner.

Subd. 10. [RULES.] The authority may adopt temporary or permanent rules necessary to operate the programs authorized in subdivisions 4 to 8. The rules authorized under this section may be adopted without complying with the administrative procedure act contained in chapter 14.

Subd. 11. [PROGRAMS.] (a) The authority may assist energy efficiency improvements in low income housing and municipal facilities through (1) loans, (2) loan guarantees, (3) interest subsidies, (4) grants, and (5) other forms of assistance.

(b) The authority shall adopt a plan to use as the basis for its investment decisions.

(c) By the start of the 1984 legislative session, (1) the authority shall have identified various nongovernmental funding sources; (2) provided for the efficient administration of its affairs; (3) solicited public comment on its plans; and (4) prepared recommendations as to appropriate reserve and guarantee fund levels required by this article.

(d) The authority shall annually report not later than February 1 to the legislature. The report should contain recommendations for legislation as necessary to better coordinate its activities and the energy activities of state government.

Subd. 12. [CONSERVATION EQUIPMENT.] The authority may assist in the financing of the development and operation of conservation or alternative or renewable energy system equipment if the federal government or another funding source provides assistance in connection with the development and operation.

Subd. 13. [GIFTS, GRANTS.] The authority may accept appropriations, gifts, grants, bequests, and devise and utilize or dispose of the same to carry out any provision of this article. All gifts, grants, bequests, and revenues from those sources are appropriated to the authority for the purposes of this act. The funding may include, but is not limited to, public utility investments and expenditures ordered by the public utilities commission pursuant to the provisions of section 216B.241.

Sec. 8. [116L.40] [ENERGY LOAN GUARANTY PROGRAM.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Fund" means the energy loan guaranty fund created by subdivision 2.

(b) "Lender" means any state or federally chartered bank, credit union, savings bank, savings and loan association, savings association, trust company or a lender certified by the secretary of housing and urban development or the administrator of veterans affairs or approved or certified by the administrator of the farmers home administration.

(c) "Loan" means a loan or advance of credit, secured by a mortgage, to a borrower for purposes specified by authority rule.

(d) "Mortgage" means (1) a second mortgage on the real property on which equipment is to be installed or a first mortgage on the property, if there is no outstanding mortgage on the property at the time the loan is made, and (2) any security interest, under sections 336.9-101 to 336.9-508, in personal property or fixtures acquired with the proceeds of an insured loan, which the authority may require by rule.

(e) "Qualified energy project" means acquiring, installing or constructing any conservation, renewable energy, alternative energy or other capital improvements for use in a trade or business and other projects described by rule of the authority.

Subd. 2. [ENERGY LOAN GUARANTY FUND.] An energy loan guaranty fund is created. The fund shall be used by the authority as a revolving fund for carrying out the provisions of this section with respect to loans insured under subdivision 3.

Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.] The authority is authorized, upon application by a lender, to insure any eligible loan as provided in this section; and under terms as the authority may prescribe by rule, to make commitments for the insuring of loans prior to the date of their execution or disbursement.

(b) [ELIGIBILITY REQUIREMENTS.] *To be eligible for insurance under this section:*

(1) *A loan shall be in an original principal amount not to exceed \$.....*

(2) *The proceeds of the loan shall be used solely for the purpose of financing a qualified energy project.*

(3) *The loan agreement shall have a maturity satisfactory to the authority, but not to exceed ——— years unless the loan is made in connection with financing for the purchase or construction of the building, in which case the maturity shall not exceed the maturity of the loan financing or 30 years, whichever is less.*

(4) *The loan agreement shall contain complete amortization provisions satisfactory to the authority requiring periodic payments by the borrower not in excess of his reasonable ability to pay as determined by the authority.*

(5) *The loan agreement shall contain terms and provisions with respect to insurance, repairs, alterations, payment of taxes, foreclosure proceedings, acceleration of maturity, delinquency charges and any other matters as the authority may prescribe.*

(6) *The loan shall be secured by a mortgage which has priority over any other liens against the property, except a contract for deed or first mortgage securing a loan, the proceeds of which were used to acquire or construct the property.*

(c) [CONCLUSIVE EVIDENCE OF INSURABILITY.] *Any contract of insurance executed by the authority under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the lender.*

(d) [PREMIUMS.] *The authority is authorized by rule to fix premium charges for the insurance of loans under this section.*

(e) [PROCEDURES UPON DEFAULT.] *The failure of the borrower to make any payment as provided by any loan agreement insured under this section shall be considered a default under the loan. If the default continues for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance upon assignment, transfer, and delivery to the authority, within 120 days of the default, of the following:*

(1) *all rights and interests arising under the loan, mortgage, and any other security interests securing the loan;*

(2) *all claims of the lender against the borrower or others, arising out of the mortgage transactions;*

(3) *all policies of insurance, surety bonds or other guarantees and any claims thereunder;*

(4) *any balance of the loan not advanced to the borrower;*

(5) *any cash or property held by the lender, or to which it is entitled, including deposits made to the account of the borrower which have not been applied in reduction of the principal of the loan indebtedness; and*

(6) *all records, documents, books, papers, and accounts relating to the loan transaction.*

Alternatively, the lender may in the event of default under the loan, in accordance with rules of and within a period to be determined by the authority, obtain possession of the property, through foreclosure or otherwise, and receive the benefits of the insurance as provided in paragraph (f) upon:

(1) *prompt conveyance to the authority of title to the property, as provided in rules promulgated by the authority, and*

(2) *assignment to the authority of all claims of the lender against the borrower or others, arising out of the loan transaction or foreclosure, except claims which have been released with the consent of the authority.*

(f) [PAYMENT OF INSURANCE.] *Upon the lender's compliance with the requirements provided in or established under paragraph (e) the authority shall pay to the lender an amount equal to the outstanding unpaid principal indebtedness at the time of default less ——— percent, plus interest at ——— percent per annum from the date of default.*

Subd. 4. [INVESTMENT INTEREST.] *All interest and profits accruing from investment of the fund's money shall be credited to and be a part of the fund, and any loss incurred in the principal of the investments of the fund shall be borne by the fund.*

Subd. 5. [MAXIMUM AUTHORIZED INSURANCE.] *The authority may not at any time issue insurance under this section aggregating in excess of an amount equal to the current balance contained in the fund multiplied by ten.*

Sec. 9. [116L.41] [ENERGY LOAN PROGRAM.]

Subdivision 1. [AUTHORITY TO MAKE LOANS.] *The authority may make loans to individuals, partnerships, corporations, or other entities for*

the financing of capital improvements to be used in connection with a trade or business if the principal purpose of improvement is energy conservation, to reduce the usage of conventional fuels as a source of energy, or to develop Minnesota's alternative energy resources as provided by the authority's rules.

Subd. 2. [BONDING AUTHORITY.] The authority may borrow money and may issue bonds, notes, or other obligations as evidence of the borrowing in accordance with sections 462A.08 to 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The authority may sell any of its obligations at public or private sale, at the price or prices as the authority determines are appropriate, notwithstanding the limitations on sale price in section 462A.09.

Subd. 3. [LIMITATIONS ON OBLIGATIONS.] Neither the state nor any agency or political subdivision of the state shall be liable on bonds, notes, or other obligations issued by the authority. No bond, note, or other obligation of the authority shall constitute a debt or loan of the credit of the state or any political subdivision or any individual member of the authority.

Subd. 4. [ENERGY DEVELOPMENT FUND.] An energy development fund is created and is eligible to receive appropriations. The authority may irrevocably pledge and appropriate all or a segregated portion of the energy development fund to make principal and interest payments when due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions the authority shall prescribe. Unless the energy development fund has been pledged and appropriated to secure the obligations, the energy development fund shall not be available to make principal or interest payments on the obligations.

Subd. 5. [LOAN PAYMENTS; FEES.] The authority may impose and collect interest and amortization payments on loans, may authorize the collection of fees and charges, and may require funds to be placed in escrow. The payments, fees, charges and amounts placed in escrow shall be sufficient to provide for the payment and security of the obligations issued and for their servicing, to provide for insurance against losses, and to cover the cost of issuance of the obligations and technical, consultative and other assistance services.

Subd. 6. [INVESTMENT INCOME.] All interest and profits accruing from investment of the reserve fund's moneys shall be credited to and be part of the reserve fund, and any loss incurred in the principal of the investment of the reserve fund shall be borne by the fund. The assets of the reserve fund shall be invested only in direct obligations or agencies of the United States or in insured depository accounts up to the amount of the insurance, in any institution insured by an agency of the United States government.

Subd. 7. [ADDITIONAL POWERS.] In addition to the powers specifically enumerated, the authority shall have any corporate powers necessary to effectuate or appropriate to the efficient implementation and operation of the revenue bond loan program authorized by this section, except to the extent explicitly limited by this section.

Subd. 8. [INVESTMENTS.] The authority 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 to with the holders or a trustee for the holders.

Subd. 9. [FUNDING.] All proceeds of the authority's bonds, notes and other obligations, any amounts granted or appropriated to the authority to make, purchase, insure, or guarantee loans or for bond reserves, all income from the investment thereof and all revenues from loans, fees, and charges of the authority are annually appropriated to the authority to accomplish 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 authority.

Subd. 10. [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 authority, and no bond, note, or other obligation of the authority shall constitute a debt or loan of credit of the state or any political subdivision.

Subd. 11. [LIMIT OF STATE ACTION.] The state pledges and agrees with all holders of obligations of the authority that it will not limit or alter the rights vested in the authority to fulfill their terms, and it 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 authority may include and recite this pledge and agreement of the state in any obligation or related document. This section does not affect the power of the state to supervise and control the authority 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 this article and title to all property owned by the authority at the time of the state's action must remain or vest in the authority, its successor, or the state, as the case may be.

Subd. 12. [TAXES.] The property of the authority 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 authority shall be exempt from all taxation by the state or any of its political subdivisions.

Subd. 13. [BONDS; TAX STATUS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the authority, in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the authority issued pursuant to

this article and the income from them and all the authority's fees, charges, gifts, grants, revenues, receipts, and other moneys received or to be received pledged 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, taxes on transfers, and 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.

Sec. 10. [116L.42] [LOANS TO MUNICIPALITIES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Municipality" means a statutory or home rule charter city, county, township, school district, or other political subdivision with ad valorem taxing authority.

(b) "Qualified improvements" means improvements to public land, buildings or other improvements undertaken by a municipality for the principal purpose of energy conservation or to reduce usage of conventional energy sources, as provided by rules adopted by the authority.

Subd. 2. [AUTHORITY TO MAKE LOANS.] The authority may make loans to municipalities to finance the acquisition or construction of qualified improvements, including interest costs incurred during the first three years after the loans are made.

Subd. 3. [APPLICATIONS.] Application for a loan to be made pursuant to this section shall be made by the municipality to the authority. The authority shall establish procedures, form, and the required contents of the applications.

Subd. 4. [MUNICIPAL OBLIGATION.] The authority shall not make a loan until it has entered into an agreement with the municipality providing that the municipality shall make payments equal to the principal and interest payments on the state bonds at the times transfers are required to be made pursuant to sections 16A.64 and 16A.65. The agreement shall obligate the municipality to levy an ad valorem property tax equal to the amounts necessary to make the payments. The amount required to be levied may be reduced by any other available amounts contained in a special fund dedicated to payment of the loan obligation.

Subd. 5. [RECEIPTS.] The principal and interest in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purpose of that fund.

POWERS AND DUTIES RELATING TO ECONOMIC DEVELOPMENT

Sec. 11. Minnesota Statutes 1982, section 116J.88, subdivision 4, is amended to read:

Subd. 4. [ELIGIBLE SMALL BUSINESS.] *"Eligible small business" means an enterprise determined by the agency authority to constitute a small business concern as defined in regulations of the United States small business administration pursuant to ~~15 U. S. Code~~ United States Code, title 15,*

sections 631 to 647, as in effect March 1, 1980, which is engaged in any industrial or commercial activity except:

- (a) banking or other financial service;
- (b) real estate brokerage, management, sale, ownership, or leasing;
- (c) legal, medical, dental, accounting, engineering, or any other professional or consulting service;
- (d) furnishing recreational or athletic facilities; and
- (e) serving food or beverages to be consumed on or adjacent to the premises where they are sold amended through December 31, 1982.

Sec. 12. Minnesota Statutes 1982, section 116J.88, subdivision 5, is amended to read:

Subd. 5. [TARGETED SMALL BUSINESS.] "Eligible Targeted small business" for the purpose of section 116J.90, subdivision 5, means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

(a) has 20 or fewer full time employees or not more than the equivalent of \$1,000,000 in annual gross revenues in the preceding fiscal year; and

(b) is not 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. For the purpose of this subdivision, "dominant in its field of operation" means having more than 20 full time employees and more than \$1,000,000 in annual gross revenues.

"Farm business" means a business entity "Targeted small business" includes a farm business engaged in farming, agricultural production or processing, or storage of agricultural products, which otherwise qualifies as a small business.

Sec. 13. Minnesota Statutes 1982, section 116J.88, subdivision 6, is amended to read:

Subd. 6. [FINANCIAL INSTITUTION.] "Financial institution" means any a bank or other financial corporation described in chapter 47, any an insurance company licensed to do business under chapter 60A, and any a securities broker-dealer licensed under chapter 80A, and financial organizations relating to commercial credit or venture capital.

Sec. 14. Minnesota Statutes 1982, section 116J.88, subdivision 7, is amended to read:

Subd. 7. [BUSINESS LOAN.] "Business loan" means a loan, other than a pollution control loan, to the owner of a an eligible small business for the interim or long term financing of (a) capital expenditures for the acquisition or improvement of land, acquisition, construction, removal, or improvement of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business; or (b) short-term costs of conducting an eligible small business.

Subd. 7a. [FARM LOAN.] "Farm loan" means a loan to a farm business

for the acquisition, installation, improvement, construction or removal of buildings, or acquisition and installation of fixtures or equipment, useful for the conduct of a farm business.

Sec. 15. Minnesota Statutes 1982, section 116J.88, subdivision 8, is amended to read:

Subd. 8. [POLLUTION CONTROL LOAN.] "Pollution control loan" means a loan to ~~the owner of a~~ *an eligible* small business for the acquisition, construction, or improvement of pollution control facilities *or operations*. Pollution control facilities *or operations* may include real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

Sec. 16. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 9. [FUND.] "*Fund*" means the Minnesota economic development fund.

Sec. 17. Minnesota Statutes 1982, section 116J.89, subdivision 1, is amended to read:

Subdivision 1. [~~CREATION ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY; PURPOSES.~~] ~~A small business finance agency~~ *The energy and economic development authority is hereby created and is constituted as an* the authority to act on behalf of the state within the scope of the powers granted to it in sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 to implement a ~~loan program~~ *financing programs* 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 *eligible* small ~~business~~ *businesses* in Minnesota and to reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small ~~business~~ *businesses*.

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, ~~whether or not the interest on the bonds is exempt from federal income taxes,~~ the agency will be able to spread its financing costs among the *eligible* small businesses to which the agency makes loans, thereby reducing costs incurred by each *eligible* small business.

Sec. 18. Minnesota Statutes 1982, section 116J.89, subdivision 2, is amended to read:

Subd. 2. [PUBLIC PURPOSES.] Sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 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, controlling, and preventing environmental pollution and waste of resources; and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Sec. 19. Minnesota Statutes 1982, section 116J.89, subdivision 7, is amended to read:

Subd. 7. [TAXATION OF AGENCY NOTES AND BONDS.] The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the agency in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the agency issued pursuant to sections 116J.88 to 116J.91 and the income therefrom 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 such 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 such tax is measured.

Sec. 20. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1a. In addition, the energy and economic development authority may use the Minnesota economic development fund to provide financial assistance to eligible small businesses as follows:

- (a) to provide loan guarantees to eligible small businesses;*
- (b) to invest directly and indirectly in eligible small businesses or to participate with other financial resources;*
- (c) to provide direct loans to eligible small businesses;*
- (d) to participate in other investment programs as appropriate under the terms of sections 1 to 34;*
- (e) to purchase loan packages made to eligible small businesses by financial institutions in the state;*
- (f) to enter into or to pay fees on insurance contracts, letters of credit, municipal bond insurance, surety bonds, or other agreements or contracts with financial institutions;*
- (g) to guarantee bonds and notes of the agency, the proceeds of which are used to make business loans;*
- (h) to create accounts within the fund for the separate purposes listed in this section and in section 2, and including without limitation the payment of the cost of issuing authority bonds and notes;*
- (i) to enter into contract with note and bond holders or other persons interested in the disposition of the fund; and*
- (j) for any legal purpose or program of the authority.*

Sec. 21. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1b. (a) The following eligible small businesses have preference among business applicants:

- (1) businesses located in areas of the state that are experiencing the most severe unemployment rates in the state;*
- (2) eligible small businesses that are likely to expand and provide additional permanent employment;*

(3) *businesses located in border communities that experience a competitive disadvantage due to location;*

(4) *businesses that have been unable to obtain traditional financial assistance due to a disadvantageous location, minority ownership, or other factors rather than due to the business having been considered a poor financial risk;*

(5) *businesses that utilize state resources, thereby reducing state dependence on outside resources, and that produce products or services consistent with the long-term social and economic needs of the state; and*

(6) *businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4.*

(b) *Direct equity or loan investments in particular businesses are not prohibited, but the division shall prefer indirect investment such as loan guarantees or the purchase of loan packages. Except in the issuance of authority bonds or notes, the authority may not invest the fund in a program that does not have financial participation from the private sector, as determined by the division.*

Sec. 22. Minnesota Statutes 1982, section 116J.89, is amended by adding a subdivision to read:

Subd. 1c. [MINNESOTA ECONOMIC DEVELOPMENT FUND.] There is created the Minnesota economic development fund to be administered by the energy and economic development authority created in section 4. The fund consists of appropriations to the authority to effectuate the authority's purposes.

Sec. 23. Minnesota Statutes 1982, section 116J.90, subdivision 2, is amended to read:

Subd. 2. The ~~agency~~ authority may make or purchase or participate with financial institutions in making or purchasing business loans not exceeding \$1,000,000 in principal amount; ~~to be serviced by such institutions; provided that:~~

(a) ~~The agency'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 or personal property or by any other security satisfactory to the agency to secure payment of the loan provided; that the agency's share may equal 100 percent of the total principal amount of the business loan if the financial institution participating in the making or purchasing of the business loan by servicing the loan, purchases 100 percent of the total amount of the bonds issued by the agency in connection with the loan;~~

(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 agency'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 such insurance in the state, insuring a percentage of any claim for loss at least equal to that percentage of the value by which the loan exceeds 90 percent thereof;

(c) The value of the property securing the loan shall be certified by the participating financial institution, on the basis of such appraisals, bids, purchase orders, and engineers' certificates as the agency may require; provided that the value of items purchased and constructed from the proceeds of the loan shall not be deemed to exceed the contract price of purchase or construction;

(d) The agency shall not disburse 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, unless a financial institution furnishes an irrevocable letter of credit or a qualified corporate surety furnishes payment and performance bonds, satisfactory to the agency 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 without the prior express written authorization of the agency.

Sec. 24. Minnesota Statutes 1982, section 116J.90, subdivision 4, is amended to read:

Subd. 4. The *agency authority* may make pollution control loans which are fully secured by the guarantee or insurance of any agency or instrumentality of the United States or by a private insurer qualified to write the insurance in the state, or by reserves provided by the agency or any combination of the foregoing.

Sec. 25. Minnesota Statutes 1982, section 116J.90, subdivision 5, is amended to read:

Subd. 5. The *agency authority* shall make every effort to assure that at least 50 percent of the principal amount of the loans made or purchased by the *agency authority* in each fiscal year consists of loans with a principal amount of \$100,000 or less to *eligible targeted* small businesses as defined in section 116J.88, subdivision 4 5, and the *financial management division* shall provide technical assistance needed by *eligible targeted* small *business owners businesses* to complete applications and meet other requirements for those loans. The *agency authority* shall report to the legislature annually on or before ~~October~~ *February* 1 as to its compliance with the requirements of this subdivision during the preceding fiscal year. *The inability of the authority to comply with this subdivision does not affect the validity of bonds and notes heretofore or hereafter issued.*

Sec. 26. Minnesota Statutes 1982, section 116J.91, subdivision 1, is amended to read:

Subdivision 1. In implementing ~~its corporate~~ *the* purposes and the programs described in sections ~~116J.63~~ *116J.62* and 116J.88 to 116J.91, the *agency authority* shall have the powers and duties set forth in this section.

Sec. 27. Minnesota Statutes 1982, section 116J.91, subdivision 4, is amended to read:

Subd. 4. It may adopt, amend and repeal rules not inconsistent with the

provisions of sections ~~116J.63~~ 116J.62 and 116J.88 to 116J.91 as necessary to effectuate its ~~corporate~~ purposes.

Sec. 28. Minnesota Statutes 1982, section 116J.91, subdivision 10, is amended to read:

Subd. 10. It may consent, whenever 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,~~ a contract or agreement of any kind to which the agency is a party.

Sec. 29. Minnesota Statutes 1982, section 116J.91, subdivision 11, is amended to read:

Subd. 11. It may borrow money to carry out and effectuate its ~~corporate purpose purposes~~ and may issue its negotiable bonds or notes as evidence of any such 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 authority may refund bonds and notes and may guarantee its bonds and notes with money from the economic development fund.* The aggregate principal amount of the agency'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 therefor and amounts used to make loans guaranteed or insured by an agency or instrumentality of the federal government *or by a private insurer or guarantor authorized to do business in the state of Minnesota and acceptable to the authority,* shall not exceed \$30,000,000 unless authorized by another law.

Sec. 30. Minnesota Statutes 1982, section 116J.91, subdivision 12, is amended to read:

Subd. 12. 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 business loans ~~pursuant to section 116J.90, subdivision 2,~~ shall be payable solely from revenues derived by the agency from repayments of such loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. A general reserve fund is hereby created and is eligible to receive direct appropriations from the state treasury *or a transfer from the economic development fund as the authority may provide by resolution.* The agency may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the agency shall determine. Until so pledged and appropriated by the agency the general reserve fund shall not be available to pay principal and interest on the agency's obligations. ~~No obligations shall be issued to participate in making or purchasing business loans pursuant to section 116J.90, subdivision 2, unless the obligations are~~

secured at the time of issuance by a debt service reserve fund, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds, and unless the amount then held or then deposited in the fund or segregated portion is at least equal to ten percent of the aggregate principal amount of all obligations secured by the fund or segregated portion thereof. The authority may at its option provide by resolution that obligations issued to participate in making or purchasing business loans be secured at the time of issuance in whole or in part by a debt service reserve fund or funds, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds. The operation of the debt service reserve fund or funds and other relevant terms or provisions shall be determined by resolution of the authority.

Sec. 31. Minnesota Statutes 1982, section 116J.91, subdivision 14, is amended to read:

Subd. 14. It may establish and collect reasonable interest and amortization payments on loans, and in connection therewith 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 thereof, 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, and the prompt filing of all claims which may arise thereunder.~~

Sec. 32. Minnesota Statutes 1982, section 116J.91, subdivision 16, is amended to read:

Subd. 16. It may provide general consultative and technical services to assist in financing small business facilities for which loans may be made pursuant to section 116J.90. It may enter into agreements or other transactions concerning the receipt or provision of those services.

Sec. 33. Minnesota Statutes 1982, section 116J.91, subdivision 19, is amended to read:

Subd. 19. ~~All Proceeds of the agency's authority's bonds, notes, and other obligations, any; amounts granted or appropriated to the agency for the making or purchase or the insurance or guaranty of loans or for bond reserves, all; income from their investment; money in the economic development fund; and all revenues from loans, fees, and charges of the agency division are annually appropriated to the agency 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. Notwithstanding section 16A.28, these appropriations are available until expended.~~

Sec. 34. Minnesota Statutes 1982, section 116J.91, is amended by adding

a subdivision to read:

Subd. 20. The authority may do all things necessary and proper to fulfill its purpose and the purposes of the economic development fund as provided in sections 22 to 35.

Sec. 35. [APPROPRIATIONS.]

There is appropriated from the general fund to the Minnesota economic development fund the total sum of \$30,000,000 for the biennium ending June 30, 1985, to hire staff, consultants, and other necessities of administration of the division and for the purposes provided in sections 1 to 33. The appropriation is deemed expended upon deposit in the Minnesota economic fund. There is appropriated from the general fund to the energy loan guarantee fund the sum of \$10,000,000 for the biennium ending June 30, 1985, for the purposes provided in this article. The appropriation is deemed expended upon deposit in the Minnesota energy loan guarantee fund. There is appropriated from the general fund to the commissioner of energy and economic development the sum of for activities of the financial management division for the biennium ending June 30, 1985.

ARTICLE 4

HOUSING FINANCE AGENCY

Section 1. Minnesota Statutes 1982, section 462A.02, subdivision 10, is amended to read:

Subd. 10. It is further declared that supplies of conventional energy resources are rapidly depleting in quantity and rising in price and that the burden of these occurrences falls heavily upon the citizens of Minnesota generally and persons of low and moderate income in particular. These conditions are adverse to the health, welfare, and safety of all of the citizens of this state. It is further declared that it is a public purpose to ensure the availability of financing to be used by low and moderate income people all citizens of the state, while giving preference to low and moderate income people, to ~~install~~ assist in the installation in their dwellings of reasonably priced energy conserving systems ~~using~~ including the use of alternative energy resources and equipment so that by the improvement of the energy efficiency of all housing, the adequacy of the total energy supply may be preserved for the benefit of all citizens.

Sec. 2. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 14b. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participating in the making, of loans to persons and families, without limitations relating to the maximum incomes of the borrowers, to assist in energy conservation rehabilitation measures for existing housing owned by those persons or families including, but not limited to: weatherstripping and caulking, chimney construction or improvement, furnace or space heater repair, cleaning or replacement, insulation, storm windows and doors, and structural or other directly related repairs essential for energy conservation. Loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equiva-

lent terms and conditions.

Sec. 3. Minnesota Statutes 1982, section 462A.05, is amended by adding a subdivision to read:

Subd. 22. The agency may participate in loans or establish a fund to insure loans, or portions of loans, which are made by any banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in this state, to owners of renter occupied homes or apartments which do not comply with standards set forth in section 116J.27, subdivision 3, without limitations relating to the maximum incomes of the owners or tenants. The proceeds of the insured portion of the loan must be used to pay the costs of improvements, including all related structural and other improvements, which will reduce energy consumption.

Sec. 4. [462A.072] [PROVISION OF FINANCIAL EXPERTISE TO OTHER AGENCIES.]

Upon request of the commissioner of energy and economic development, the director shall provide financial management assistance to the energy authority. Reimbursement for these services shall be at a reasonable rate established by negotiation between the director and the commissioner of energy and economic development.

Sec. 5. [462A.27] [RULES.]

The agency may adopt temporary and permanent rules necessary for the efficient administration of sections 1 to 5. The rules authorized under this section may be adopted without complying with the administrative procedure act contained in chapter 14.

Sec. 6. [COST CEILING AND COMPLEMENT.]

The spending limit of the Minnesota housing finance agency for general administration is increased by \$350,000 for both fiscal years 1984 and 1985.

The authorized complement of the Minnesota housing finance agency is increased by three.

Sec. 7. [APPROPRIATION.]

The sum of \$5,000,000 is appropriated from the general fund to the housing development fund created in section 462A.20, for the purposes specified in section 462A.05, subdivision 14b, and for the payment of related costs and expenses.

The sum of \$5,000,000 is appropriated from the general fund to the housing development fund created in section 462A.20, for the purposes specified in section 462A.05, subdivision 22, and for the payment of related costs and expenses."

Delete the title and insert:

"A bill for an act relating to energy; providing for comprehensive energy programs; reorganizing the energy functions of state government; providing for energy related bonds; appropriating money; amending Minnesota Statutes 1982, sections 116C.03, subdivision 2; 116J.03, subdivision 1; 116J.09; 116J.10; 116J.88, subdivisions 4, 5, 6, 7, and 8, and by adding a

subdivision; 116J.89, subdivisions 1, 2, and 7, and by adding subdivisions; 116J.90, subdivisions 2, 4, and 5; 116J.91, subdivisions 1, 4, 10, 11, 12, 14, 16, and 19, and by adding a subdivision; 462A.02, subdivision 10; 462A.05, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapters 116J; 216A; and 462A; proposing new law coded as Minnesota Statutes, chapter 116L; repealing Minnesota Statutes 1982, sections 116J.62; 116J.88, subdivision 3; and 116J.89, subdivisions 8, 9, and 10.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 6: A bill for an act relating to workers' compensation; creating a competitive state workers' compensation insurance fund; changing benefits; requiring notices of injury; providing for rules related to excessive health care services; providing for the release of medical data; providing for a panel to review clinical health care services provided to injured workers; regulating supplemental benefits; providing for benefit adjustments; providing for interest on delayed benefit payments; providing for a legislative commission to study various aspects of workers' compensation; defining terms; providing for continuance of certain insurance coverages; providing for deductible workers' compensation insurance policies; clarifying the responsibilities of governmental licensing and contracting agencies regarding workers' compensation insurance; amending Minnesota Statutes 1982, sections 62A.10, subdivision 1; 62C.14, by adding a subdivision; 62D.10, by adding a subdivision; 79.25, subdivision 1, and by adding a subdivision; 79.34, subdivision 2; 79.63, subdivisions 1, 2, and 4; 147.20; 176.011, subdivisions 3 and 9, and by adding a subdivision; 176.021, subdivisions 3 and 3a, and by adding a subdivision; 176.081, subdivisions 1, 2, 3, 4, and 6; 176.101, subdivisions 1, 2, and 3, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and by adding subdivisions; 176.105, by adding a subdivision; 176.111, subdivisions 1, 18, and 21, and by adding subdivisions; 176.121; 176.131, subdivisions 1, 1a, 8, and 10; 176.132, subdivisions 1 and 2; 176.133; 176.135, subdivisions 1 and 1a; 176.136; 176.182; 176.221, subdivisions 2, 3, and 7; 176.225, subdivisions 1 and 5; 176.231, subdivision 10; 176.235, by adding a subdivision; 176.241, subdivision 4; 176.331; 176.391, subdivision 3; 176.591, subdivisions 1 and 3; 176.641; and 352E.04; amending Laws 1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapters 79 and 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 79.211, subdivision 1; 79.63, subdivision 3; 176.011, subdivisions 14 and 18; 176.061, subdivisions 8 and 9; 176.095; 176.101, subdivisions 4 and 5; 176.102, subdivision 1a; 176.105, subdivisions 1, 2 and 3; 176.152; 176.541, subdivisions 2, 3, 4, 5, 6, and 8; 176.551; 176.561; 176.571; 176.581; 176.603; and 176.611.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 1982, 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~~ 1984. 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. 2. Minnesota Statutes 1982, section 79.211, subdivision 1, is amended to read:

Subdivision 1. [CERTAIN WAGES EXCLUDED FOR RATE MAKING.] The rating association or an insurer shall not include wages paid for a vacation, holiday, or sick leave in the determination of a workers' compensation insurance premium. *An insurer shall not include that portion of an employee's wages which exceeds 1-1/2 times the maximum temporary total compensation allowed pursuant to section 176.101, subdivision 1, in the determination of a workers' compensation insurance premium provided that this limitation does not apply to merit rated plans.*

Sec. 3. Minnesota Statutes 1982, 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 79.40 or any amendments thereto, sections 79.34 to 79.40 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 membership 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. *As a condition of its authority to self-insure*

workers' compensation liability, and for losses incurred on or after January 1, 1984, the state shall be a member of the reinsurance association and is bound by its plan of operation. The commissioner of labor and industry represents the state in the exercise of all the rights and duties of membership in the reinsurance association. The state treasurer shall pay the premium to the reinsurance association from the state compensation revolving fund upon warrants of the commissioner of labor and industry. For the purposes of this section "state" means the administrative branch of state government, the legislative branch, the judicial branch, the University of Minnesota, and any other entity whose workers' compensation liability is paid from the state revolving fund. The reinsurance association shall is 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 are not be subject to chapter chapters 13, 14, and 15. The reinsurance association shall be is exempt from taxation under the laws of this state and all property owned by the association shall be is exempt from taxation. The reinsurance association shall is 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. 4. Minnesota Statutes 1982, 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. The ~~lesser~~ lower retention limit shall be increased to the nearest \$10,000, on January 1, 1982 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. On January 1, 1982 and on each January 1 thereafter, the ~~greater~~ higher retention limit shall be increased by the amount necessary to retain a \$200,000 difference between the two retention limits. 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. *Any amounts paid by a member pursuant to sections 176.183, 176.221, 176.225, and 176.82 shall not be included in ultimate loss and shall not be indemnified by the reinsurance association.* 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; (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, controls or is controlled by or is under common control with the insured of the member so long as any subsequent contract or reinsurance of the reinsurer relating to the claims of the insured of a member is 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, controls or is controlled by or is under common control with the self-insurer member so long as 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 the 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. 5. Minnesota Statutes 1982, section 79.34, is amended by adding a subdivision to read:

Subd. 7. For losses incurred on or after January 1, 1984, the reinsurance association shall indemnify the member for the ultimate loss, in excess of the

retention limit in effect at the time of the loss occurrence, sustained in each loss occurrence relating to one or more claims arising out of a single compensable event in another state provided that:

(a) the injured worker is eligible for benefits under section 176.041, subdivision 2 or 3, but elects to receive benefits under the workers' compensation statute of another state in lieu of benefits under chapter 176; and

(b) the ultimate loss indemnified by the reinsurance association shall be determined as provided in this chapter, except that the benefits shall be equal to those required to be paid under the workers' compensation statute of the state elected.

Sec. 6. Minnesota Statutes 1982, 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 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 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, provided that the prefunded limit shall be increased on January 1, 1983 and on each January 1 thereafter by the percentage increase in the statewide average weekly wage, to the nearest \$100,000, 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~~ *exposure base* of all members during the period to which the reinsurance association premium will apply, ~~as determined by the commissioner.~~ *The exposure base shall be determined by the board and is subject to the approval of the commissioner. In determining the exposure base, the board shall consider, among other things, equity, administrative convenience, records maintained by members, amenability to audit, and degree of risk refinement.* 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 shall 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~~. *The reinsurance association may charge the cost of the adjustment under this paragraph to the member, except that any penalties or interest incurred under sections 176.183, 176.221, 176.225, and 176.82 as a result of actions by the reinsurance association after it has undertaken adjustment of the claim shall not be charged to the member but shall be included in the ultimate loss and listed as a separate item; 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. 7. Minnesota Statutes 1982, section 79.37, is amended to read:

79.37 [BOARD OF DIRECTORS.]

A board of directors of the reinsurance association is created and ~~shall be is~~ responsible for the operation of the reinsurance association consistent with the plan of operation and sections 79.34 to 79.42. The board ~~shall consist~~ *consists of nine* 13 directors and the ~~commissioner~~ *commissioners* of insurance ~~who shall be an ex officio member and labor and industry, both of whom are voting members.~~ Four members of the board shall represent insurers, ~~three~~ *six* members of the board shall represent employers, at least one, but not more than ~~two~~ *three*, of whom shall represent self-insurers, and ~~two~~ *three* members of the board shall represent employees. Members shall elect the insurer directors, and the commissioner of insurance shall appoint the employer and employee directors, for the terms authorized in the plan of operation. Each board member ~~shall be is~~ entitled to one vote. Terms of the directors shall be staggered so that the terms of all the directors do not expire at the same time and so that a director does not serve a term of more than four years. The board shall select a chairman and other officers it deems appropriate.

A majority of the board ~~shall constitute~~ *constitutes* a quorum, notwithstanding any vacancies. Action may be taken by a majority vote of the directors present.

Sec. 8. Minnesota Statutes 1982, section 79.51, subdivision 2, is amended to read:

Subd. 2. [TRANSITION PERIOD; RULES GOVERN.] Insurance rates from July 1, 1983, to December 31, ~~1985~~ 1983, 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.

Sec. 9. Minnesota Statutes 1982, section 79.51, subdivision 3, is amended to read:

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~~ 1984;

(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 chapter 79.

(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~~ 1984.

Sec. 10. Laws 1981, chapter 346, section 145, is amended to read:

Sec. 145. [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~~ 1984. Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2, are repealed.

Sec. 11. Minnesota Statutes 1982, section 79.52, is amended by adding a subdivision to read:

Subd. 16. [ATTORNEY'S FEES.] No loss adjustment expense used to pay attorney fees or other costs in defense of a workers' compensation claim shall be charged to an insured in a merit rating plan or to a plan under section 79.251, subdivision 2.

Sec. 12. Minnesota Statutes 1982, section 175.006, subdivision 1, is amended to read:

Subdivision 1. [CREATION AND ORGANIZATION.] The division of workers' compensation, generally administering the workers' compensation law, is created within the department of labor and industry. ~~There is created as a separate appellate tribunal for workers' compensation, the workers' compensation court of appeals.~~

~~The workers' compensation court of appeals shall be composed of five judges each serving in the unclassified service of the state civil service. Of the five judges, at least three 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. 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.~~

Sec. 13. Minnesota Statutes 1982, section 175.007, subdivision 1, is amended to read:

Subdivision 1. The commissioner shall appoint an advisory council on workers' compensation, which ~~shall consist~~ *consists* of five representatives of employers and five representatives of employees and ~~three~~ *five* nonvoting members representing the general public. The council may consult with ~~the judges of the workers' compensation court of appeals~~ *any party it so desires*. ~~The council shall expire and the terms,~~ *compensation* and removal of members shall be as provided in section 15.059. *The council is not subject to section 15.059, subdivision 5.*

Sec. 14. Minnesota Statutes 1982, section 175.08, is amended to read:

175.08 [OFFICE.]

~~The workers' compensation court of appeals and the department of labor and industry shall maintain their~~ *its* ~~main offices~~ *office* within the Minneapolis-Saint 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~~ *It* may hold sessions at any other place in the state when ~~their convenience and that of the parties interested so requires~~ *it is convenient*.

Sec. 15. Minnesota Statutes 1982, section 175.10, is amended to read:

175.10 [SESSIONS TO BE PUBLIC.]

The department of labor and industry shall be open for the transaction of business during all business hours of each and every day, excepting Saturdays, Sundays and legal holidays. The hearings of ~~the workers' compensation court of appeals and the workers' compensation division~~ shall be open to the public and may be adjourned from time to time. All the proceedings of ~~the workers' compensation court of appeals and the division~~ shall be shown on their records, which shall be public records.

Sec. 16. Minnesota Statutes 1982, section 175.101, subdivision 1, is amended to read:

Subdivision 1. It is the legislative purpose in creating a division of workers' compensation, and in assigning to the commissioner of the department of labor and industry specific duties and responsibilities, to:

(a) provide for a unified department of labor and industry for the limited purposes of organization and administration of common administrative functions; *and*

(b) assure the autonomy and maximum independence of the necessary adjudicative functions and quasi-legislative administrative duties of the division; *and;*

(c) ~~separate and limit the functions and responsibilities of the existing workers' compensation court of appeals to those appropriate to an independent appellate reviewing body.~~

The commissioner of ~~the department of labor and industry~~ as head of the workers' compensation division is the administrator of the workers' compensation division. ~~He~~ *The commissioner* shall possess only ~~such~~ *the* powers and shall perform only ~~such~~ *the* duties as are specifically prescribed by law.

Sec. 17. Minnesota Statutes 1982, section 175.101, subdivision 2, is

amended to read:

Subd. 2. The commissioner of the department of labor and industry shall keep a full and true record of all proceedings of the workers' compensation division and the workers' compensation court of appeals, issue all necessary processes, writs, warrants, and notices which the division or workers' compensation court of appeals are is required or authorized to issue and generally act as the administrator of the division of workers' compensation in the department of labor and industry. Notices and other documents required to be served or filed on the division of workers' compensation or the workers' compensation court of appeals shall be served on the commissioner of the department of labor and industry.

Sec. 18. Minnesota Statutes 1982, section 176.011, is amended by adding a subdivision to read:

Subd. 23. [RETRAINING.] "Retraining" means a formal course of study in a school setting which is designed to train an employee to return to suitable gainful employment.

Sec. 19. Minnesota Statutes 1982, section 176.011, is amended by adding a subdivision to read:

Subd. 24. [HEALTH CARE PROVIDER.] "Health care provider" means a physician, podiatrist, chiropractor, dentist, optometrist, osteopath, psychologist, psychiatric social worker, or any other person who furnishes a medical or health service to an employee under this chapter but does not include a qualified rehabilitation consultant or approved vendor.

Sec. 20. Minnesota Statutes 1982, section 176.011, is amended by adding a subdivision to read:

Subd. 25. [MAXIMUM MEDICAL IMPROVEMENT.] "Maximum medical improvement" means the date after which no further recovery from or lasting improvement to a personal injury can reasonably be anticipated, based upon reasonable medical probability.

Sec. 21. Minnesota Statutes 1982, section 176.011, is amended by adding a subdivision to read:

Subd. 26. [MONITORING PERIOD.] "Monitoring period" means the number of weeks during which economic recovery compensation pursuant to section 176.101, subdivision 3a, would have been paid if that compensation were payable.

Sec. 22. Minnesota Statutes 1982, section 176.012, is amended to read:

176.012 [ELECTION OF COVERAGE.]

The persons, partnerships and corporations described in this section may elect to provide the insurance coverage required by this chapter.

(a) An owner or owners of a business or farm may elect coverage for themselves.

(b) A partnership owning a business or farm may elect coverage for any partner.

(c) A family farm corporation as defined in section 500.24, subdivision 2,

clause (c) may elect coverage for any executive officer.

(d) A closely held corporation which had less than 22,880 hours of payroll in the previous calendar year may elect coverage for any executive officer if that executive officer is also an owner of at least 25 percent of the stock of the corporation.

(e) Persons who are independent contractors as defined by rules adopted by the commissioner.

The persons, partnerships and corporations described in this section may also elect coverage for an employee who is a spouse, parent or child, regardless of age, of an owner, partner, or executive officer, who is eligible for coverage under this section. Coverage may be elected for a spouse, parent or child whether or not coverage is elected for the related owner, partner or executive director and whether or not the person, partnership or corporation employs any other person to perform a service for hire. Any person for whom coverage is elected pursuant to this section shall be included within the meaning of the term employee for the purposes of this chapter.

Notice of election of coverage or of termination of election under this section shall be provided in writing to the insurer. Coverage or termination of coverage is effective the day following receipt of notice by the insurer or at a subsequent date if so indicated in the notice. The insurance policy shall be endorsed to indicate the names of those persons for whom coverage has been elected or terminated under this section. An election of coverage under this section shall continue in effect as long as a policy or renewal policy of the same insurer is in effect.

Nothing in this section shall be construed to limit the responsibilities of owners, partnerships or corporations to provide coverage for their employees, if any, as required under this chapter.

Sec. 23. Minnesota Statutes 1982, section 176.021, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION, COMMENCEMENT OF PAYMENT.] All employers shall commence payment of 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 for medical, burial, and other non-periodic benefits, payments shall be made as nearly as possible at the intervals when the wage was payable, provided, however, that payments for permanent partial disability shall be governed by ~~subdivision 3a~~ *section 176.101*. If doubt exists as to the eventual permanent partial disability, payment for the economic recovery compensation or impairment compensation, whichever is due, pursuant to ~~subdivision 3a~~ *section 176.101*, shall be then made when due for the minimum permanent partial disability ascertainable, and further payment shall be made upon any later ascertainment of greater permanent partial disability. *Prior to or at the time of any tender commencement of the lump sum payment of economic recovery compensation or impairment compensation, the employee and employer shall be furnished with a copy of the medical report upon which the payment is based and all other medical reports which the insurer has that indicate a permanent partial disability rating, 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~~ *After receipt of all reports available to the insurer that indicate a permanent partial disability rating, the employee shall make available or permit the insurer to obtain any medical report that the employee has or has knowledge of that contains a permanent partial disability rating which the insurer does not already have. Economic recovery compensation or impairment compensation pursuant to section 176.101 is payable in addition to compensation for temporary total disability and temporary partial disability pursuant to section 176.101, subdivisions 1 and 2, as provided in subdivision 3a. Compensation for permanent partial disability* ~~Impairment compensation is payable concurrently and in addition to compensation for permanent total disability pursuant to section 176.101, subdivision 5, as provided in subdivision 3a. Compensation for permanent partial disability~~ *Economic recovery compensation or impairment compensation pursuant to section 176.101 shall be withheld pending completion of payment for temporary total and temporary partial disability but shall not be withheld pending payment of compensation for permanent total disability, and no credit shall be taken for payment of permanent partial disability economic recovery compensation or impairment compensation against liability for temporary total or permanent total disability. Liability on the part of an employer or his the 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 compensation is payable accordingly, subject to subdivision 3a section 176.101. Permanent partial disability* ~~Economic recovery compensation or impairment compensation 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, subject to subdivision 3a section 176.101. The right to receive temporary total, temporary partial, permanent partial or permanent total disability payments shall vest vests in the injured employee or his the employee's dependents under this chapter or, if none, in his the employee's legal heirs at the time the disability can be ascertained and the right shall is not be abrogated by the employee's death prior to the making of the payment.~~

The right to receive economic recovery compensation or impairment compensation vests in an injured employee at the time the disability is ascertained provided that the employee lives for at least 30 days beyond the date of the injury. Upon the death of an employee who is receiving economic recovery compensation or impairment compensation, further compensation is payable pursuant to section 176.101.

Sec. 24. Minnesota Statutes 1982, section 176.041, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENTS EXCLUDED.] This chapter does not apply to persons employed by any common carrier by railroad engaged in interstate or foreign commerce, which persons are covered by the Federal Employers' Liability Act (45 U.S.C. 51-60) or other comparable federal law; persons employed by family farms as defined by section 176.011, subdivision 11a, the spouse, parent and child, regardless of age, of a farmer employer working for him; partners engaged in any farm operation or

partners engaged in a business and the spouse, parent, and child, regardless of age, of any of the partners of the farm operation or business; an executive officer of a family farm corporation; an executive officer of a closely held corporation referred to in section 176.012; any spouse, parent, or child, regardless of age, of an executive officer of a family farm corporation as defined in section 500.24, subdivision 2, employed by that family farm corporation; any spouse, parent, or child, regardless of age, of an executive officer of a closely held corporation referred to in section 176.012; or other farmers or members of their families exchanging work with the farmer employer or family farm corporation operator in the same community, or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession, or occupation of his employer; *persons who are independent contractors as defined by rules adopted by the commissioner pursuant to section 176.83*; nor does it apply to officers or members of veteran's organizations whose employment relationship arises solely by virtue of attending meetings or conventions of their organization, unless the veteran's organizations elect by resolution to provide coverage under this chapter for the officers or members. Neither shall the chapter apply to any person employed as a household worker in, for, or about, a private home or household who earns less than \$500 in cash in any three month period from a single private home or household provided that any household worker who has earned \$500 or more from his present employer in any three month period within the previous year shall be covered by this chapter regardless of whether or not he has in the present quarter earned \$500. This chapter does not apply to those persons employed by a corporation where those persons are related by blood or marriage, within the third degree of kindred according to the rules of civil law, to all of the officers of the corporation, and if the corporation files a written election with the commissioner of labor and industry to have those persons excluded from this chapter *except that a written election is not required for a person who is otherwise excluded from this chapter by this section*. This chapter does not apply to a nonprofit association which does not pay more than \$500 in salary or wages in a year.

Sec. 25. Minnesota Statutes 1982, section 176.061, is amended to read:

176.061 [THIRD PARTY LIABILITY.]

Subdivision 1. [ELECTION OF REMEDIES.] Where an injury or death for which 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~~ *the* injury or death that party was insured or self-insured in accordance with this chapter, the employee, in case of injury, or ~~his~~ *the employee's* dependents, in case of death, may proceed either at law against that party to recover damages or against the employer for benefits, but not against both.

Subd. 2. [ACTION FOR RECOVERY OF DAMAGES.] If the employee, in case of injury, or ~~his~~ *the employee's* dependents, in case of death, brings an action for the recovery of damages, the amount thereof, the manner in which, and the persons to whom the same are payable, shall be as provided in this chapter. In no case shall ~~such~~ *the* party be liable to any person other than the employee or ~~his~~ *the employee's* dependents for any damages resulting from ~~such~~ *the* injury or death.

Subd. 3. [ELECTION TO RECEIVE BENEFITS FROM EMPLOYER; SUBROGATION.] If the employee or ~~his~~ *the employee's* dependents elect to receive benefits from the employer, or the special compensation fund, the employer, or the special compensation fund, *has a right of indemnity or is subrogated to the right of the employee or his the employee's* 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~~ *the* party and recover the aggregate amount of benefits payable to or on behalf of the employee or ~~his~~ *the employee's* dependents, together with 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 the attorney general on behalf of the special compensation fund, against the third person, results in judgment against the third person, or settlement by the third person, the employer ~~shall have~~ *has* 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.

Subd. 4. [APPLICATION OF SUBDIVISIONS 1, 2, AND 3.] The provisions of subdivisions 1, 2, and 3 apply only where the employer liable for benefits and the other party legally liable for damages are insured or self-insured and engaged, in the due course of business in, (a) furtherance of a common enterprise, or (b) in the accomplishment of the same or related purposes in operations on the premises where the injury was received at the time ~~thereof~~ *of the injury*.

Subd. 5. [CUMULATIVE REMEDIES.] Where an injury or death for which 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~~ *the employee's* 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 their liability to pay benefits.

(a) If an action against the other party is brought by the injured employee or ~~his~~ *the employee's* 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 benefits payable 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~~ *the* action for the prosecution ~~thereof~~ *of the action*. If the injured employee or ~~his~~ *the employee's* dependents or any party on their behalf receives benefits from the employer, or the special compensation fund, or institute proceedings to recover ~~the same~~ *benefits* or accept from the employer, or the special compensation fund, any payment on account of the benefits, the

employer, or the special compensation fund, is subrogated to the rights of the employee or ~~his~~ *the employee's* dependents or *has a right of indemnity against a third party*. This employer, or the attorney general on behalf of the special compensation fund, may maintain ~~an~~ *a separate* action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the *employee's* 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~~ *the* 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~~ *the employee's* dependents the right to intervene in the action for the prosecution ~~thereof~~ *of the action*. The proceeds of ~~such~~ *the* action or settlement ~~thereof~~ *of the action* 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~~ *an* 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~~ *the* 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~~ *are* for the benefit of the employer and the provisions of subdivision 6 ~~shall be~~ *are* not ~~be~~ applicable to ~~such~~ *the* damages.

(c) The third party is not liable to any person other than the employee or ~~his~~ *the employee's* dependents, or ~~his~~ *the* employer, or the special compensation fund, 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.

Subd. 6. [COSTS, ATTORNEY FEES, EXPENSES.] The proceeds of all actions for damages or settlement ~~thereof~~ *of an action* under this section, except for damages received under subdivision 5, clause (b) received by the injured employee or ~~his~~ *the employee's* 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~~ *the employee's* 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 benefits paid under this chapter to or on behalf of the employee or ~~his~~ *the employee's* 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 benefits paid by the employer, or the special compensation fund, to the employee or ~~his~~ *the employee's* dependents.

(d) Any balance remaining shall be paid to the employee or ~~his~~ *the employee's* dependents, and shall be a credit to employer, and the special compensation fund, for any benefits which employer is obligated to pay, but has not paid, and for any benefits that ~~such~~ *the* employer ~~shall be~~ *is* obligated to make in the future.

There shall be no reimbursement or credit to the employer, or the special compensation fund, for interest or penalties.

Subd. 7. [MEDICAL TREATMENT.] The liability of an employer, or the special compensation fund, for medical treatment *or payment of any other compensation* under this chapter ~~shall is~~ not be affected by the fact that ~~his~~ *the* 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~~ *has* a separate additional cause of action against ~~such~~ *the* third party to recover any amounts paid for medical treatment *or for other compensation payable* under this section resulting from the negligence of ~~such~~ *the* 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~~ *the* 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 *or other compensation* 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 *compensation or for medical treatment* of the injured employee and ~~shall does~~ not affect the amount of periodic compensation to be paid.

Subd. 8. [STATE AS EMPLOYER.] ~~In every case arising under subdivision 5 when the state is the employer and a settlement between the third party and the employee is made it is not valid unless prior notice thereof is given to the state within a reasonable time. If the state pays compensation to the employee under the provisions of this chapter and becomes subrogated to the rights of the employee or his dependents any settlement between the employee or his dependents and the third party is void as against the state's right of subrogation. When an action at law is instituted by an employee or his dependents against a third party for recovery of damages a copy of the complaint and notice of trial or note of issue in such action shall be served on the state. Any judgment rendered therein is subject to a lien of the state for the amount to which it is entitled to be subrogated under the provisions of subdivision 5.~~

Subd. 8a. [NOTICE TO EMPLOYER.] *In every case arising under subdivision 5, a settlement between the third party and the employee is not valid unless prior notice of the intention to settle is given to the employer within a reasonable time. If the employer or insurer pays compensation to the employee under the provisions of this chapter and becomes subrogated to the*

right of the employee or the employee's dependents or has a right of indemnity, any settlement between the employee or the employee's dependents and the third party is void as against the employer's right of subrogation or indemnity. When an action at law is instituted by an employee or the employee's dependents against a third party for recovery of damages, a copy of the complaint and notice of trial or note of issue in the action shall be served on the employer or insurer. Any judgment rendered in the action is subject to a lien of the employer for the amount to which it is entitled to be subrogated or indemnified under the provisions of subdivision 5.

Subd. 9. [SERVICE OF NOTICE ON ATTORNEY GENERAL.] In every case in which the state is liable to pay compensation or is subrogated to the rights of the employee or ~~his~~ *the employee's dependents or has a right of indemnity*, all notices required to be given the state shall be served on the attorney general and the commissioner of the ~~department of labor and industry~~.

Subd. 10. [INDEMNITY.] *Notwithstanding the provisions of chapter 65B or any other law to the contrary, an employer has a right of indemnity for any compensation paid or payable pursuant to this chapter, including temporary total compensation, temporary partial compensation, permanent partial disability, economic recovery compensation, impairment compensation, medical compensation, rehabilitation, death, and permanent total compensation.*

Sec. 26. Minnesota Statutes 1982, section 176.101, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY PARTIAL DISABILITY.] In all cases of temporary partial disability the compensation shall be 66 2/3 percent of the difference between the ~~daily weekly~~ wage of the ~~worker~~ *employee* at the time of injury and the wage ~~he~~ *the employee* is able to earn in ~~his~~ *the employee's* partially disabled condition. This compensation shall be paid during the period of disability *except as provided in section 176.101*, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to a maximum compensation equal to the statewide average weekly wage. ~~If the employer does not furnish the worker with work which he can do in his temporary partially disabled condition and he is unable to procure such work with another employer, after reasonably diligent effort, the employee shall be paid at the full compensation rate for his or her temporary total disability.~~

Sec. 27. Minnesota Statutes 1982, 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, $66 \frac{2}{3}$ 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, $66 \frac{2}{3}$ 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, $66 \frac{2}{3}$ 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, $66 \frac{2}{3}$ 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, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 195 weeks;

(13) For the loss of a hand, including wrist movement, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 220 weeks;

(14) For the loss of an arm, $66 \frac{2}{3}$ 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, $66 \frac{2}{3}$ percent of the daily wage at the time of injury during 140 weeks;

(17) For the loss of a foot, including ankle movement, $66 \frac{2}{3}$ 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, $66 \frac{2}{3}$ 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, $66 \frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ 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 $\frac{2}{3}$ percent of the daily wage at the time of injury during 170 weeks;

(24) For the loss of an eye and a leg, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 475 weeks;

(25) For the loss of an eye and an arm, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 475 weeks;

(26) For the loss of an eye and a hand, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 450 weeks;

(27) For the loss of an eye and a foot, 66 $\frac{2}{3}$ 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 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(29) For the loss of two hands, 66 $\frac{2}{3}$ 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 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet, 66 $\frac{2}{3}$ 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 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot, 66 $\frac{2}{3}$ 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 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(35) For the loss of one leg and one hand, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(36) For the loss of one arm and one foot, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(38) For loss of the voice mechanism, 66 $\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(39) For head injuries, 66 $\frac{2}{3}$ 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 or as

determined by the workers' compensation court of appeals in cases on appeal;

(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, 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, 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 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 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 $\frac{2}{3}$ 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 or as determined by the workers' compensation court of appeals in cases on appeal, 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 $\frac{2}{3}$ 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.

This subdivision applies to a permanent partial disability incurred before the effective date of the rules adopted under section 176.105, subdivision 4.

Sec. 28. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3a. [ECONOMIC RECOVERY COMPENSATION.] If an employee is not eligible for an impairment award pursuant to subdivision 3b, then the employee shall receive economic recovery compensation for a permanent partial disability pursuant to this subdivision. The compensation shall be 66- $\frac{2}{3}$ percent of the weekly wage at the time of injury subject to a maximum equal to the statewide average weekly wage. For permanent partial disability up to the percent of the whole body in the following schedule the compensation shall be paid for the proportion that the loss of function of the disabled part bears to the whole body multiplied by the number of weeks aligned with

that percent.

Percent of disability	Weeks of compensation
0-25	600
26-30	640
31-35	680
36-40	720
41-45	760
46-50	800
51-55	880
56-60	960
61-65	1040
66-70	1120
71-100	1200

The percentage loss in all cases under this subdivision is determined according to the rules adopted by the commissioner pursuant to section 176.105, subdivision 4. This subdivision shall apply to a permanent partial disability incurred on or after the adoption of those rules.

Sec. 29. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3b. [IMPAIRMENT COMPENSATION.] An employee who suffers a permanent partial disability due to a personal injury and receives impairment compensation under this section shall receive compensation in an amount as provided by this subdivision. For permanent partial disability up to the percent of the whole body shown in the following schedule the amount shall be equal to the proportion that the loss of function of the disabled part bears to the whole body multiplied by the amount aligned with that percent in the following schedule:

Percent of disability	Amount
0-25	\$ 75,000
26-30	80,000
31-35	85,000
36-40	90,000
41-45	95,000
46-50	100,000
51-55	120,000
56-60	140,000
61-65	160,000
66-70	180,000
71-75	200,000
76-80	240,000
81-85	280,000
86-90	320,000
91-95	360,000
96-100	400,000

For all cases under this subdivision the percentage loss of function of a part of the body is determined by the commissioner pursuant to section 176.105, subdivision 4. This subdivision shall apply to a permanent partial disability incurred on or after the adoption of those rules.

Sec. 30. Minnesota Statutes 1982, section 176.101, is amended by adding

a subdivision to read:

Subd. 3c. [MAXIMUM PAYABLE.] The maximum amount payable under subdivisions 3a and 3b is the maximum compensation payable to an employee who has a disability to the body as a whole and under no conditions shall an employee receive more than those amounts even if the employee sustains a disability to two or more body parts.

Sec. 31. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3d. [GENERAL.] An employee who has incurred a personal injury resulting in a permanent partial disability shall receive compensation as provided in this section.

Sec. 32. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3e. [END OF TEMPORARY TOTAL COMPENSATION.] (a) 90 days after an employee has reached maximum medical improvement or 90 days after the end of an approved retraining program, whichever is later, the employee's temporary total compensation shall cease. This cessation shall occur at an earlier date if otherwise provided by this section. If during this 90-day period the employer furnishes work to the employee that the employee can do in his or her physical condition and that job produces an economic status as close as possible to that the employee would have enjoyed without the disability, or the employer procures this employment with another employer, the employee shall receive impairment compensation pursuant to subdivision 3b. This impairment compensation is in lieu of economic recovery compensation under subdivision 3a, and the employee shall not receive both economic recovery compensation and impairment compensation. Temporary total compensation and impairment compensation shall not be paid concurrently.

(b) If the job offered under clause (a) is not the job the employee had at the time of injury it shall be offered in writing on forms prescribed by the commissioner and shall state the nature of the job, the rate of pay, the physical requirements of the job, an agreement to pay temporary partial compensation if there is a wage loss, and any other information necessary to fully and completely inform the employee of the job duties and responsibilities.

If the job offered is the same job that the employee held at the time of injury, the offer shall be in writing but need not recite the details in this clause.

The employee has 14 calendar days to accept or reject the job offer. If the employee does not respond within this period it is deemed a refusal of the offer.

(c) Self employment may be an appropriate job under this subdivision.

Sec. 33. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3f. [ACCEPTANCE OF JOB OFFER.] If the employee accepts a job offer described in subdivision 3e and begins work at that job, the impairment compensation shall be paid in a lump sum 30 calendar days after the return to work.

Temporary total compensation shall cease upon the employee's return to the job offered under subdivision 3e even if that return occurs prior to the end of the 90-day period specified in subdivision 3e. Once temporary total compensation ceases no further temporary total compensation is payable except as provided in subdivision 3i.

Sec. 34. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3g. [TEMPORARY PARTIAL COMPENSATION.] An employee who accepts a job under subdivision 3e and begins that job shall receive temporary partial compensation pursuant to subdivision 2, if appropriate.

Sec. 35. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3h. [LAYOFF BECAUSE OF LACK OF WORK OR RELEASED FOR OTHER THAN SEASONAL CONDITIONS.] (a) If an employee accepts a job under subdivision 3e and begins work at that job and is subsequently unemployed because of economic conditions, other than seasonal conditions, the employee shall receive monitoring period compensation pursuant to clause (b). In addition, the employer who was the employer at the time of the injury shall provide rehabilitation consultation by a qualified rehabilitation consultant if the employee remains unemployed for 45 calendar days. The commissioner may waive this rehabilitation consultation if the commissioner deems it appropriate. Further rehabilitation, if deemed appropriate, is governed by section 176.102.

(b) Upon the employee's initial return to work the monitoring period begins to run. If the employee is unemployed for the reason in clause (a), prior to the end of the monitoring period the employee shall receive monitoring period compensation. This compensation shall be paid for the lesser of (1) the weeks remaining in the monitoring period, or (2) the weeks equal to the monitoring period minus the impairment compensation paid to the employee. For purposes of this clause the impairment compensation shall be converted to weeks by dividing the impairment compensation received by the employee by the employee's compensation rate for temporary total disability at the time of the injury. No monitoring period compensation is payable if the unemployment occurs after the expiration of the monitoring period.

(c) If the employee returns to work and is still receiving monitoring period compensation, this compensation shall cease. Any period remaining in the monitoring period upon this return to work shall be used to determine further benefits if the employee is again unemployed under clause (a).

(d) Upon the employee's return to work pursuant to this section the insurer shall notify the employee of the length of the employee's monitoring period and shall notify the employee of the amount of impairment to be paid and the date of payment.

Sec. 36. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3i. [MEDICALLY UNABLE TO CONTINUE WORK.] (a) If the employee has started the job offered under subdivision 3e and is medically unable to continue at that job, that employee shall receive temporary total

compensation pursuant to clause (b). In addition, the employer who was the employer at the time of the injury shall provide rehabilitation consultation by a qualified rehabilitation consultant. Further rehabilitation, if deemed appropriate, is governed by section 176.102.

(b) Temporary total compensation shall be paid for up to 90 days after the employee has reached maximum medical improvement or 90 days after the end of an approved retraining plan, whichever is later. The temporary total compensation shall cease at any time within the 90-day period that the employee begins work meeting the requirements of subdivision 3e. No further impairment or economic recovery compensation is payable to this employee if that compensation has previously been paid under this section, except as provided in subdivision 3s.

Sec. 37. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3j. [UNEMPLOYMENT DUE TO SEASONAL CONDITION.] If an employee has started the job offered under subdivision 3e and is subsequently unemployed from that job because of the job's seasonal nature, the employee shall receive any unemployment compensation the employee is eligible for pursuant to chapter 268. The employee shall receive, in addition and concurrently, the amount that the employee was receiving for temporary partial disability at the time of the layoff. No further or additional compensation is payable under this chapter because of the seasonal layoff.

Sec. 38. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3k. [FAILURE TO ACCEPT JOB OFFER.] If the employee has been offered a job under subdivision 3e and has refused the offer, the impairment compensation shall not be paid in a lump sum but shall be paid in the same interval and amount that temporary total compensation was paid. Temporary total compensation shall cease upon the employee's refusal to accept the job offered and no further or additional temporary total compensation is payable. The payment of the periodic impairment compensation shall cease when the amount the employee is eligible to receive under subdivision 3b is reached, after which time the employee shall not receive additional impairment compensation or any other compensation under this chapter unless the employee has a greater permanent partial disability than already compensated for.

Sec. 39. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3l. [RETURN TO WORK AFTER REFUSAL OF JOB OFFER.] If the employee has refused the job offer under subdivision 3e and is receiving periodic impairment compensation and returns to work at another job, the employee shall receive the remaining impairment compensation due, in a lump sum, 30 days after return to work.

Sec. 40. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3m. [NO TEMPORARY PARTIAL COMPENSATION OR REHABILITATION IF JOB OFFER REFUSED.] An employee who has been of-

ferred a job under subdivision 3e and has refused that offer and who subsequently returns to work shall not receive temporary partial compensation pursuant to subdivision 2 if the job the employee returns to provides a wage less than the wage at the time of the injury. No rehabilitation shall be provided to this employee.

Sec. 41. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3n. [INABILITY TO RETURN TO WORK.] (a) An employee who is permanently totally disabled pursuant to subdivision 5 shall receive impairment compensation pursuant to subdivision 3b. This compensation is payable in addition to permanent total compensation pursuant to subdivision 4 and is payable concurrently. In this case the impairment compensation shall be paid in the same intervals and amount as the permanent total compensation is paid, and the impairment compensation shall cease when the amount due under subdivision 3b is reached. If this employee returns to work at any job during the period the impairment compensation is being paid, the remaining impairment compensation due shall be paid in a lump sum 30 days after the employee has returned to work.

(b) If an employee is receiving or has received economic recovery compensation and is determined to be permanently totally disabled no offset shall be taken against permanent total compensation for the compensation paid. No further economic recovery compensation is payable even if the amount due the employee pursuant to subdivision 3a has not yet been reached.

(c) If the employee has or is receiving impairment compensation and is determined to be permanently totally disabled no credit shall be taken for the compensation received or if any of this compensation remains to be paid, it shall continue to be paid until exhausted, but no additional impairment compensation shall be paid.

(d) Rehabilitation consultation pursuant to section 176.102 shall be provided to an employee who is permanently totally disabled.

Sec. 42. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3o. [NO JOB OFFER.] Where the employee has a permanent partial disability and has reached maximum medical improvement or upon completion of an approved retraining program, whichever is later, that employee shall receive economic recovery compensation pursuant to subdivision 3a if no job offer meeting the criteria of the job in subdivision 3e is made within 90 days after reaching maximum medical improvement or 90 days after the end of an approved retraining plan, whichever is later.

Temporary total compensation shall cease upon commencement of the payment of economic recovery compensation. Temporary total compensation shall not be paid concurrently with economic recovery compensation.

Sec. 43. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3p. [METHOD OF PAYMENT OF ECONOMIC RECOVERY COMPENSATION.] (a) Economic recovery compensation is payable at the same intervals and in the same amount as temporary total compensation was

paid. If the employee returns to work and the economic recovery compensation is still being paid, the remaining economic recovery compensation due without further adjustments under section 176.645 shall be paid in a lump sum 30 days after the employee has returned to work.

(b) Weekly economic recovery compensation paid to the employee shall be adjusted pursuant to section 176.645.

Sec. 44. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3q. [PAYMENT OF COMPENSATION AT DEATH.] If an employee receiving economic recovery compensation or impairment compensation in periodic amounts dies during the period from causes unrelated to the injury, the compensation shall be paid in the following manner:

(a) If the deceased employee leaves a dependent surviving spouse and no dependent children, as defined by section 176.111, subdivision 1, the spouse shall receive the weekly economic recovery or impairment compensation that the deceased was receiving before the death. This compensation shall be paid for a period of up to ten years after the date of death at which time payments and future entitlement to it ceases.

(b) If the deceased employee leaves a dependent spouse and dependent children, as defined in section 176.111, subdivision 1, the periodic economic recovery or impairment compensation shall continue to be paid to the surviving spouse for up to ten years after the youngest child is no longer dependent after which time payments and future entitlement to the compensation ceases.

(c) Payment of compensation under this subdivision shall cease prior to the end of the ten-year periods in this subdivision if the amount to which the employee is entitled to receive under subdivision 3, 3a, or 3b, is reached prior to the end of the ten-year period.

(d) If the death results from the injury, the payment of economic recovery compensation or impairment compensation shall cease upon the death and death benefits are payable pursuant to section 176.111.

Sec. 45. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3r. [ADDITIONAL ECONOMIC RECOVERY COMPENSATION OR IMPAIRMENT COMPENSATION.] No additional economic recovery compensation or impairment compensation is payable to an employee who has received that compensation to which the employee is entitled pursuant to subdivision 3a or 3b unless the employee has a greater permanent partial disability than already compensated.

Sec. 46. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3s. [MINIMUM ECONOMIC RECOVERY COMPENSATION.] Economic recovery compensation pursuant to this section shall be at least 120 percent of the impairment compensation the employee would receive if that compensation were payable to the employee. The monitoring period shall be at least 120 percent of the weeks during which impairment compen-

sation would be payable if paid weekly.

Sec. 47. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3t. [MEDICAL BENEFITS.] This section does not in any way limit the medical benefits to which an injured employee is otherwise entitled pursuant to this chapter.

Sec. 48. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 3u. [ADMINISTRATIVE CONFERENCE.] The provisions of article 1, section 122 apply if there exists a dispute regarding maximum medical improvement or whether the job offered meets the criteria under subdivision 3e.

Sec. 49. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 4a. [PREEXISTING CONDITION OR DISABILITY; APPORTIONMENT.] (a) If a personal injury results in a disability which is attributable in part to a preexisting disability that arises from a congenital condition or is the result of a traumatic injury or incident, whether or not compensable under this chapter, the compensation payable for the permanent partial disability pursuant to subdivision 3 shall be reduced by the proportion of the disability which is attributable only to the preexisting disability. An apportionment of a permanent partial disability under this subdivision shall be made only if the preexisting disability is registered under section 176.131, or is clearly evidenced in a medical report or record made prior to the current personal injury. Evidence of registration or a copy of the medical report or record upon which apportionment is based shall be made available to the employee by the employer at the time compensation for the permanent partial disability is begun.

(b) The compensable portion of the permanent partial disability under this section shall be paid at the rate at which the entire disability would be compensated but for the apportionment.

Sec. 50. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 4b. [LEGISLATIVE INTENT.] The legislature reaffirms its intent that the reduction of compensation benefits pursuant to subdivision 4 is applicable after an employee has received a total of \$25,000 of weekly compensation including compensation under subdivisions 1, 2, and 4 of this section.

Sec. 51. Minnesota Statutes 1982, section 176.101, subdivision 6, is amended to read:

Subd. 6. [MINORS.] If any employee entitled to the benefits of this chapter is a minor or is an apprentice of any age and sustains a personal injury arising out of and in the course of employment resulting in permanent total or a compensable permanent partial disability, for the purpose of computing the compensation to which he the employee is entitled for said the injury the compensation rate for temporary total, temporary partial, ~~retrain-~~

~~ing, a permanent partial or permanent total disability or economic recovery compensation shall be the larger of either the statewide average weekly wage or the employees weekly wage, but in no case shall the compensation exceed the maximum weekly compensation rate payable under this chapter.~~

Sec. 52. Minnesota Statutes 1982, section 176.101, is amended by adding a subdivision to read:

Subd. 8. [RETIREMENT PRESUMPTION.] For injuries occurring after the effective date of this subdivision an employee who receives social security old age and survivors insurance retirement benefits is presumed retired from the labor market. This presumption is rebuttable by a preponderance of the evidence.

Sec. 53. Minnesota Statutes 1982, section 176.102, subdivision 1, is amended to read:

~~Subdivision 1. [SCOPE.] Vocational Rehabilitation shall train an is intended to restore the injured employee, through physical and vocational rehabilitation, so he the employee may be returned return to a job related to his the employee's former employment or to a job in another work area which produces an economic status as close as possible to that he the employee would have enjoyed without disability. Rehabilitation to a job with a higher economic status than would have occurred without disability is permitted if it can be demonstrated that this rehabilitation is necessary to increase the likelihood of reemployment. Economic status is to be measured not only by opportunity for immediate income but also by opportunity for future income.~~

Sec. 54. Minnesota Statutes 1982, section 176.102, subdivision 2, is amended to read:

~~Subd. 2. [ADMINISTRATORS.] The commissioner of labor and industry shall hire a director of medical care and rehabilitation services in the classified service. The commissioner of labor and industry is responsible for supervising shall monitor medical care and supervise rehabilitation services, including, but not limited to, making determinations regarding the selection and delivery of medical care and rehabilitation services and the criteria used to approve qualified rehabilitation consultants and rehabilitation vendors. The commissioner may also make determinations regarding fees for rehabilitation services, the fitness of qualified rehabilitation consultants and vendors to continue to be approved under this section and has authority to discipline, by fine or otherwise, the consultants or vendors who act in violation of this chapter or rules adopted pursuant to this chapter. The commissioner of labor and industry may hire qualified personnel and shall hire a medical consultant to assist in his duties under this section and may delegate his duties and performance.~~

The medical consultant shall be a doctor of medicine licensed under the laws of Minnesota.

The medical consultant shall perform all duties assigned by the commissioner relating to the supervision of the total continuum of care of injured employees and shall also advise the department on matters on which the commissioner requests the consultant's advice or if the consultant deems it appropriate.

Sec. 55. Minnesota Statutes 1982, section 176.102, subdivision 3, is amended to read:

Subd. 3. [REVIEW PANEL.] There is created a rehabilitation review panel composed of the commissioner of labor and industry or his a designee, who shall serve as an ex officio member and two members each from labor, employers, insurers, vocational rehabilitation, and medicine and, one member representing chiropractors, four members representing employers and four members representing labor. The members shall be appointed by the governor commissioner and shall serve four year four-year terms which may be renewed. Compensation for members shall be governed by section 15.0575. The panel shall select a chairman. The panel shall (a) review and make a determination with respect to (a) appeals regarding eligibility for rehabilitation services, rehabilitation plans and rehabilitation benefits under subdivision 9; (b) hold appeals on any other rehabilitation issue the commissioner determines under this section; and (c) appeals regarding fee disputes, penalties, discipline, certification approval or revocation of certification approval hearings; (e) of registration of qualified rehabilitation consultants and approved vendors. The panel shall continuously study rehabilitation; services and delivery and (d) develop and recommend rehabilitation rules as necessary to the commissioner of labor and industry. A majority vote of those attending a panel hearing under subdivision 6 shall constitute the decision of the board.

Sec. 56. Minnesota Statutes 1982, section 176.102, is amended by adding a subdivision to read:

Subd. 3a. [REVIEW PANEL APPEALS.] Appeals to the review panel shall be heard before a panel of three members designated by the review panel. Each three-member panel shall consist of one labor member, one employer or insurer member, and one member representing medicine, chiropractic, or rehabilitation. The determination of the three-member panel shall be by a majority vote and the determination shall represent the determination of the rehabilitation review panel. When conducting a review of the commissioner's determination regarding any rehabilitation issue or plan the panel shall give the parties notice that the appeal will be heard. This notice shall be given at least ten working days prior to the hearing. The notice shall state that parties may be represented by counsel at the hearing. In conducting its review the panel shall permit an interested party to present relevant, competent, oral or written evidence and to cross-examine opposing evidence. Evidence presented is not limited to the evidence previously submitted to the commissioner. A record of the proceeding shall be made by the panel. Upon determination of the issue presented, the panel shall issue to the interested parties a written decision and order. The decision need not contain a recitation of the evidence presented at the hearing, but shall be limited to the panel's basis for the decision.

Sec. 57. Minnesota Statutes 1982, section 176.102, subdivision 4, is amended to read:

Subd. 4. [REHABILITATION PLAN; DEVELOPMENT.] Within 30 days of the time an employer or his insurer has medical information that an employee is unable due to a personal injury or occupational disease to return to his preinjury occupation the employer shall provide rehabilitation consultation for

the employee. The employee, however, has the final decision on which rehabilitation agency is to be utilized pursuant to the provisions of this section. The consultation shall be done by any person or public or private institution approved by the commissioner of labor and industry. If the consultant determines rehabilitation would significantly reduce or eliminate the decrease in employability, the employer or insurer in conjunction with the rehabilitation consultant shall submit a specific plan of rehabilitation to the commissioner. If the employer does not provide rehabilitation consultation, when required by this section, within the time specified by this subdivision, the commissioner of labor and industry shall notify the employer and insurer that should they fail to provide rehabilitation consultation within 15 days from the receipt of the commissioner's notice, the division of vocational rehabilitation shall be authorized to provide the rehabilitation consultation for the employee. If the employee refuses to submit to any reasonable examinations and evaluative procedures to determine the need for and the details of a plan of rehabilitation, the amount of compensation may be reduced or the right to compensation may be suspended by an order of the division or workers' compensation court of appeals in a matter before it. In developing a plan, consideration shall be given to the employee's age, education, previous work history, interests and skills.

(a) An employer or insurer shall provide rehabilitation consultation by a qualified rehabilitation consultant to an injured employee within five days after the employee has 60 days of lost work time due to the personal injury, except as otherwise provided in this subdivision. Where an employee has incurred an injury to the back, the consultation shall be made within five days after the employee has 30 days of lost work time due to the injury. The lost work time in either case may be intermittent lost work time. If an employer or insurer has medical information at any time prior to the time specified in this subdivision that the employee will be unable to return to the job the employee held at the time of the injury rehabilitation consultation shall be made immediately after receipt of this information.

For purposes of this section "lost work time" means only those days during which the employee would actually be working but for the injury. In the case of the construction industry, mining industry, or other industry where the hours and days of work are affected by seasonal conditions, "lost work time" shall be computed by using the normal schedule worked when employees are working full time.

If the employee objects to the employer's selection of a qualified rehabilitation consultant, the employee shall notify the employer and the commissioner in writing of the objection.

Upon receipt of the notice of objection, the commissioner may schedule an administrative conference for the purpose of determining which qualified rehabilitation consultant may be mutually acceptable. The employee has the final decision on which qualified rehabilitation consultant is to be utilized.

The employee and employer shall enter into a program if one is prescribed in a rehabilitation plan. A copy of the plan, including a target date for return to work, shall be submitted to the commissioner.

(b) If the employer does not provide rehabilitation consultation as required by this section, the commissioner shall notify the employer that if the employer fails to appoint a qualified rehabilitation consultant within 15 days to conduct a rehabilitation consultation, the commissioner shall appoint a qualified rehabilitation consultant to provide the consultation at the expense of the employer unless the commissioner determines the consultation is not

required.

(c) In developing a rehabilitation plan consideration shall be given to the employee's qualifications, including but not limited to age, education, previous work history, interest, transferable skills, and present and future labor market conditions.

(d) The commissioner may waive rehabilitation consultation under this section if the commissioner is satisfied that the employee will return to work in the near future or that rehabilitation consultation will not be useful in returning an employee to work.

Sec. 58. Minnesota Statutes 1982, section 176.102, subdivision 5, is amended to read:

Subd. 5. [ON THE JOB TRAINING.] On the job training is to be given consideration in developing a rehabilitation plan especially where it would produce an economic status similar to that enjoyed prior to disability. When a rehabilitation plan includes on the job training, the employee shall receive compensation while employed in an amount equal to the after tax wage the employee received at the time of the personal injury. This compensation shall be paid in whole or in part by the insurer liable for compensation for the employee's personal injury. The amount of compensation to be paid by this insurer shall be determined in the rehabilitation plan prepared pursuant to this section. Any difference between the amount of compensation the insurer is paying and the after tax wage the employee received at the time of the personal injury shall be paid by the on the job employer, but in no case shall this employer's amount exceed the prevailing wage for the job. After tax wage shall be determined by subtracting federal and state income tax from the employee's gross wage.

A rehabilitation plan which includes on the job training shall attempt to create an incentive for an employer to hire the employee for on the job training. This incentive may be in the form of reducing the on the job training employer's wages paid to the employee to a level which is less than the prevailing wage for the job, provided that the total compensation from the insurer, required by this section, and the wages paid by the on the job training employer is not less than the after tax wage received by the employee at the time of the personal injury. The compensation from the insurer and the on the job training employer paid pursuant to this subdivision is in lieu of temporary total disability payments and the additional compensation provided in subdivision 11.

Sec. 59. Minnesota Statutes 1982, section 176.102, subdivision 6, is amended to read:

Subd. 6. [PLAN, ELIGIBILITY FOR REHABILITATION, APPROVAL AND APPEAL.] The commissioner of labor and industry shall determine eligibility for rehabilitation services and shall review, approve, modify or reject rehabilitation plans developed under subdivision 4. The commissioner shall also make determinations regarding rehabilitation issues not necessarily part of a plan including, but not limited to, determinations regarding whether an employee is eligible for further rehabilitation and the benefits under subdivision 9 to which an employee is entitled. Any persons aggrieved by A decision of the commissioner may appeal be appealed to the rehabilitation review panel within 30 days of the commissioner's decision. The

decision of the panel may be appealed to the workers' compensation court of appeals in the same manner as other matters appealed to the court. The panel may approve or reject the decision of the commissioner. If it rejects the commissioner's decision it may formulate its own rehabilitation plan.

Sec. 60. Minnesota Statutes 1982, section 176.102, is amended by adding a subdivision to read:

Subd. 6a. [ELIGIBILITY DETERMINATION.] The commissioner has the sole authority under this chapter to determine eligibility for rehabilitation services under this section and to review, approve, modify, or reject rehabilitation plans and make other rehabilitation determinations pursuant to this chapter. These determinations shall not be made by a compensation judge but may be appealed to the rehabilitation review panel and workers' compensation court of appeals as provided by subdivision 6.

Sec. 61. Minnesota Statutes 1982, section 176.102, subdivision 7, is amended to read:

Subd. 7. [PLAN IMPLEMENTATION; REPORTS.] Upon request by the commissioner, insurer or, employer or employee, medical and rehabilitation reports shall be made by the provider of the medical and rehabilitation service to the commissioner of labor and industry, insurer and, employer or employee of an employee's progress under a plan.

Sec. 62. Minnesota Statutes 1982, section 176.102, subdivision 8, is amended to read:

Subd. 8. [PLAN MODIFICATION.] Upon request of to the commissioner by the employer, the insurer, or employee to the commissioner, or upon the commissioner's own request, the plan may be suspended, terminated or altered upon a showing of good cause therefor, including:

(a) a physical impairment that does not allow the employee to pursue the vocation being trained for rehabilitation plan;

(b) the employee's performance level indicates he cannot complete the plan will not be successfully completed; or

(c) an employee does not cooperate with a plan.

An employee may request a change in a rehabilitation plan once because he the employee feels he is not suited ill-suited for the type of work for which training rehabilitation is being provided if the request is made within 90 days of the start of the plan. Any decision of the commissioner regarding a change in a plan may be appealed to the rehabilitation review panel within +5 30 days of the decision.

Sec. 63. Minnesota Statutes 1982, section 176.102, subdivision 9, is amended to read:

Subd. 9. [PLAN, COSTS.] An employer is liable for the following rehabilitation expenses under this section:

(a) Cost of vocational rehabilitation diagnosis evaluation and preparation of a plan;

(b) Cost of all rehabilitation services and supplies necessary for implementation of the plan;

(c) Reasonable cost of tuition, books and travel; and, in addition, reasonable costs of board ~~and~~, lodging *and custodial daycare* when rehabilitation requires residence away from the employee's customary residence; ~~and~~

(d) *Reasonable costs of travel and custodial daycare during the job interview process;*

(e) *Reasonable cost for moving expenses of the employee and family if a job is found in a geographic area beyond reasonable commuting distance after a diligent search within the present community. Relocation shall not be paid more than once during any rehabilitation program, and relocation shall not be required if the new job is located within the same standard metropolitan statistical area as the employee's job at the time of injury; and*

~~(f)~~ (f) Any other expense agreed to be paid.

Sec. 64. Minnesota Statutes 1982, section 176.102, subdivision 10, is amended to read:

Subd. 10. [REHABILITATION; CONSULTANTS.] The commissioner shall approve rehabilitation consultants who may propose and implement plans if they satisfy rules ~~promulgated~~ *adopted* by the commissioner for rehabilitation consultants. A consultant may be an individual or public or private entity, *but may not be a vendor or the agent of a vendor of rehabilitation services.*

Sec. 65. Minnesota Statutes 1982, section 176.102, subdivision 11, is amended to read:

Subd. 11. [~~COMPENSATION DURING REHABILITATION RETRAINING.~~] ~~The insurer or employer shall pay up Retraining is limited to 156 weeks of compensation during rehabilitation under a plan in an amount equal to 125 percent of the employee's rate for temporary total disability. This payment is in lieu of payment for temporary total, temporary partial, or permanent total disability to which the employee might otherwise be entitled for this period under this chapter, but shall be considered to be the equivalent of temporary total disability for the purposes of section 176.132. If on the job training is part of the rehabilitation program, the weeks during which the insurer or employer pays compensation pursuant to subdivision 5 shall be subtracted from the 156 weeks of retraining compensation which has been paid, if any, pursuant to this subdivision. This subdivision shall not apply to retraining benefits for which liability has been established prior to July 1, 1979.~~

Sec. 66. Minnesota Statutes 1982, section 176.102, is amended by adding a subdivision to read:

Subd. 11a. [APPLICABILITY OF SECTION.] This section is applicable to all employees injured prior to or on and after October 1, 1979, except for those provisions which affect an employee's monetary benefits.

Sec. 67. Minnesota Statutes 1982, section 176.102, is amended by adding a subdivision to read:

Subd. 13. [DISCONTINUANCE.] All benefits payable under chapter 176 may, after a determination and order by the commissioner, be discontinued or forfeited for any time during which the employee refuses to submit to any reasonable examinations and evaluative procedures ordered by the commis-

sioner to determine the need for and details of a plan of rehabilitation, or refuses to participate in rehabilitation evaluation as required by this section or does not make a good faith effort to participate in a rehabilitation plan. A discontinuance under this section is governed by article 1, section 122.

Sec. 68. [176.103] [MEDICAL HEALTH CARE REVIEW.]

Subdivision 1. [PURPOSE.] It is the purpose of this section to provide for review of clinical health care providers who render services to injured employees. This review shall be achieved by establishing a quality control system within the department of labor and industry.

Subd. 2. [SCOPE.] The commissioner shall monitor the medical and surgical treatment provided to injured employees, the services of other health care providers and shall also monitor hospital utilization as it relates to the treatment of injured employees. This monitoring shall include determinations concerning the appropriateness of the service, whether the treatment is necessary and effective, the proper cost of services, the quality of the treatment, the right of providers to receive payment under this chapter for services rendered or the right to receive payment under this chapter for future services. The commissioner may penalize, disqualify, or suspend a provider from receiving payment for services rendered under this chapter, if the commissioner determines that the provider has violated any part of this chapter or rule adopted under this chapter. The commissioner's authority under this section also includes the authority to make determinations regarding any other activity involving the questions of utilization of medical services, and any other determination the commissioner deems necessary for the proper administration of this section.

The commissioner has the sole authority to make determinations under this section with a right of appeal to the medical services review board as provided in subdivision 3 and the workers' compensation court of appeals. A compensation judge has no jurisdiction in making determinations under this section.

Subd. 3. [MEDICAL SERVICES REVIEW BOARD; SELECTION; POWERS.] (a) There is created a medical services review board composed of the commissioner or the commissioner's designee, one person representing chiropractic and seven medical practitioners representing different specialties which the commissioner determines are the most frequently utilized by injured employees. The board shall also have one person representing employees, one person representing employers or insurers, and one person representing the general public. The members shall be appointed by the commissioner and shall be governed by section 15.0575. Terms of the board's members may be renewed. The board shall appoint from among its members a clinical advisory subcommittee on clinical quality and a clinical advisory subcommittee on clinical cost containment. Each subcommittee shall consist of at least three members.

The clinical quality subcommittee shall review clinical results for adequacy and recommend to the commissioner scales for disabilities and apportionment.

The clinical cost containment subcommittee shall review and recommend to the commissioner rates for individual clinical procedures and aggregate

costs. The subcommittees shall make regular reports to the board and the commissioner which shall evaluate the reports for the purpose of determining whether or not a particular health care provider continues to qualify for payment under chapter 176 or is subject to any other sanctions or penalties authorized under this section and to determine whether an employee has been off work longer than necessary.

In evaluating the clinical consequences of the services provided to an employee by a clinical health care provider, the board shall consider the following factors in the priority listed:

- (1) the clinical effectiveness of the treatment;
- (2) the clinical cost of the treatment; and
- (3) the length of time of treatment.

In its consideration of these factors, the board shall utilize the information and recommendations developed by the subcommittees. In addition, the board shall utilize any other data developed by the subcommittees pursuant to the duties assigned to the subcommittees under this section.

After making a determination, the board shall submit its recommendation in writing to the commissioner. The board shall advise the commissioner on the adoption of rules regarding all aspects of medical care and services provided to injured employees.

(b) The board shall appoint three of its members to hear appeals from decisions of the commissioner regarding quality control and supervision of medical care; any other disputes regarding medical, surgical, and hospital care; decisions regarding the eligibility of medical providers to receive payments; or any other determinations of the commissioner pursuant to subdivision 2. The three-member panel shall be composed of one member who does not represent a health care specialty, one member who represents the same specialty as the specialty at issue or, if the same specialty is not available, one member whose specialty is as close as possible considering the board's composition, and one member representing a different specialty. The three-member panel shall conduct a hearing in the same manner, giving the same notice and following other procedures required of the rehabilitation review panel in section 176.102, subdivision 3a. A majority vote of the three-member panel constitutes the decision of the board. This decision may be appealed to the workers' compensation court of appeals.

(c) In any situation where a conflict of interest prevents the appointment of a full three-member panel or in any other situation where the commissioner deems it necessary to resolve a conflict of interest, the commissioner may appoint a temporary substitute board member to serve until the situation creating the conflict of interest has been resolved.

Sec. 69. [176.104] [REHABILITATION PRIOR TO DETERMINATION OF LIABILITY.]

Subdivision 1. [DISPUTE.] If there exists a dispute regarding whether an injury arose out of and in the course and scope of employment and an employee has been disabled for the requisite time under section 176.102, subdivision 4, prior to determination of liability, the employee shall be referred by the commissioner to the division of vocational rehabilitation which shall

provide rehabilitation consultation and other rehabilitation services. The services provided by the division of vocational rehabilitation and the scope and term of the rehabilitation are governed by section 176.102 and rules adopted pursuant to that section. Rehabilitation costs and services under this subdivision shall be approved, rejected, or modified by the commissioner.

Subd. 2. [LIABILITY FOR PAST REHABILITATION.] If liability is determined after the employee has commenced rehabilitation under this section the liable party is responsible for the cost of rehabilitation provided and approved by the commissioner. Future rehabilitation after liability is established is governed by section 176.102.

Sec. 70. Minnesota Statutes 1982, section 176.105, is amended by adding a subdivision to read:

Subd. 4. The commissioner shall by rule adopt procedures to determine the percentage of loss of function of a part of the body based on the body as a whole, including internal organs, described in section 176.101, subdivision 3, and any other body part not listed in section 176.101, subdivision 3, which the commissioner deems appropriate.

Temporary rules shall be adopted for this purpose not later than January 1, 1985. Prior to the adoption of these rules, at least two public hearings shall be held by the commissioner, in addition to the requirements of sections 14.29 to 14.36. Notwithstanding sections 14.29 to 14.36, the temporary rules adopted under this subdivision shall be effective until superseded by permanent rules. The rules shall promote objectivity and consistency in the evaluation of permanent functional impairment due to personal injury and in the assignment of a numerical rating to the functional impairment.

Prior to adoption of temporary rules the commissioner of insurance shall conduct an analysis of the current permanent partial disability schedule for the purpose of determining the number and distribution of permanent partial disabilities and the average compensation for various permanent partial disabilities. The commissioner of labor and industry shall consider this analysis in adopting the rules under this subdivision and shall consider establishing a schedule which provides that the average award under the proposed schedule shall be approximately the same as the average award under the current schedule. The commissioner shall consider setting the compensation under the proposed schedule for the most serious conditions higher in comparison to the current schedule and shall consider decreasing awards for minor conditions in comparison to the current schedule.

The commissioner shall consider, among other factors, the following factors in developing rules for the evaluation and rating of functional disability and the schedule for permanent partial disability benefits:

(a) the workability and simplicity of the procedures with respect to the evaluation of functional disability;

(b) the consistency of the procedures with accepted medical standards;

(c) rules, guidelines, and schedules that exist in other states that are related to the evaluation of permanent partial disability or to a schedule of benefits for functional disability;

(d) rules, guidelines, and schedules that have been developed by profes-

sional associations or organizations;

(e) the effect the rules may have on reducing litigation;

(f) the treatment of preexisting disabilities with respect to the evaluation of permanent functional disability provided that any preexisting disabilities must be objectively determined by medical evidence; and

(g) the employee's symptomatology and loss of function and use of the injured member.

Sec. 71. Minnesota Statutes 1982, 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 spouse; ~~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; computed without regard to section 176.645; 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 pursuant to clause (a)(1) 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; computed without regard to section 176.645; or~~

~~(2) The remaining weekly workers' compensation benefits pursuant to clause (a)(2) at 50 percent of the daily wage; including adjustments as provided in section 176.645.~~

Sec. 72. Minnesota Statutes 1982, section 176.111, subdivision 7, is amended to read:

Subd. 7. [SPOUSE, ONE DEPENDENT CHILD.] (a) If the deceased employee leaves a surviving spouse and one dependent child, there shall be paid to the surviving spouse for the benefit of the 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; ~~at the option of the 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, as defined in subdivision 8a, while the surviving child was a dependent; computed without regard to section 176.645; or~~

~~(2) weekly benefits at a rate which is 16 2/3 percent less than the last weekly workers' compensation benefit payment, as defined in subdivision 8a, while the surviving child was a dependent, for a period of ten years, including adjustments as provided in section 176.645.~~

~~(b) A surviving spouse who remarries shall receive:~~

(1) Compensation, for the benefit of the dependent child, according to the allocation provided in subdivision 10, until the child is no longer a dependent as defined in subdivision 1; and

(2) A lump sum settlement, for the benefit of the surviving spouse, equal to two full years of weekly benefits in an amount which equals the difference between the benefit otherwise payable under clause (a) and the amount payable to the dependent child pursuant to clause (b)(1).

Sec. 73. Minnesota Statutes 1982, section 176.111, subdivision 8, is amended to read:

Subd. 8. [SPOUSE, TWO DEPENDENT CHILDREN.] (a) If the deceased employee leaves a surviving spouse and two dependent children, there shall be paid to the surviving spouse for the benefit of the spouse and 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, at the option of the spouse, either:

(1) A lump sum settlement equal to ten full years of compensation at a rate which is 25 percent less than the last weekly workers' compensation benefit payment, as defined in subdivision 8a, while the last surviving child was a dependent, computed without regard to section 176.645; or

(2) weekly benefits at a rate which is 25 percent less than the last weekly workers' compensation benefit payment, as defined in subdivision 8a, while the surviving child was a dependent, for a period of ten years, adjusted according to section 176.645.

(b) A surviving spouse who remarries shall receive 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 and, for the benefit of the surviving spouse, a lump sum settlement equal to two full years of weekly benefits in an amount which equals the difference between the benefit otherwise payable pursuant to clause (a) and the amount payable to the dependent children allocated according to subdivision 10, computed without regard to section 176.645.

Sec. 74. Minnesota Statutes 1982, section 176.111, is amended by adding a subdivision to read:

Subd. 9a. [REMARRIAGE OF SPOUSE.] Remarriage of a surviving spouse who is receiving benefits under subdivisions 6, 7, or 8 has no effect on the spouse's right to receive weekly benefits for the remaining period that the spouse is entitled to receive benefits pursuant to this section.

Sec. 75. Minnesota Statutes 1982, section 176.111, subdivision 18, is amended to read:

Subd. 18. [BURIAL EXPENSE.] In all cases where death results to an employee from a personal injury arising out of and in the course of employment, the employer shall pay the expense of burial, not exceeding in amount \$1,000 \$2,500. In case any dispute arises as to the reasonable value of the services rendered in connection with the burial, such its reasonable value shall be determined and approved by the commissioner of the department of labor and industry, a compensation judge, or workers' compensation court of appeals, in cases upon appeal, before payment, after such reasonable

notice to interested parties as is required by the commissioner of the ~~department of labor and industry~~. If the deceased leave no dependents, no compensation is payable, except as provided by this chapter.

Sec. 76. Minnesota Statutes 1982, section 176.121, is amended to read:

176.121 [COMMENCEMENT OF COMPENSATION.]

In cases of temporary total or temporary partial disability no compensation ~~shall be~~ is allowed for the three *calendar* days after the disability commenced, except as provided by section 176.135, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in section 176.141. If ~~such~~ the disability continues for 10 *calendar* days or longer, ~~such~~ the compensation ~~shall be~~ is computed from the commencement of the disability. *Disability is deemed to commence on the first calendar day or fraction of a calendar day that the employee is unable to work.*

Sec. 77. [176.129] [CREATION OF THE SPECIAL COMPENSATION FUND.]

Subdivision 1. [DEPOSIT OF FUNDS.] The special compensation fund is created for the purposes provided for in this chapter. The state treasurer is the custodian of the special compensation fund. Sums paid to the commissioner pursuant to this section shall be deposited with the state treasurer for the benefit of the fund and used to pay the benefits under this chapter. Any interest or profit accruing from investment of these sums shall be credited to the special compensation fund.

Subd. 2. [PAYMENTS TO FUND, DEATH.] 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 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 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 less than \$1,000.

Subd. 3. [PAYMENTS TO FUND, INJURY.] If an employee suffers a personal injury resulting in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability, or death and the employee or the employee's dependents are entitled to compensation, medical or rehabilitative services under sections 176.101, 176.102, 176.111, or 176.135, the employer shall pay to the commissioner a lump sum amount determined by the commissioner pursuant to subdivision 4 without any interest deduction. This payment is to be credited to the special compensation fund and shall be in addition to any compensation payments made by the employer under this chapter. Payment shall be made as soon as the amount is determined and approved by the commissioner.

Subd. 4. [DETERMINATION OF AMOUNT OF PAYMENT.] The amount payable by the employer to the special compensation fund under subdivision

3 shall be determined by the commissioner pursuant to article 1, section 147.

Subd. 5. [TIME OF INJURY.] Subdivisions 2 and 3 apply to all workers' compensation payments paid under sections 176.101, 176.102, 176.111, or 176.135, for an injury or death occurring on or after the effective date of this section.

Payments made for personal injuries that occurred prior to the effective date of this section shall be assessed at the rate in effect on the date of payment.

Subd. 6. [PAYMENTS OUT OF FUND.] The workers' compensation division, a compensation judge, the workers' compensation court of appeals, or district court in cases before them shall direct the distribution of benefits provided by this chapter. These benefits are payable in the same manner as other payments of compensation.

Subd. 7. [REFUNDS.] In case deposit is or has been made under subdivision 2 and dependency later is shown, or if deposit is or has been made pursuant to subdivision 2 or 3 by mistake or inadvertence, or under circumstances that justice requires a refund, the state treasurer is authorized to refund the deposit under order of the commissioner, a compensation judge, the workers' compensation court of appeals, or a district court. There is appropriated to the commissioner from the fund an amount sufficient to make the refund and payment.

Subd. 8. [COMMISSIONER AS ADMINISTRATOR.] The commissioner is the administrator of the special compensation fund. The commissioner shall be designated a party in an action regarding any right, obligation, and liability of the special fund. The state treasurer, as custodian, does not have standing in an action determining any right, obligation, or liability of the special fund. The attorney general shall represent the special fund in all legal matters in which the special fund has an interest.

Subd. 9. [POWERS OF FUND.] In addition to powers granted to the special compensation fund by this chapter the fund may do the following:

(a) sue and be sued in its own name;

(b) intervene in or commence an action under this chapter or any other law, including, but not limited to, intervention or action as a subrogee to the division's right in a third-party action, any proceeding under this chapter in which liability of the special compensation fund is an issue, or any proceeding which may result in other liability of the fund or to protect the legal right of the fund;

(c) enter into settlements including but not limited to structured, annuity purchase agreements with appropriate parties under this chapter; and

(d) take any other action which an insurer is permitted by law to take in operating within this chapter.

Subd. 10. [PENALTY.] Sums paid to the commissioner pursuant to this section shall be in the manner prescribed by the commissioner. The commissioner may impose a penalty of up to 15 percent of the amount due under this section but not less than \$500 in the event payment is not made in the manner prescribed.

Subd. 11. [ADMINISTRATIVE PROVISIONS.] The accounting, investigation, and legal costs necessary for the administration of the programs financed by the special compensation fund shall be paid 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.

Subd. 12. [REPORT OF COMMISSIONER.] The commissioner shall report biennially to the governor and to the legislature as to the financial status of the special compensation fund. The report shall include a statement of the receipts and the disbursements for the period covered.

Subd. 13. [EMPLOYER REPORTS.] All employers shall make reports to the commissioner as required for the proper administration of this section and section 176.131.

Sec. 78. Minnesota Statutes 1982, 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~~ *the employer* 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 176.104~~ *the schedule adopted by the commissioner pursuant to section 176.105*, the monetary and medical expense limitations shall not apply and the employer ~~shall be~~ *is* liable for ~~such~~ *the* compensation, medical expense, and ~~retraining~~ *rehabilitation* attributable to the permanent partial disability, and ~~he~~ *may* be reimbursed from the special compensation fund only for compensation paid in excess of ~~such~~ *the* disability.

Sec. 79. Minnesota Statutes 1982, section 176.131, subdivision 1a, is amended to read:

Subd. 1a. If an employee is employed in an on the job retraining program pursuant to section 176.102 and the employee incurs a personal injury that aggravates the personal injury for which the employee has been certified to enter the on the job retraining program, the on the job training employer shall pay the medical expenses and compensation required by this chapter, ~~but~~ *and* shall be reimbursed from the special compensation fund for the compensation and medical expense that is attributable to the aggravated injury. The employer, at the time of the personal injury for which the employee has been certified for retraining, is liable for the portion of the disability that is attributable to that injury.

Sec. 80. Minnesota Statutes 1982, section 176.131, subdivision 2, is amended to read:

Subd. 2. If the employee's personal injury ~~shall result~~ *results* in disability or death, and if the injury, death, or disability would not have occurred except for the pre-existing physical impairment *registered with the special*

compensation fund, the employer shall pay all compensation provided by this chapter, ~~but and~~ shall be reimbursed from the special compensation fund for ~~such the~~ compensation ~~only where the permanent physical impairment contributing to the second injury is diabetes, hemophilia or seizures except that this reimbursement shall not be made for cardiac disease or a condition registered pursuant to subdivision 8, clauses (t) or (u) unless the commissioner by rule provides otherwise.~~

Sec. 81. Minnesota Statutes 1982, section 176.131, subdivision 3, is amended to read:

Subd. 3. To entitle the employer to secure reimbursement from the special compensation fund, the following provisions must be complied with:

(a) Provisions of section 176.181, subdivisions 1 and 2.

(b) The employee with a pre-existing physical impairment must have been registered with the commissioner of ~~labor and industry~~ prior to the employee's personal injury or within 180 days after notice of the employee's personal injury is received by the employer. Registration subsequent to the injury shall be based on a medical report *or record* made prior to the injury indicating the pre-existing physical impairment.

Sec. 82. Minnesota Statutes 1982, section 176.131, subdivision 4, is amended to read:

Subd. 4. Any employer who hires or retains in ~~his~~ *its* employment any person who has a physical impairment shall file a formal registration for ~~each such the~~ employee with the commissioner of ~~the department of labor and industry in such on~~ a form as *prescribed by the commissioner may require*.

Sec. 83. Minnesota Statutes 1982, section 176.131, subdivision 5, is amended to read:

Subd. 5. Registration under this section may be made by the employee or any employer provided:

(a) Registration ~~shall be~~ *is* accompanied by satisfactory evidence of ~~such the~~ physical impairment;

(b) Registration ~~shall be~~ *is* in effect as long as ~~said the~~ impairment exists;

(c) Upon request, a registered employee shall be furnished by the commissioner of ~~the department of labor and industry~~ with a registration card evidencing the ~~fact of~~ registration, and ~~such other~~ facts as the commissioner of ~~the department of labor and industry~~ deems advisable.

Sec. 84. Minnesota Statutes 1982, section 176.131, subdivision 6, is amended to read:

Subd. 6. When the employer claims reimbursement from the special compensation fund after paying compensation as prescribed by this section, ~~he the~~ *employer* shall file with the commissioner of ~~the department of labor and industry~~ written notice of intention to claim reimbursement in accordance with the rules ~~and regulations of~~ *adopted by* the commissioner of ~~the department of labor and industry~~.

Sec. 85. Minnesota Statutes 1982, section 176.131, subdivision 7, is amended to read:

Subd. 7. Under subdivisions 1 and 2, an occupational disease may be deemed to be the personal (second) injury.

If the subsequent disability for which reimbursement is claimed is an occupational disease, and if, subsequent to registration as provided by subdivisions 4 and 5, the employee has been employed by the employer in employment similar to that which initially resulted in such the occupational disease, no reimbursement shall be paid to the employer.

Sec. 86. Minnesota Statutes 1982, section 176.131, subdivision 8, is amended to read:

Subd. 8. As used in this section the following terms have the meanings given them:

“Physical impairment” means any physical or mental condition that is permanent in nature, whether congenital or due to injury, disease or surgery and which is or is likely to be a hindrance or obstacle to obtaining employment ~~provided~~ *except* that; physical impairment ~~as used herein~~ is limited to the following:

- (a) Epilepsy,
 - (b) Diabetes,
 - (c) Hemophilia,
 - (d) Cardiac disease,
 - (e) Partial or entire absence of thumb, finger, hand, foot, arm or leg,
 - (f) Lack of sight in one or both eyes or vision in either eye not correctable to 20/40,
 - (g) Residual disability from poliomyelitis,
 - (h) Cerebral Palsy,
 - (i) Multiple Sclerosis,
 - (j) Parkinson’s disease,
 - (k) Cerebral vascular accident,
 - (l) Chronic Osteomyelitis,
 - (m) Muscular Dystrophy,
 - (n) Thrombophlebitis,
 - (o) *Brain tumors,*
 - (p) *Pott’s disease,*
 - (q) *Seizures,*
 - (r) *Cancer of the bone,*
 - (s) *Leukemia,*
- (t) Any other physical impairment for which at least 50 weeks or more of weekly benefits would be payable as permanent partial disability if the physical impairment were evaluated according to standards used in workers’ compensation proceedings, and

(p) (u) Any other physical impairments of a permanent nature which the ~~workers' compensation court of appeals~~ *commissioner* may by rule prescribe;

"Compensation" has the meaning defined in section 176.011;

"Employer" includes insurer;

"Disability" means, unless otherwise indicated, any condition causing either temporary total, temporary partial, permanent total, permanent partial, death, medical expense, or ~~retraining~~ *rehabilitation*.

Sec. 87. Minnesota Statutes 1982, section 176.132, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBLE RECIPIENTS.] (a) An employee who has suffered personal injury *prior to the effective date of clause (b)* for which benefits are payable under section 176.101 and who has been totally disabled for more than 104 weeks shall be eligible for supplementary benefits as ~~hereinafter~~ *prescribed in this section* after 104 weeks have elapsed and for the remainder of ~~his the~~ total disablement. Regardless of the number of weeks of total disability, no totally disabled person ~~shall be~~ *is* ineligible for supplementary benefits after four years have elapsed since the first date of ~~his the~~ total disability, *except as provided by clause (b)*, provided that all periods of disability are caused by the same injury.

(b) *An employee injured after the effective date of this clause is eligible to receive supplementary benefits after the employee has been receiving temporary total or permanent total benefits for 208 weeks. Regardless of the number of weeks of total disability, no totally disabled person shall be ineligible for supplementary benefits after six years have elapsed since the first date of the total disability, provided that all periods of disability are caused by the same injury.*

Sec. 88. Minnesota Statutes 1982, section 176.132, is amended by adding a subdivision to read:

Subd. 5. [ROUNDING OF PAYMENTS.] A payment made under this section shall be rounded up to the next highest whole dollar.

Sec. 89. Minnesota Statutes 1982, section 176.134, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATION.] The commissioner ~~of labor and industry~~ shall administer the reopened case fund *as part of the special compensation fund provided that the reopened case fund is under separate accounting and audit procedures from the special fund.*

Sec. 90. Minnesota Statutes 1982, section 176.135, subdivision 1, is amended to read:

Subdivision 1. [MEDICAL, CHIROPRACTIC, PODIATRIC, SURGICAL, HOSPITAL.] The employer shall furnish ~~such~~ *any* medical, chiropractic, podiatric, surgical and hospital treatment, including nursing, medicines, medical, chiropractic, podiatric, and surgical supplies, crutches and apparatus, including artificial members, or, at the option of the employee, if the employer has not filed notice as hereinafter provided, Christian Science treatment in lieu of medical treatment, chiropractic medicine and medical supplies, as may reasonably be required at the time of the injury and any

time thereafter to cure and relieve from the effects of the injury. ~~Such~~ This treatment shall include treatments necessary to physical rehabilitation. The employer shall furnish replacement or repair for artificial members, glasses, or spectacles, artificial eyes, podiatric orthotics, dental bridge work, dentures or artificial teeth, hearing aids, canes, crutches or wheel chairs damaged by reason of an injury arising out of and in the course of the employment. In case of his inability or refusal seasonably to do so the employer ~~shall be~~ is liable for the reasonable expense incurred by or on behalf of the employee in providing the same. The employer shall pay for the reasonable value of nursing services by a member of the employee's family in cases of permanent total disability. Orders of a ~~compensation judge~~ *the commissioner or medical services review board* with respect to this subdivision may be reviewed by the workers' compensation court of appeals on petition of an aggrieved party or by writ of certiorari to the supreme court.

Sec. 91. Minnesota Statutes 1982, section 176.135, subdivision 3, is amended to read:

Subd. 3. [LIMITATION OF LIABILITY.] The pecuniary liability of the employer for the treatment, articles and supplies required by this section shall be limited to ~~such~~ *the* charges therefor as prevail in the same community for similar treatment, articles and supplies furnished to injured persons of a like standard of living when the same are paid for by the injured persons. On this basis the ~~compensation judge~~ *commissioner, medical services review board*, or workers' compensation court of appeals on appeal may determine the reasonable value of all such services and supplies and the liability of the employer is limited to the amount so determined.

Sec. 92. Minnesota Statutes 1982, section 176.136, is amended to read:

176.136 [MEDICAL FEE REVIEW.]

The commissioner of ~~insurance~~ shall by rule establish procedures for determining whether or not the charge for a health service is excessive. In order to accomplish this purpose, the commissioner of ~~insurance~~ shall consult with insurers, associations and organizations representing the medical and other providers of treatment services and other appropriate groups. The procedures established by the commissioner of ~~insurance~~ shall limit the charges allowable for medical, chiropractic, podiatric, surgical, hospital and other health care provider treatment or services, as defined and compensable under section 176.135, to the 75th 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. The procedures established by the commissioner for determining whether or not the charge for a health service is excessive shall be structured to encourage providers to develop and deliver services for rehabilitation of injured workers. The procedures shall incorporate the provisions of sections 144.701, 144.702, and 144.703 to the extent that the commissioner finds that these provisions effectively accomplish the intent of this section or are otherwise necessary to insure that quality hospital care is available to injured employees. If the commissioner of ~~insurance~~, a ~~compensation judge~~, *medical services review board*, the workers' compensation court of appeals or a district court determines that the charge for a health

service or medical service is excessive, no payment 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 amounts in excess of the amount payable under this chapter; however, the commissioner of insurance shall by rule establish procedures allowing for a provider to appeal such determination. The commissioner of insurance shall contract with a review organization as defined in section 145.61 for the purposes listed in section 145.61, subdivision 5, and report to the legislature by January 15, 1983 and thereafter on January 15 of every odd-numbered year, regarding the delivery of medical and health care services, including rehabilitation services, under the workers' compensation laws of this state.

The commissioner of insurance shall also conduct a study of the qualifications and background of rehabilitation consultants and vendors providing services under section 176.102 for the purpose of determining whether there are adequate professional standards provided, including safeguards to protect against conflicts of interest. *If upon the effective date of this section this study has already been conducted by the commissioner of insurance, the commissioner is not required to conduct the study.*

The commissioner of insurance shall adopt temporary rules in order to implement the provisions of this subdivision. Notwithstanding the provisions of section 14.14, subdivision 1, 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 sections 14.13 to 14.20 or 14.21 to 14.28, and other provisions of the administrative procedure act related to final agency action and rule adoption have not been concluded.

Any rules adopted by the commissioner of insurance pursuant to this section shall be adopted by the commissioner of labor and industry and may be amended, modified, or repealed only by the commissioner of labor and industry.

Sec. 93. [176.138] [MEDICAL DATA; ACCESS.]

Notwithstanding any other laws related to the privacy of medical data, except federal law, or any private agreements to the contrary, the release of medical data related to a current claim for compensation under this chapter to the employee, employer, or insurer who are parties to the claim, or to the department of labor and industry, shall not require prior approval of any party to the claim. Requests for pertinent data shall be made in writing to the person or organization that collected or currently possesses the data. The data shall be provided by the collector or possessor within seven working days of receiving the request. In all cases of a request for the data, except when it is the employee who is making the request, the employee shall be sent written notification of the request by the party requesting the data at the same time the request is made. This data shall be treated as private data by the party who requests or receives the data and the employee or the employee's attorney shall be provided with a copy of all data requested.

The commissioner may impose a penalty of up to \$200 payable to the special compensation fund against a party who does not release the data in a timely manner. A party who does not treat this data as private pursuant to

this section is guilty of a misdemeanor.

Sec. 94. Minnesota Statutes 1982, section 176.155, subdivision 3, is amended to read:

Subd. 3. [REFUSAL TO BE EXAMINED.] If the injured employee refuses to comply with any reasonable request for examination, ~~his~~ *the* right to compensation may be suspended by order of the division, *a compensation judge* or workers' compensation court of appeals in a matter before it, and no compensation shall be paid while ~~he~~ *the employee* continues in ~~such~~ *the* refusal.

Sec. 95. Minnesota Statutes 1982, section 176.155, subdivision 5, is amended to read:

Subd. 5. [TESTIMONY OF ~~EXAMINING PHYSICIANS HEALTH CARE PROVIDER.~~] Any physician *or other health care provider* designated by the commissioner of ~~the department of labor and industry,~~ compensation judge, or workers' compensation court of appeals or whose services are furnished or paid for by the employer, who treats ~~or who makes,~~ *examines,* or is present at any examination, of an injured employee, may be required to testify as to any knowledge acquired by ~~him~~ *the physician or health care provider* in the course of ~~such~~ *the* treatment or examination relative to the injury or disability resulting ~~therefrom~~ *from the injury only if the commissioner or a compensation judge makes a written finding that the appearance of the physician or health care provider is crucial to the accurate determination of the employee's disability. In all other cases all medical evidence must be submitted by written report as prescribed by the chief hearing examiner. A party may cross-examine by deposition a physician or health care provider who has examined or treated the employee. If a physician or health care provider is not available for cross-examination prior to the hearing and the physician's or health care provider's written report is submitted at the hearing, the compensation judge shall, upon request of the adverse party, require the physician or health care provider to testify at the hearing for the purpose of being cross-examined by the adverse party. All written medical evidence must be submitted prior to or at the time of the hearing and no evidence shall be considered which was submitted after the hearing unless the compensation judge orders otherwise.*

Sec. 96. Minnesota Statutes 1982, section 176.179, is amended to read:

176.179 [PAYMENTS OF COMPENSATION RECEIVED IN GOOD FAITH.]

Notwithstanding section 176.521, subdivision 3, or any other provision of this chapter to the contrary, except as provided in this section, no lump sum or weekly payment, or settlement, which is voluntarily paid to an injured employee or the survivors of a deceased employee in apparent or seeming accordance with the provisions of this chapter by an employer or insurer, or is paid pursuant to an order of the workers' compensation division, *a compensation judge,* or court of appeals relative to a claim by an injured employee or ~~his~~ *the employee's* survivors, and received in good faith by the employee or ~~his~~ *the employee's* survivors shall be refunded to the paying employer or insurer in the event that it is subsequently determined that the payment was made under a mistake in fact or law by the employer or in-

surer. When the payments have been made to a person who is entitled to receive further payments of compensation for the same injury, the mistaken compensation may be taken as a credit against future benefit entitlement; provided, however, that the credit applied against further payments of temporary total disability, temporary partial disability, permanent total disability, retraining benefits or death benefits shall not exceed 20 percent of the amount that would otherwise be payable.

Sec. 97. Minnesota Statutes 1982, section 176.182, is amended to read:

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 2.

Neither the state nor any governmental subdivision thereof shall enter into any contract for the doing of any public work before receiving from all other contracting parties acceptable evidence of compliance with the workers' compensation insurance coverage requirement of section 176.181, subdivision 2.

This section shall not be construed to create any liability on the part of the state or any governmental subdivision to pay workers' compensation benefits or to indemnify the special compensation fund, an employer, or insurer who pays workers' compensation benefits.

Sec. 98. Minnesota Statutes 1982, section 176.183, subdivision 1, is amended to read:

Subdivision 1. When any employee ~~shall sustain~~ *sustains* an injury arising out of and in the course of ~~his~~ employment while in the employ of an employer, other than the state or its political subdivisions, not insured or self-insured as provided for in this chapter, the employee or ~~his~~ *the employee's* dependents shall nevertheless receive benefits as provided for ~~therein in this chapter~~ from the special compensation fund, and the ~~state treasurer as custodian of such fund shall have~~ *commissioner has* a cause of action against ~~such the~~ employer for reimbursement for all moneys paid out or to be paid out, and, in the discretion of the court, as punitive damages an additional amount not exceeding 50 percent of all moneys paid out or to be paid out. An action to recover ~~such the~~ moneys shall be instituted unless the ~~custodian~~ *commissioner* determines that no recovery is possible. All moneys recovered shall be deposited in the general fund. There shall be no payment from the special compensation fund if there is liability for the injury under the provisions of section 176.215, by an insurer or self-insurer.

Sec. 99. Minnesota Statutes 1982, section 176.183, subdivision 1a, is amended to read:

Subd. 1a. When an employee or ~~his~~ *the employee's* dependent is entitled to benefits under this chapter from a self-insurer, present or past, other than the state and its municipal subdivisions, but ~~the self-insurer fails to be paid~~ *they pay the benefits*, the employee or ~~his~~ *the employee's* dependents, regardless of the date when the accident, personal injury, occupational dis-

ease, or death occurred, shall nevertheless receive ~~such the~~ benefits from the special compensation fund; and. The state treasurer as ~~eustodian of such fund~~ shall ~~have~~ ~~commissioner~~ has a cause of action against ~~such the~~ self-insuring employer for reimbursement; for all ~~moneys~~ benefits and other expenditures paid out or to be paid out and, in the discretion of the court, as the self-insurer is liable for punitive damages in an ~~additional~~ amount not to exceed 50 percent of the total of all ~~moneys~~ benefits and other expenditures paid out or to be paid out. The commissioner shall institute an action to recover ~~such moneys~~ shall be ~~instituted~~ the total expenditures from the fund unless the ~~eustodian~~ commissioner determines that no recovery is possible. All ~~moneys~~ proceeds recovered shall be deposited in the general fund.

Sec. 100. Minnesota Statutes 1982, section 176.183, is amended by adding a subdivision to read:

Subd. 3. (a) Notwithstanding subdivision 2, the commissioner may direct payment from the special compensation fund for compensation payable pursuant to subdivisions 1 and 1a, including benefits payable under sections 176.102 and 176.135, prior to issuance of an order of a compensation judge or the workers' compensation court of appeals directing payment or awarding compensation.

(b) The commissioner may suspend or terminate an order under clause (a) for good cause as determined by the commissioner.

Sec. 101. Minnesota Statutes 1982, section 176.183, is amended by adding a subdivision to read:

Subd. 4. If the commissioner authorizes the special fund to commence payment under this section, the commissioner shall serve by certified mail notice upon the employer and other interested parties of the intention to commence payment. This notice shall be served at least ten calendar days before commencing payment and shall be mailed to the last known address of the parties. The notice shall include a statement that failure of the employer to respond within ten calendar days of the date of service will be deemed acceptance by the employer of the proposed action by the commissioner and will be deemed a waiver of defenses the employer has to a subrogation or indemnity action by the commissioner. At any time prior to final determination of liability, the employer may appear as a party and present defenses the employer has, whether or not an appearance by the employer has previously been made in the matter. The commissioner has a cause of action against the employer to recover compensation paid by the special fund under this section.

Sec. 102. Minnesota Statutes 1982, section 176.185, is amended by adding a subdivision to read:

Subd. 10. [DATA COLLECTION CONTRACTS.] The commissioner may contract with other parties regarding the collection of appropriate data to assist in meeting the requirements of this section.

Sec. 103. [176.186] [RECORDS FROM OTHER STATE AGENCIES.] *Notwithstanding any other state law to the contrary, the commissioner may obtain from the department of revenue, department of economic security, and office of the secretary of state, or any other state agency, upon request, names or lists of employers doing business in the state. This information shall*

be treated by the commissioner in the manner provided by chapter 13 and shall be used only for insurance verification by the commissioner.

Sec. 104. Minnesota Statutes 1982, section 176.191, is amended by adding a subdivision to read:

Subd. 5. Where a dispute exists between an employer, insurer, the special compensation fund, the reopened case fund, or the workers' compensation reinsurance association, regarding benefits payable under this chapter, the dispute may be submitted with consent of all interested parties to binding arbitration pursuant to the rules of the American arbitration association. The decision of the arbitrator shall be conclusive with respect to all issues presented except as provided in subdivisions 6 and 7. Consent of the employee is not required for submission of a dispute to arbitration pursuant to this section and the employee is not bound by the results of the arbitration. An arbitration award shall not be admissible in any other proceeding under this chapter. Notice of the proceeding shall be given to the employee.

The employee, or any person with material information to the facts to be arbitrated, shall attend the arbitration proceeding if any party to the proceeding deems it necessary. Nothing said by an employee in connection with any arbitration proceeding may be used against the employee in any other proceeding under this chapter. Reasonable expenses of meals, lost wages, and travel of the employee or witnesses in attending shall be reimbursed on a pro rata basis.

Sec. 105. Minnesota Statutes 1982, section 176.191, is amended by adding a subdivision to read:

Subd. 6. If the employee commences an action under this chapter for benefits arising out of the same injury which resulted in the dispute arbitrated under subdivision 5, and if the benefits awarded to the employee under the employee's claim are inconsistent with the arbitration decision, any increase in benefits over those paid pursuant to the arbitration proceeding is paid by the party or parties who ordinarily would have been required to pay the increased benefits but for the arbitration. Any reimbursement from the employee of any decrease in benefits from those paid pursuant to the arbitration is paid to the party or parties who previously had paid the increased benefits. The provisions of this subdivision apply regardless of whether more or fewer employers and insurers or the special fund have been added or omitted as parties to the employee's subsequent action after arbitration.

Sec. 106. Minnesota Statutes 1982, section 176.191, is amended by adding a subdivision to read:

Subd. 7. If an employee brings an action under the circumstances described in subdivision 6, the parties to the previous arbitration may be represented at the new action by a common or joint attorney.

Sec. 107. Minnesota Statutes 1982, section 176.191, is amended by adding a subdivision to read:

Subd. 8. No attorney's fees shall be awarded under either section 176.081, subdivision 8, or 176.191 against any employer or insurer in connection with any arbitration proceeding unless the employee chooses to retain an attorney to represent the employee's interests during arbitration.

Sec. 108. Minnesota Statutes 1982, section 176.195, is amended by adding a subdivision to read:

Subd. 1a. [ADDITIONAL GROUNDS.] Where an insurer or agent of an insurer has failed to comply with provisions of this chapter, other than the provisions in subdivision 1, the commissioner of insurance may revoke the license of the insurer to write workers' compensation insurance.

Sec. 109. Minnesota Statutes 1982, section 176.195, subdivision 2, is amended to read:

Subd. 2. [COMMENCEMENT OF PROCEEDINGS.] Such The commissioner of insurance may act under subdivision 1 or subdivision 1a upon his own motion, the recommendation of the commissioner of the department of labor and industry, the chief hearing examiner, or the workers' compensation court of appeals, or the complaint of any interested person.

Sec. 110. Minnesota Statutes 1982, section 176.195, is amended by adding a subdivision to read:

Subd. 7. [REPORT TO COMMISSIONER OF INSURANCE.] The commissioner may send reports to the commissioner of insurance regarding compliance with this chapter by insurers writing workers' compensation insurance. A report may include a recommendation for revocation of an insurer's license under this section and may also recommend the imposition of other penalties which may be imposed upon insurers by the commissioner of insurance.

Sec. 111. Minnesota Statutes 1982, section 176.221, is amended to read:

176.221 [PAYMENT OF COMPENSATION AND TREATMENT CHARGES, COMMENCEMENT.]

Subdivision 1. [COMMENCEMENT OF PAYMENT.] Within 14 days of notice to or knowledge by the employer of an injury compensable under this chapter the payment of temporary total compensation due pursuant to section 176.101, subdivision 4, shall commence. 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 If the employer or insurer has commenced payment of compensation under this subdivision but determines within 30 days of notice to or knowledge by the employer of the injury that the disability is not a result of a personal injury, payment of compensation may be discontinued terminated upon notice of discontinuance pursuant to section 176.241 the filing of a notice of denial of liability. Upon the determination termination, payments made may be recovered by the employer if the commissioner or compensation judge finds that the employee's claim of work related disability was not made in good faith. A notice of denial of liability must state in detail specific reasons explaining why the claimed injury or occupational disease was determined not to be within the scope and course of employment and shall include the name and telephone number of the person making this determination.

Subd. 2. [GRANT OF EXTENSION.] Upon application made within 30

days after the date on which the first payment was due of notice to or knowledge by the employer of the injury, the commissioner may grant an extension of time within which to determine liability. The extension shall not exceed 30 days from the date the request for extension is made. The application or grant of extension does not release the employer of the obligation to commence payment under subdivision 1 or to continue payments.

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 pursuant to subdivision 1, or to file a denial of liability within the 14-day period referred to in subdivision 1, or to request an extension of time within 30 days after the date on which the first payment was due, he ~~it~~ 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 period and until a to receive up to the date 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 the 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 30 days from the end of the period of 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 or compensation judge shall assess the penalty payments provided for by subdivisions subdivision 3 to 5, and any increase in benefit payments provided by section 176.225, subdivision 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 it even if the delay is attributable to the employer.

An insurer who has paid a penalty under this section may recover from the employer the portion of the penalty attributable to the acts of the employer which resulted in the delay. This recovery may be sought before a compensation judge or hearing examiner, whomever the chief hearing examiner deems appropriate.

Subd. 6a. [MEDICAL, REHABILITATION, ECONOMIC RECOVERY, AND IMPAIRMENT COMPENSATION.] *The penalties provided by this section apply in cases where payment for treatment under section 176.135,*

rehabilitation expenses under section 176.102, subdivision 9, economic recovery compensation or impairment compensation are not made in a timely manner as required by law or by rule adopted by the commissioner.

Subd. 7. [INTEREST.] Any payment of compensation, charges for treatment under section 176.135 or ~~retraining~~ *rehabilitation expenses under 176.102, subdivision 9 not made when due shall bear interest at the rate of eight percent ~~per annum~~ a year from the due date to the date the payment is made or the rate set by section 549.09, subdivision 1, whichever is greater.*

Subd. 8. [METHOD AND TIMELINESS OF PAYMENT.] Payment of compensation under this chapter shall be by immediately payable negotiable instrument, or if by any other method, arrangements shall be available to provide for the immediate negotiability of the payment instrument.

All payment of compensation shall be made within 14 days of *the filing of an appropriate order by the division or a compensation judge, unless the order is to be appealed; or where if a different time period is provided by this chapter.*

Sec. 112. Minnesota Statutes 1982, section 176.225, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] Upon reasonable notice and hearing or opportunity to be heard, the division, *a compensation judge*, or upon appeal, the workers' compensation court of appeals or the supreme court may award compensation, in addition to the total amount of compensation award, of up to 25 percent of that total amount where an employer or insurer has:

- (a) instituted a proceeding or interposed a defense which does not present a real controversy but which is frivolous or for the purpose of delay; or,
- (b) unreasonably or vexatiously delayed payment; or,
- (c) neglected or refused to pay compensation; or,
- (d) intentionally underpaid compensation.

Sec. 113. Minnesota Statutes 1982, section 176.225, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF BOOKS AND RECORDS.] To determine whether an employer or insurer ~~has become subject to~~ *is liable for* the payment provided by subdivision 1, the division, *a compensation judge*, or the workers' compensation court of appeals upon appeal may examine the books and records of the ~~person~~ *employer or insurer* relating to the payment of compensation, and may require ~~him~~ *the employer or insurer* to furnish any other information relating to the payment of compensation.

Sec. 114. Minnesota Statutes 1982, section 176.225, subdivision 3, is amended to read:

Subd. 3. [DEFIANCE OF DIVISION, COMPENSATION JUDGE, OR WORKERS' COMPENSATION COURT OF APPEALS, COMPLAINT.] ~~Where~~ *If* an insurer persists in an action or omission listed in subdivision 1, or does not permit the examination of ~~his~~ *his* books and records, or fails to furnish ~~such~~ *such* information as required, the commissioner *or the chief hearing examiner* shall file a written complaint with the insurance commissioner.

The complaint shall specify the facts and recommend the revocation of the license of the insurer to do business in this state. The workers' compensation court of appeals may also file ~~such~~ a written complaint.

Sec. 115. Minnesota Statutes 1982, section 176.231, subdivision 3, is amended to read:

Subd. 3. [~~PHYSICIANS, CHIROPRACTORS, OR SURGEONS OTHER HEALTH CARE PROVIDERS TO REPORT INJURIES.~~] ~~Where~~ A physician ~~or surgeon, chiropractor, or other health care provider who~~ has examined, treated, or has special knowledge of an injury to an employee which may be compensable under this chapter, ~~he~~ shall report to the commissioner of the ~~department of labor and industry~~ all facts relating to the nature and extent of the injury and disability, ~~and the treatment provided for the injury or disability,~~ within ten days after ~~he~~ the health care provider has received a written request for ~~such~~ the information from the commissioner of the ~~department of labor and industry~~ or any member or employee thereof ~~an authorized representative of the commissioner.~~

Sec. 116. Minnesota Statutes 1982, section 176.231, subdivision 4, is amended to read:

Subd. 4. [SUPPLEMENTARY REPORTS.] The commissioner of the ~~department of labor and industry,~~ or any member or employee thereof, ~~an authorized representative~~ may require the filing of ~~such~~ supplementary reports of accidents as ~~it deems~~ is deemed necessary to provide information required by law.

Supplementary reports related to the current nature and extent of the employee's injury, disability, or treatment may be requested from a physician, surgeon, chiropractor, or other health care provider by the commissioner or a representative, an employer or insurer, or the employee.

Sec. 117. Minnesota Statutes 1982, section 176.231, subdivision 5, is amended to read:

Subd. 5. [FORMS FOR REPORTS.] The commissioner of the ~~department of labor and industry~~ shall by rule prescribe forms for use in making the reports required by this section. The *first report of injury* form which the employer submits ~~with reference to an accident~~ shall include a declaration by the employer that ~~he will~~ of a promise to pay the compensation the law requires. *Forms for reports required by this section shall be as prescribed by the commissioner and shall be the only forms used by an employer, insurer, self-insurer, group self-insurer, and all health care providers.*

Sec. 118. Minnesota Statutes 1982, section 176.231, subdivision 9, is amended to read:

Subd. 9. [USES WHICH MAY BE MADE OF REPORTS.] Reports filed with the commissioner of the ~~department of labor and industry~~ under this section may be used in hearings held under this chapter, and for the purpose of state investigations and for statistics.

The *division or office of administrative hearings or workers' compensation court of appeals* may permit an attorney at law who represents an employer, insurer, or an employee or ~~his~~ a dependent to examine its file in a compensation case if the attorney furnishes written authorization to do so

from ~~his~~ the attorney's client. Reports filed under this section and other information the commissioner has regarding injuries or deaths shall be made available to the workers' compensation reinsurance association for use by the association in carrying out its responsibilities under chapter 79.

Sec. 119. Minnesota Statutes 1982, section 176.231, subdivision 10, is amended to read:

Subd. 10. [FAILURE TO FILE REQUIRED REPORT, PENALTY.] ~~Where~~ If an employer, physician, or surgeon has failed ~~chiropractor, or other health provider fails~~ to file with the commissioner of the department of labor and industry any report required by this section in the manner and within the time limitations prescribed, ~~he shall forfeit to the state \$50 or otherwise fails to provide a report required by this section in the manner provided by this section, the commissioner may impose a penalty of up to \$200 for each such failure.~~

The attorney general shall sue in a civil action to collect this penalty upon notification of the matter by the commissioner of the department of labor and industry. The commissioner of the department of labor and industry shall certify to the attorney general each failure to report immediately upon its occurrence.

Penalties collected by the state under this subdivision shall be paid into the state treasury.

Sec. 120. Minnesota Statutes 1982, section 176.241, subdivision 2, is amended to read:

Subd. 2. [CONTINUANCE OF EMPLOYER'S LIABILITY; SUSPENSION.] Except ~~where~~ when the commissioner 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 or compensation judge as provided in the following subdivisions.

Sec. 121. Minnesota Statutes 1982, section 176.241, subdivision 4, is amended to read:

Subd. 4. [ORDER.] When the hearing has been held, and ~~he has duly considered~~ the evidence *duly considered*, the person who held the hearing shall promptly enter an order directing the payment of further compensation or confirming the termination of compensation. ~~Where~~ If the order confirms a termination of compensation, ~~the commissioner of labor and industry shall notify the employer of the action.~~ *This notification the service and filing of the order* relieves the employer from further liability for compensation subject to the right of review afforded by this chapter, and to the right of the ~~division~~ *compensation judge* to set aside the order at any time prior to the review and to grant a new hearing pursuant to this chapter. *Once an appeal to the workers' compensation court of appeals is filed, a compensation judge may not set aside the order but the court of appeals may remand the matter to a compensation judge for a new hearing.*

Sec. 122. [176.242] [ADMINISTRATIVE CONFERENCE PRIOR TO DISCONTINUANCE OF COMPENSATION.]

Subdivision 1. [NOTICE OF DISCONTINUANCE; GROUNDS.] If an employer or insurer files a notice of intention to discontinue, the employer or insurer shall serve a copy upon the commissioner and the employee including detailed reasons for the intended discontinuance.

Subd. 2. [CONFERENCE, REQUEST.] (a) The employee has ten calendar days from the date the notice was served to request that the commissioner schedule an administrative conference to determine the appropriateness of the proposed discontinuance. The employer or insurer may request an administrative conference under this section at any time whether or not a notice of intent to discontinue is filed. The commissioner shall schedule an administrative conference to be held within ten calendar days after the commissioner receives timely notice of the employee's or employer's request for an administrative conference.

(b) If the employee does not, in a timely manner, request that the commissioner schedule an administrative conference, or fails to appear at a scheduled conference unless a continuance is granted under clause (c), compensation may be discontinued, subject to the employee's right under section 176.241. This discontinuance shall occur when the commissioner notifies the employer or insurer of the employee's failure to request a conference or of the employee's failure to appear at a scheduled conference.

(c) An employee or employer may request a continuance of a scheduled administrative conference. If the commissioner determines that a continuance is appropriate the commissioner may grant the continuance which shall not exceed ten calendar days. No more than one continuance shall be granted.

(d) The purpose of an administrative conference is to determine whether reasonable grounds exist for a discontinuance and to clarify issues and resolve disputes regarding the discontinuance.

Subd. 3. [NECESSITY FOR CONFERENCE, COMMISSIONER'S DISCRETION.] *The commissioner may determine that no administrative conference is necessary under this section and permit the employer or insurer to discontinue compensation, subject to the employee's right under section 176.241.*

The commissioner may permit compensation to be discontinued at any time after a notice pursuant to subdivision 1 is received even if no administrative conference has been held, if the commissioner deems the discontinuance appropriate based on the information the commissioner has, subject to the employee's right under section 176.241.

Subd. 4. [ADMINISTRATIVE DECISION.] *After considering the information provided by the parties at the administrative conference, the commissioner shall issue to all interested parties a written administrative decision permitting or denying the employer's or insurer's request to discontinue compensation. The decision shall be issued within five working days from the close of the conference. The commissioner's decision is binding on the parties. The commissioner shall advise all parties of the right to petition to the chief hearing examiner under section 176.241 and of the right to be repre-*

sented by an attorney at a hearing before a compensation judge.

Subd. 5. [OBJECTION TO DECISION.] If the commissioner grants the employer's or insurer's request to discontinue compensation and the employee objects to the discontinuance, the employee may file an objection to discontinuance under section 176.241. If the commissioner denies the request to discontinue compensation the employer or insurer may file a petition to discontinue under section 176.241.

Subd. 6. [EFFECT OF DECISION, APPEAL.] If an objection or a petition is filed under subdivision 5, the commissioner's administrative decision remains in effect and the parties obligations or rights to pay or receive compensation are governed by the commissioner's administrative decision, pending a determination by a compensation judge.

Subd. 7. [DECISION AS NOTICE.] If a party proceeds under subdivision 5, the commissioner's administrative decision under this section is deemed required notice to interested parties under section 176.241 and the commissioner's obligations under section 176.241 are deemed to be met.

Subd. 8. [WHEN DISCONTINUANCE ALLOWED.] Compensation shall not be discontinued prior to an administrative conference except as provided under subdivision 2, clause (b), or if the commissioner determines pursuant to subdivision 3 that no administrative conference is necessary. The employer may discontinue compensation immediately without having an administrative conference if the discontinuance is because the employee has returned to work.

Subd. 9. [NOTICE, FORMS.] Notice to the employee under subdivision 1 shall be on forms prescribed by the commissioner.

Subd. 10. [FINES, VIOLATIONS.] An employer or insurer who discontinues compensation in violation of this section is subject to a fine of up to \$500 for each violation. Fines shall be paid to the special compensation fund.

Subd. 11. [APPLICATION.] This section is applicable to any notice of intent to discontinue which is filed after the effective date of this section, even if the injury occurred prior to the effective date of this section.

Sec. 123. [176.243] [ADMINISTRATIVE CONFERENCE FOLLOWING RETURN TO WORK, SUBSEQUENT INABILITY TO WORK.]

Subdivision 1. [CONFIRMATION OF EMPLOYMENT AND WAGES.] If an insurer has discontinued compensation to an employee because the employee has returned to work, the insurer shall contact the employer by whom the employee is employed 14 calendar days after return to work. The insurer shall determine whether the employee is still employed after 14 days and shall also ascertain the wages being paid to the employee.

Subd. 2. [NOTICE TO COMMISSIONER.] If upon contact the insurer determines that the employee is not working or that the employee is earning a lower wage than at the time of the injury, the insurer shall notify the commissioner in writing of this fact and shall also state the actions that the insurer has taken or intends to take regarding payment of compensation. A copy of this notice shall be served by the insurer by certified mail to the employee.

Subd. 3. [EMPLOYEE REQUEST FOR ADMINISTRATIVE CONFER-

ENCE.] *If the employee objects to the action of the insurer regarding payment of compensation upon the cessation of work by the employee, the employee may request an administrative conference with the commissioner to resolve disputed issues. A request for an administrative conference shall be made within ten calendar days after service of the notice on the employee. If the employee requests an administrative conference the commissioner shall schedule a conference to be held within 14 calendar days after the commissioner receives the request.*

Subd. 4. [ADMINISTRATIVE DECISION.] After considering the information provided by the parties at the administrative conference the commissioner shall issue to all interested parties a written administrative decision regarding payment of compensation. The commissioner's decision is binding upon the parties and the rights and obligations of the parties are governed by the decision. The commissioner shall advise all parties of the right to petition to the chief hearing examiner under section 176.241 and of the right to be represented by an attorney at a hearing before a compensation judge. A party aggrieved by the commissioner's decision may proceed under section 176.241.

Subd. 5. [DECISION BINDING PENDING COMPENSATION JUDGE DECISION.] If an aggrieved party files a petition under section 176.241, the commissioner's administrative decision remains in effect pending a determination by a compensation judge.

Subd. 6. [DECISION AS NOTICE.] If a party proceeds under section 176.241, the commissioner's administrative decision is deemed to fulfill the division's obligations under section 176.241.

Subd. 7. [OBLIGATIONS PRIOR TO ADMINISTRATIVE DECISION.] If an insurer has not voluntarily recommenced compensation following the employee's cessation of work the insurer is not obligated to do so until an administrative conference is held and unless the commissioner determines that compensation shall be recommenced.

Subd. 8. [NECESSITY OF ADMINISTRATIVE CONFERENCE.] If the commissioner deems it appropriate, based upon information the commissioner has, the commissioner may determine that an administrative conference is not necessary, in which case a party may proceed under section 176.241.

Subd. 9. [APPLICATION OF SECTION.] This section applies only when the employee has received at least 60 days of temporary total or temporary partial compensation prior to return to work.

Subd. 10. [NOTICE FORMS.] A notice under this section shall be on a form prescribed by the commissioner.

Subd. 11. [FINES, VIOLATIONS.] An employer or insurer who violates this section is subject to a fine of up to \$500 for each violation which shall be paid to the special compensation fund.

Subd. 12. [APPLICATION.] This section is applicable to all cases in which a return to work has occurred after the effective date of this section even if the injury occurred prior to the effective date.

Sec. 124. Minnesota Statutes 1982, section 176.281, is amended to read:

176.281 [ORDERS, DECISIONS, AND AWARDS; FILING; SERVICE.]

When the commissioner or compensation judge or office of administrative hearings or the workers' compensation court of appeals has rendered ~~an~~ a final order, decision, or award, or amendment to an order, decision, or award, it shall be filed immediately with the commissioner. ~~Where~~ If the commissioner, compensation judge, office of administrative hearings, or workers' compensation court of appeals has rendered ~~an~~ a final order, decision, or award, or amendment thereto, the commissioner or the office of administrative hearings or the workers' compensation court of appeals shall immediately serve a copy upon every party in interest, together with a notification of the ~~time date~~ the ~~same~~ order was filed.

Sec. 125. Minnesota Statutes 1982, section 176.285, is amended to read:

176.285 [SERVICE OF PAPERS AND NOTICES.]

Service of papers and notices shall be by mail or ~~by such other means otherwise~~ as the commissioner of the department of labor and industry directs or the chief hearing examiner may by rule direct. Where service is by mail, service is effected at the time mailed if properly addressed and stamped. If it is so mailed, it is presumed the paper or notice reached the party to be served. However, a party may show by competent evidence that ~~he~~ that party did not receive it or that it had been delayed in transit for an unusual or unreasonable period of time. In case of ~~such~~ non-receipt or delay, an allowance shall be made for the party's failure to assert a right within the prescribed time.

The commissioner of the department of labor and industry and the chief hearing examiner shall ~~keep a careful record of each service including the time when made~~ ensure that proof of service of all papers and notices served by their respective agencies is placed in the official file of the case.

Sec. 126. [176.312] [AFFIDAVIT OF PREJUDICE.]

An affidavit of prejudice for cause may be filed by a party to the claim against a compensation judge, in the same manner as an affidavit of prejudice is filed pursuant to law or rule of district court. The filing of an affidavit of prejudice against a compensation judge has the same effect and shall be treated in the same manner as in district court.

Sec. 127. Minnesota Statutes 1982, section 176.321, subdivision 1, is amended to read:

Subdivision 1. [FILING, SERVICE.] Within ~~twenty~~ 20 days after he has been served with a copy service of the petition, an adverse party ~~may~~ shall serve and file a verified answer to the petition. ~~When he files the answer,~~ The party shall ~~also~~ serve a copy of the answer on the petitioner or his the petitioner's attorney.

~~Within five days after he has been served with a copy of the answer, the petitioner may file a verified reply admitting or denying new matter set forth in the answer.~~

Sec. 128. Minnesota Statutes 1982, section 176.331, is amended to read:

176.331 [AWARD BY DEFAULT.]

~~Where~~ If an adverse party has failed fails to file and serve an answer, ~~if and~~

the petitioner presents proof of ~~such~~ *this* fact, the *commissioner* or compensation judge ~~shall~~ *may* enter whatever award or order to which *the* petitioner is entitled on the basis of the facts alleged in the petition, but the compensation judge may require proof of an alleged fact. If the commissioner requires ~~such~~ proof, ~~he~~ *the commissioner* shall request the chief hearing examiner to assign the matter to a compensation judge to ~~summarily hear and determine the same for an immediate hearing and to promptly make an prompt~~ award or *other* order.

Where in ~~such~~ a default case the petition does not state facts sufficient to support an award, the compensation judge shall give the petitioner or ~~his~~ *the petitioner's* attorney written notice of this deficiency. The petitioner may thereupon *serve and* file another petition as in the case of an original petition.

Sec. 129. Minnesota Statutes 1982, section 176.341, is amended to read:

176.341 [HEARING ON PETITION.]

Subdivision 1. [TIME.] ~~When the reply has been filed or the time has expired in which to file a reply~~ *Upon receipt of a matter from the commissioner, the chief hearing examiner shall fix a time and place for hearing the petition. The hearing shall be held 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 176.004 and the requirements of section 176.306.~~

Subd. 2. [PLACE.] Unless otherwise ordered by the ~~commissioner of the department of labor and industry or compensation judge~~ *chief hearing examiner*, the hearing shall be held in the county where the injury or death occurred.

Subd. 3. [NOTICE MAILED TO EACH PARTY.] At least ~~five~~ 30 days prior to the date of hearing, the ~~workers' compensation division~~ *chief hearing examiner* shall mail a notice of the time and place of hearing to each interested party. *This subdivision does not apply to hearings which have been continued from an earlier date. In those cases, the notice shall be given in a manner deemed appropriate by the chief hearing examiner after considering the particular circumstances in each case.*

Sec. 130. Minnesota Statutes 1982, section 176.361, is amended to read:

176.361 [INTERVENTION.]

~~Where~~ A person *who* has an interest in any matter before the workers' compensation court of appeals, or commissioner, or compensation judge ~~of such a character that he~~ *the person* may either gain or lose by an order or decision; ~~he~~ may intervene in the proceeding by filing an application in writing stating the facts which show ~~such~~ *the* interest.

The commissioner of the department of labor and industry and workers' compensation court of appeals shall adopt rules to govern the procedure for intervention.

Sec. 131. Minnesota Statutes 1982, section 176.371, is amended to read:

176.371 [AWARD OR DISALLOWANCE OF COMPENSATION.]

The compensation judge to whom a petition has been assigned for hear-

ing, shall hear all competent, relevant evidence produced at the hearing, and, as soon after the hearing as possible, make findings of fact, conclusions of law. All questions of fact and law submitted to a compensation judge at the hearing shall be disposed of and the judge's decision shall be filed with the commissioner within 60 days after the submission, unless sickness or casualty prevents a timely filing, or the time is extended by written consent of the parties, or the chief hearing examiner extends the time for good cause. The compensation judge's decision shall include a determination of all contested issues of fact and law and an award or disallowance of compensation or other order as the pleadings, evidence, this chapter and rule require. A compensation judge's decision shall include a memorandum only if necessary to delineate the reasons for the decision or to discuss the credibility of witnesses. A memorandum shall not contain a recitation of the evidence presented at the hearing but shall be limited to the compensation judge's basis for the decision.

No part of the salary of a compensation judge shall be paid unless the chief hearing examiner determines that all decisions of that judge have been issued within the time limit prescribed by this section.

Sec. 132. Minnesota Statutes 1982, section 176.421, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF APPEAL.] The appellant or his *the appellant's* attorney shall prepare and sign a written notice of appeal specifying:

- (1) the order appealed from;
- (2) that appellant appeals from the order to the workers' compensation court of appeals;
- (3) the particular finding of fact or conclusion of law which *he the appellant* claims was unwarranted by the evidence or procured by fraud, coercion, or other improper conduct; and
- (4) the testimony or other part of the record of the hearing necessary to be transcribed in order for the court of appeals to consider the appeal; and;
- (5) any other ground upon which the appeal is taken.

Sec. 133. Minnesota Statutes 1982, 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 chief hearing examiner and file a copy with the commissioner;
- (3) In order to defray the cost of the preparation of the record of the proceedings appealed from, pay to the state treasurer, office of administrative hearings account the sum of \$25; and
- (4) Submit a request that the chief hearing examiner order the preparation of a transcript of that part of the hearing delineated in the notice of appeal.

A party who desires a transcript of more of the hearing than has been re-

~~quested by the appellant shall, within five working days of service of the notice of appeal, make a request of the chief hearing examiner that the additional testimony be transcribed.~~

~~The first party requesting the preparation of the transcript or any part to file an appeal is liable for the original cost of preparation of the transcript. Cross-appellants or any other persons requesting a copy of the transcript are liable for the cost of the copy. The cost of a transcript prepared by a non-governmental source shall be paid directly to that source and shall not exceed the cost that the source would be able to charge the state for the same service.~~

Upon a showing of cause, the chief hearing examiner may direct that a transcript be prepared without expense to the party requesting its preparation, in which case the cost of the transcript shall be paid by the office of administrative hearings.

All fees received by the office of administrative hearings for the preparation of the record for submission to the workers' compensation court of appeals or for the cost of transcripts prepared by the office shall be deposited in the office of administrative hearings account in the state treasury and shall be used solely for the purpose of keeping the record of hearings conducted under this chapter and the preparation of transcripts of those hearings.

Sec. 134. Minnesota Statutes 1982, 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~~ *appeals' review is limited to the issues raised by the parties in the notice of appeal or by a cross-appeal. In these cases, on those issues raised by the appeal, the workers' compensation court of appeals may:*

- (1) disregard the findings of fact which the compensation judge has made;
- (2) examine the record;
- (3) substitute for the findings of fact made by the compensation judge such findings as the total evidence requires; and,
- (4) make an award or disallowance of compensation or other order as the facts and findings require.

Sec. 135. Minnesota Statutes 1982, section 176.421, subdivision 7, is amended to read:

Subd. 7. [RECORD OF PROCEEDINGS.] At the division's own expense, the commissioner shall make a complete record of all proceedings before ~~himself~~ the commissioner *and shall provide a stenographer or an audio magnetic recording device to make a the record of the proceedings before him.*

The commissioner shall furnish a transcript of these proceedings to any person who requests it and who pays a reasonable charge ~~and shall fix the amount of this charge which shall be set by the commissioner.~~ *Upon a showing of cause, the commissioner may direct that a transcript be prepared without expense to the person requesting the transcript, in which case the*

cost of the transcript shall be paid by the division. Transcript fees received under this subdivision shall be paid to the workers' compensation division account in the state treasury and shall be annually appropriated to the division for the sole purpose of providing a record and transcripts as provided in this subdivision.

Sec. 136. Minnesota Statutes 1982, section 176.442, is amended to read:

176.442 [APPEALS FROM DECISIONS OF COMMISSIONER OF DEPARTMENT OF LABOR AND INDUSTRY.]

Any decision or determination of the commissioner of ~~the department of labor and industry~~ affecting a right, privilege, benefit, or duty which is imposed or conferred under this chapter is subject to review by the workers' compensation court of appeals. A person aggrieved by ~~such~~ *the* determination may appeal to the workers' compensation court of appeals *by filing a notice of appeal with the commissioner* 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. 137. Minnesota Statutes 1982, section 176.461, is amended to read:

176.461 [SETTING ASIDE AWARD.]

Except ~~where~~ *when* a writ of certiorari has been issued by the supreme court and the matter is still pending in that court or ~~where~~ *if* 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 *working* days after written notice to all interested parties, may set the award aside and grant a new hearing and refer the matter for a determination on its merits to the chief hearing examiner for assignment to a compensation judge, who shall make ~~such~~ findings of fact, conclusions of law, and *an order of award* or disallowance of compensation or other order *as based on* the pleadings and the evidence produced and *as required* by the provisions of this chapter ~~shall require or rules adopted under it.~~

Sec. 138. Minnesota Statutes 1982, 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, the workers' compensation court of appeals, and the district court 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 conclusively presumed to be reasonable, fair, and in conformity with this chapter *except when the settlement purports to be a full, final, and complete settlement of an employee's right to medical compensation under this chapter or rehabilitation under section 176.102. A settlement which purports to do so must be approved by the division, a compensation judge, or workers' compensation court of appeals.*

The conclusive presumption in this subdivision applies to a settlement agreement entered into on or after January 15, 1982, whether the injury to which the settlement applies occurred prior to or on or after January 15, 1982.

Sec. 139. Minnesota Statutes 1982, section 176.521, subdivision 2a, is amended to read:

Subd. 2a. [SETTLEMENTS NOT SUBJECT TO APPROVAL.] When a settled case is not subject to approval, upon receipt of the stipulation for settlement, a compensation judge ~~or~~, a settlement judge, *or the workers' compensation court of appeals* shall immediately sign the award and file it with the commissioner. Payment pursuant to the award shall be made within 14 days after it is filed with the commissioner. The commissioner may correct mathematical or clerical errors at any time.

Sec. 140. Minnesota Statutes 1982, section 176.521, subdivision 3, is amended to read:

Subd. 3. [SETTING ASIDE AWARD UPON SETTLEMENT.] Notwithstanding *the provisions of section 176.521, subdivision 1, 2, or 2a, or any provision in the agreement of settlement to the contrary, upon the filing of a petition by any party to the settlement and after a hearing on the petition*, the workers' compensation court of appeals may set aside an award made upon a settlement, pursuant to this chapter. *In those cases, the workers' compensation court of appeals shall refer the matter to the chief hearing examiner for assignment to a compensation judge for hearing.*

Sec. 141. Minnesota Statutes 1982, section 176.561, is amended to read:

176.561 [WORKERS' COMPENSATION COURT OF APPEALS POWERS AND DUTIES AS TO STATE EMPLOYEES; PROCEDURE FOR DETERMINING LIABILITY.]

The division, *a compensation judge* and the workers' compensation court of appeals have the same powers and duties in matters relating to state employees as they have in relation to other employees.

Except as specifically provided otherwise ~~herein~~ *in this chapter*, the procedure for determining the liability of the state for compensation is the same as that applicable in other cases.

Sec. 142. Minnesota Statutes 1982, section 176.571, subdivision 6, is amended to read:

Subd. 6. [FORMAL HEARING ON OBJECTIONS.] ~~If the commissioner of the department of labor and industry shall hold~~ *determines that a formal hearing on the objections which have been filed to the proposed order where the circumstances warrant such is warranted, the commissioner shall refer the matter to the chief hearing examiner for the assignment of a compensation judge who shall hold a hearing. The hearing shall be before a compensation judge.*

Sec. 143. Minnesota Statutes 1982, section 176.645, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] For injuries occurring after October 1, 1975 for which benefits are payable under section 176.101, subdivisions 1, 2, *3a*,

and 4, and section 176.111, subdivision 5, the total benefits due the employee or any dependents shall be adjusted in accordance with this section. On October 1, 1981, and thereafter on the anniversary of the date of the employee's injury the total benefits due shall be adjusted by multiplying the total benefits due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, of the year two years previous to the adjustment and the numerator of which is the statewide average weekly wage for December 31, of the year previous 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.

Sec. 144. Minnesota Statutes 1982, section 176.66, is amended by adding a subdivision to read:

Subd. 10. [MULTIPLE EMPLOYERS OR INSURERS; LIABILITY.] The employer liable for the compensation under this chapter is the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed, if the employment was for six months or more, whether intermittent or consecutive. In the event that the employer who is liable for the compensation had multiple insurers during the employee's term of employment, the insurer who was on the risk during the employee's last exposure to the hazard of the occupational disease claimed is the liable party.

Sec. 145. Minnesota Statutes 1982, section 176.66, is amended by adding a subdivision to read:

Subd. 11. [DATE OF INJURY IN OCCUPATIONAL DISEASE CASES.] In the case of a claim for occupational disease, the date of injury is the date a diagnosis is made or the date the employee displays symptoms of the disease and knows or has reason to know the symptoms are related to the hazard of occupational disease, whichever occurs first.

Sec. 146. Minnesota Statutes 1982, section 176.66, is amended by adding a subdivision to read:

Subd. 12. [AMOUNT OF COMPENSATION.] The compensation for an occupational disease shall be 66-2/3 percent of the employee's weekly wage on the date of last exposure to the hazard of the occupational disease claimed, subject to a maximum compensation equal to the maximum compensation in effect on the date of injury as determined under subdivision 11.

Sec. 147. [176.83] [RULES.]

In addition to any other section under this chapter giving the commissioner the authority to adopt rules, the commissioner may adopt, amend, or repeal rules to implement the provisions of this chapter. The rules shall have the force and effect of law and are binding on a compensation judge, workers' compensation court of appeals, the rehabilitation review panel, and the medical services advisory board and shall include but not be limited to:

(a) rules necessary to implement and administer section 176.102, including the establishment of qualifications necessary to be a qualified rehabilitation consultant and the requirements to be an approved registered vendor of rehabilitation services including registration fees to be paid by rehabilitation consultants and approved vendors under section 176.102. The rules may also provide for penalties to be imposed by the commissioner against insurers or self-insured employers who fail to provide rehabilitation consultation to employees pursuant to section 176.102. Registration fees set by the commissioner shall be set so that the total fees received approximate the amount appropriated for the function, plus the portion of general support costs and statewide indirect costs of the agency that is attributable to the function for which the fee is charged. Subsequent fee adjustments may be made without a public hearing when the total fees estimated to be received during the fiscal biennium will not exceed the sum of all direct appropriations, indirect costs, transfers in, and salary supplements for that purpose for the biennium;

(b) rules establishing standards for reviewing and evaluating the clinical consequences of services provided by qualified rehabilitation consultants, approved registered vendors of rehabilitation services, and services provided to an employee by health care providers;

(c) rules establishing standards and procedures for determining whether or not charges for health services or rehabilitation services rendered under this chapter are excessive. In this regard, the standards and procedures shall be structured to determine what is necessary to encourage providers of health services and rehabilitation services to develop and deliver services for the rehabilitation of injured employees.

The procedures shall include standards for evaluating hospital care, other health care and rehabilitation services to insure that quality hospital, other health care, and rehabilitation is available and is provided to injured employees;

(d) rules establishing standards and procedures for determining whether a provider of health care services and rehabilitation services, including a provider of medical, chiropractic, podiatric, surgical, hospital or other services, is performing procedures or providing services at a level or with a frequency that is excessive, based upon accepted medical standards for quality health care and accepted rehabilitation standards.

If it is determined by the commissioner that the level, frequency or cost of a procedure or service of a provider is excessive according to the standards established by the rules, the provider shall not be paid for the excessive procedure, service, or cost by an insurer, self-insurer, or group self-insurer. In addition, the provider shall not be reimbursed or attempt to collect reimbursement for the excessive procedure, service, or cost from any other source, including the employee, another insurer, the special compensation fund, or any government program.

A health or rehabilitation provider who is determined by the commissioner to be consistently performing procedures or providing services at an excessive level or cost may be prohibited from receiving any further reimbursement for procedures or services provided under chapter 176. A prohibition imposed on a provider under this clause may be grounds for revocation or

suspension of the provider's license or certificate of registration to provide health care or rehabilitation service in Minnesota by the appropriate licensing or certifying body.

The rules adopted under this clause shall require insurers, self-insurers, and group self-insurers to report medical and other data necessary to implement the procedures required by this clause;

(e) rules establishing procedures and standards for the certification of physicians, chiropractors, podiatrists, and other health care providers, including rules related to additional training and continuing education, in order to assure the coordination of treatment, rehabilitation, and other services and requirements of chapter 176 for carrying out the purposes and intent of this chapter;

(f) rules necessary for implementing and administering the provisions of sections 176.001, 176.131, 176.132, 176.134, article 1 of this act, sections 122 and 123; sections 176.251, 176.66 to 176.669, and rules regarding proper allocation of compensation under section 176.111;

(g) procedures required for the implementation and administration of article 1, section 77, including, but not limited to, determining the method by which an employer will be assessed for payments due under article 1, section 77, subdivision 3, and the amount of the assessment. In adopting the rule regarding the assessment, the commissioner shall consider among other things, the expenditures to be made from the fund in the next calendar year, the current fund balance, and future expenditure trends;

(h) rules establishing standards or criteria under which a physician, podiatrist, or chiropractor is selected or under which a change of physician, podiatrist, or chiropractor is allowed under section 176.135, subdivision 2;

(i) rules to govern the procedure for intervention pursuant to section 176.361;

(j) joint rules with either or both the workers' compensation court of appeals and the chief hearing examiner which may be necessary in order to provide for the orderly processing of claims or petitions made or filed pursuant to chapter 176;

(k) rules establishing criteria to be used by the division, compensation judge, and workers' compensation court of appeals to determine "suitable gainful employment" and "independent contractor";

(l) forms and other reporting procedures to be used by an employer, insurer, medical provider, qualified rehabilitation consultant, approved vendor of rehabilitation services, attorney, employee, or other person subject to the provisions of this chapter; or

(m) any other rules necessary to implement, administer, or clarify the intent of a provision of chapter 176 which are not inconsistent with the law.

The chief hearing examiner shall adopt rules relating to procedures in matters pending before a compensation judge in the office of administrative hearings.

The commissioner may adopt rules regarding requirements which must be met by individuals who are employed by insurers or self-insurers or claims

servicing or adjusting agencies and who work as claims adjusters in the field of workers' compensation insurance.

The commissioner may adopt temporary rules establishing qualifications necessary to be a qualified rehabilitation consultant and penalties to be imposed against qualified rehabilitation consultants or approved vendors who violate this chapter or rules, including temporary rules, adopted under this chapter. In addition to the provisions of sections 14.29 to 14.36, at least one public hearing shall be held prior to the adoption of these temporary rules.

Sec. 148. [176.84] [SPECIFICITY OF NOTICE OR STATEMENT.]

All notices or statements required by this chapter including, but not limited to, notices or statements pursuant to sections 176.102; article 1, section 68; 176.221; 176.241; article 1, sections 122 and 123, shall be sufficiently specific to convey clearly, without further inquiry, the basis upon which the party issuing the notice or statement is acting. If the commissioner or compensation judge determines that a notice or statement is not sufficiently specific to meet the standard under this section, the notice or statement may be rejected as unacceptable and the party issuing it shall be informed of this. The rejected notice or statement may be amended to meet the requirement of this section or a new one may be filed.

Sec. 149. [176.85] [PENALTIES; APPEALS.]

Subdivision 1. [APPEAL PROCEDURE.] If the commissioner has assessed a penalty against a party subject to this chapter and the party believes the penalty is not warranted, the party may request that a formal hearing be held on the matter. Upon a request for a hearing the commissioner shall refer the matter to the chief hearing examiner for assignment to a compensation judge or hearing examiner.

The chief hearing examiner shall keep a record of the proceeding and provide a record pursuant to section 176.421.

The decision of the compensation judge or hearing examiner shall be final and shall be binding and enforceable. The decision may be appealed to the workers' compensation court of appeals.

Subd. 2. [EXCEPTION.] This section does not apply to penalties for which another appeal procedure is provided, including but not limited to penalties imposed pursuant to section 176.102 or article 1, section 68.

Subd. 3. [HEARING COSTS.] For purposes of this section, a hearing before a hearing examiner shall be treated in the same manner as a hearing before a compensation judge and no costs may be charged to the commissioner for the hearing, regardless of who hears it.

Sec. 150. [176.86] [DISCRIMINATION AGAINST INJURED EMPLOYEE.]

It is unlawful for an employer to refuse to hire or to discharge an employee who has suffered a disability as a result of a personal injury unless the employee is physically or medically unable because of the injury to perform the employee's usual and customary job duties or there exists a reasonable probability that the employee will suffer a greater degree of disability if the employee performs those usual and customary job duties.

This section does not limit any provision in chapter 363.

Sec. 151. Minnesota Statutes 1982, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work but not to exceed 28 calendar days; or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer *except that this does not apply to an individual who is receiving temporary partial compensation pursuant to section 176.101, subdivision 3j; or*

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the employee contributed to the fund, annuity or insurance and all of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under Title II of the social security act as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply.

Sec. 152. Minnesota Statutes 1982, section 471.982, subdivision 2, is amended to read:

Subd. 2. The commissioner of insurance is authorized to ~~promulgate~~ *adopt* administrative rules, including emergency rules pursuant to sections 14.01 to 14.70. These rules may provide standards or guidelines governing the formation, operation, administration, dissolution of self insurance pools, and other reasonable requirements to further the purpose of this section ~~and~~. *In developing the rules under this section, the commissioner shall at a minimum require consider* the following:

(a) *The requirements for self-insuring pools of political subdivisions shall*

be no more restrictive and may be less restrictive than the requirements for self-insuring pools of private employers;

(b) All participants in the pool are jointly and severally liable for all claims and expenses of the pool;

~~(b)~~ (c) Each pool shall contract with a service company licensed by the commissioner to provide or contract for all administrative services required by the pool. No vendor of risk management services or entity administering a self insurance plan under this section may transact such business in this state unless it is licensed to do so by the commissioner. 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 is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner may issue a license subject to restrictions or limitations upon the authorization, including the type of services which may be supplied or the activities which may be engaged in. The license fee shall be \$100. All licenses shall be for a period of two years;

~~(c)~~ (d) The service company has sole responsibility for the settlement of all claims against the pool or its members for which the pool may provide indemnification;

~~(d)~~ (e) A minimum premium volume for each pool shall be established. The minimum premium volume may differ because of the kinds of coverage provided, and the limits of liability for the coverage;

~~(e)~~ (f) All premiums or other assessments due to the pool from members shall be payable prior to the period for which coverage is being provided, or at equal intervals throughout the period;

~~(f)~~ (g) Premiums shall ~~either be established by an actuary approved by the commissioner or shall be premiums filed by a licensed rate service organization with reductions permitted solely for administrative or premium tax savings neither excessive, inadequate, nor unfairly discriminatory;~~

~~(g)~~ (h) The commissioner may require each pool to purchase excess insurance above certain limits and in a particular form. The limits or form of the excess insurance may differ based on the kinds of coverage offered by a pool, the limits of liability of the coverage, and the revenues available to pool members for the payment of premiums or assessments;

~~(h)~~ (i) Each pool shall be audited annually by a certified public accountant;

~~(i)~~ (j) ~~Whether~~ limitations on the payment of dividends to pool members ~~may be established as~~ *are* necessary to assure the solvency of the pool *in view of the taxing and levying authority of political subdivisions;*

~~(j)~~ (k) No participant may withdraw from a pool for a period of at least three years after its initial entry into the pool;

~~(k)~~ (l) The amount of any liabilities in excess of assets shall be assessed to members of the pool within 30 days after a deficiency is identified and shall be payable by the member within 90 days;

~~(l)~~ (m) The investment policies of the pool shall be governed by the laws

governing investments by cities pursuant to section 475.66;

~~(m)~~ (n) Pools shall be subject to the standards of unfair methods of competition and unfair or deceptive acts or practices established in chapter 72A;

~~(n)~~ (o) Other requirements that are necessary to protect the solvency of the pool, the rights and privileges of claimants against the pool, and citizens of the members of the pool shall be included in the rules.

Sec. 153. Minnesota Statutes 1982, section 471.982, is amended by adding a subdivision to read:

Subd. 3. The rules adopted pursuant to subdivision 2 shall not apply to self-insurance pools established and open for enrollment on a statewide basis by the Minnesota league of cities insurance trust, the Minnesota school boards association insurance trust or the Minnesota association of counties insurance trust.

Sec. 154. [CITY OF DULUTH; GROUP WORKER'S COMPENSATION SELF-INSURANCE POOLS.]

Subdivision 1. [FORMATION OF POOLS WITH PRIVATE EMPLOYERS.] Notwithstanding any contrary provision of other law, ordinance, or charter, the city of Duluth may enter into a self-insurance pool with private employers to self-insure worker's compensation liability of pool members. Any pool formed pursuant to this section shall be operated under bylaws established by members of the pool. The initial bylaws and amendments to them shall not be effective unless approved by the city of Duluth and the commissioner of insurance. The bylaws shall address the following subjects:

(a) Qualifications for group self-insurer membership, including underwriting standards.

(b) The method of selecting the board of directors, including the directors' terms of office.

(c) The procedure for amending the bylaws or plan of operation.

(d) Investment of assets of the fund.

(e) Frequency and extent of loss control or safety engineering services provided to members.

(f) A schedule for payment and collection of premiums.

(g) Expulsion procedures, including expulsion for nonpayment of premiums and expulsion for excessive losses.

(h) Delineation of authority granted to the administrator.

(i) Delineation of authority granted to the service company.

(j) Basis for determining premium contributions by members including any experience rating program.

(k) Procedures for resolving disputes between members of the group, which shall not include submitting them to the commissioner.

(l) Basis for determining distribution of any surplus to the members, or assessing the membership to make up any deficit.

(m) Provisions for security to be furnished by private employers to insure

assessments are paid in case of private employer insolvency.

The members participating in the pool may establish a joint board with appropriate powers to manage the pool. Each member of the pool shall pay to the pool the amounts assessed against it pursuant to the bylaws. A member may withdraw only after it has reimbursed the pool for the amounts for which it is obligated under the terms of the agreement.

Subd. 2. [APPROVAL OF COMMISSIONER.] A pool formed pursuant to this section shall not be effective or begin operation until it has been approved by the commissioner of insurance in the manner provided in Minnesota Statutes, section 471.982. Section 471.982 and any applicable rules adopted pursuant to it shall apply to any pool formed pursuant to this section. A pool formed pursuant to this section shall be a member of the workers' compensation reinsurance association and shall be bound by its plan of operation.

Sec. 155. [APPROPRIATIONS; COMPLEMENT INCREASE.]

Subdivision 1. [DEPARTMENT OF LABOR AND INDUSTRY.] (a) There is appropriated to the department of labor and industry for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:

1984	1985
\$2,159,901	\$2,516,169

The approved complement of the department of labor and industry is increased by 103 of which 3.8 shall be federally funded. The increased complement shall be allocated as follows:

- (1) workers' compensation administration, 1;
- (2) records and compliances, 15;
- (3) rehabilitation service, 20;
- (4) legal services, 1;
- (5) settlement and docket, 3;
- (6) mediation and arbitration, 6;
- (7) research and education, 15;
- (8) information management service, 6;
- (9) state employee fund, 6;
- (10) occupational safety and health consultation, 2;
- (11) general support, 9; and
- (12) special compensation fund, 19.

The appropriation provided by this clause (a) is for the purpose of paying for the increased complement and expenses related to their duties.

(b) There is appropriated to the department of labor and industry for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:

1984	1985
\$437,500	\$875,000

The appropriation provided by this clause (b) is for the purpose of paying the state's premium to the workers' compensation reinsurance association.

(c) There is appropriated to the department of labor and industry for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:

1984	1985
\$476,985	\$449,855

The funds appropriated by this clause (c) are to be deposited in the special compensation fund to pay the expenses of the increased complement provided for the fund by clause (a) and expenses related to their duties.

Subd. 2. [OFFICE OF ADMINISTRATIVE HEARINGS.] There is appropriated to the office of administrative hearings for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:

1984	1985
\$127,400	\$130,050

The approved complement of the office of administrative hearings is increased by four. The appropriation provided by this subdivision is for the purpose of paying for the increased complement and expenses related to their duties.

Subd. 3. [INSURANCE DIVISION.] There is appropriated to the department of commerce for its insurance division for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:

1984	1985
\$213,600	\$218,650

The approved complement of the insurance division of the department of commerce is increased by seven. The appropriation provided by this subdivision is for the purpose of paying for the increased complement and expense related to their duties.

Subd. 4. [ATTORNEY GENERAL.] There is appropriated to the office of the attorney general for the fiscal years ending June 30 of the year indicated from the general fund in the state treasury:

1984	1985
\$204,500	\$206,062

The approved complement of the office of attorney general is increased by six. The appropriation provided by this subdivision is for the purpose of providing for the increased complement and expenses related to their duties.

Sec. 156. [REPEALER.]

Minnesota Statutes 1982, sections 175.07; 175.101, subdivision 3; 175.36; 176.102, subdivision 12; 176.131, subdivisions 9, 10, 11, and 12; 176.152; and 176.262 are repealed.

Sec. 157. [SEVERABILITY.]

If any provision of this act is found to be unconstitutional and void, the

remaining provisions of the act shall remain valid, unless the court finds the valid provisions of the act are so essentially and inseparably connected with, and so dependent upon, the void provisions that the court cannot presume the legislature would have enacted 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. 158. [EFFECTIVE DATE.]

This article is effective _____

ARTICLE 2

Section 1. [176A.01] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 12, the terms defined in this section have the meanings given them.

Subd. 2. "Manager" means the manager of the state compensation insurance fund.

Subd. 3. "Fund" means the state compensation insurance fund.

Subd. 4. "Board" means the board of directors of the state compensation insurance fund.

Subd. 5. "Personal injury" or "injury" has the meaning given to it in section 176.011, subdivision 16.

Sec. 2. [176A.02] [CREATION; PURPOSE; ORGANIZATION OF THE FUND.]

Subdivision 1. [FUND CREATED.] The fund is created as a nonprofit independent public corporation for the purpose of insuring employers against liability for personal injuries for which their employees may be entitled to benefits under chapter 176.

Subd. 2. [BOARD OF DIRECTORS.] The board of directors consists of seven members and the commissioner of labor and industry who shall be an ex officio member. Each director shall hold office until a successor is appointed and qualifies. Each director shall represent a policyholder and may be an employee of a policyholder. A policyholder may designate a person to represent them on the board. The initial board of directors shall be appointed by the governor and shall consist of seven members, and the commissioner of labor and industry. Each member of the initial board shall be either an employer or employee. If the fund is operational and issuing policies upon the expiration of the terms of the initial board and thereafter, the governor shall appoint every other director until the governor has made four appointments. The remaining three directors shall be chosen by the fund's policyholders. In addition to the commissioner, no more than one member of the board shall be a representative of a governmental entity. At least two members of the board shall represent private, for profit, enterprises. No member of the board may represent or be an employee of an insurance company.

The membership terms shall be as provided in section 15.0575. The membership compensation shall be set by the board.

The board shall annually elect a chairman from among its members and

other officers it deems necessary for the performance of its duties.

Subd. 3. [FUND MANAGEMENT.] The management and control of the fund is vested solely in the board.

Subd. 4. [POWERS AND DUTIES OF THE BOARD.] The board is vested with full power, authority, and jurisdiction over the fund. The board may perform all acts necessary or convenient in the exercise of any power, authority, or jurisdiction over the fund, either in the administration of the fund or in connection with the insurance business to be carried on by it under the provisions of this chapter, as fully and completely as the governing body of a private insurance carrier to fulfill the objectives and intent of this chapter.

Subd. 5. [MANAGER.] The fund is under the administrative control of the manager appointed by the board pursuant to section 5.

Subd. 6. [PERSONAL LIABILITY, EXCLUDED.] The members of the board and officers or employees of the fund are not liable personally, either jointly or severally, for any debt or obligation created or incurred by the fund.

Sec. 3. [176A.03] [SPECIFIC POWERS OF THE FUND.]

Subdivision 1. [GENERAL.] For the purpose of carrying out its function the fund has the powers specified in this section.

Subd. 2. [INSURE WORKERS' COMPENSATION LIABILITY.] The fund may insure an employer against any workers' compensation claim arising out of and in the course of employment, as fully as any other insurer.

Subd. 3. [SELF-INSURED COVERAGE.] The fund may furnish advice, services, and employer liability insurance to any employer qualified as a self-insured employer.

Sec. 4. [176A.04] [GENERAL POWERS.]

For the purpose of exercising the specific powers granted in this chapter and effectuating the other purposes of this chapter, the fund:

(a) may sue and be sued;

(b) may have a seal and alter it at will;

(c) may make, amend, and repeal rules relating to the conduct of the business of the fund;

(d) may enter into contracts relating to the administration of the fund;

(e) may rent, lease, buy, or sell property in its own name and may construct or repair buildings necessary to provide space for its operations;

(f) may declare a dividend when there is an excess of assets over liabilities, and minimum surplus requirements as consistent with chapter 60A;

(g) may pay medical expenses, rehabilitation expenses, compensation due claimants of insured employers, pay salaries, and pay administrative and other expenses;

(h) may hire personnel and set salaries and compensation; and

(i) may perform all other functions that are necessary or appropriate to

administer the fund.

Sec. 5. [176A.05] [MANAGER.]

Subdivision 1. [APPOINTMENT, QUALIFICATIONS.] The board shall appoint a manager of the fund who shall be in charge of the day-to-day operation of the fund. The manager shall have proven successful experience as an executive at the general management level. The manager shall receive compensation as set by the board and shall serve at the pleasure of the board.

Subd. 2. [BOND.] Before entering on the duties of the office, the manager shall qualify by giving an official bond in an amount and with sureties approved by the board. The manager shall file the bond with the secretary of state. The premium for the bond shall be paid by the fund from the account established in section 7.

Sec. 6. [176A.06] [MANAGER'S POWERS.]

Subdivision 1. [GENERAL.] Subject to the authority of the board and the provisions of this chapter the manager has the powers and duties prescribed in this section.

Subd. 2. [SAFETY INSPECTION.] The manager may make safety inspections of risks and furnish advisory services to employers on safety and health measures.

Subd. 3. [DISBURSEMENT OF FUNDS.] The manager may act for the fund in collecting and disbursing money necessary to administer the fund and conduct the business of the fund.

Subd. 4. [ABSTRACT SUMMARY.] The manager shall have an abstract summary of any audit or survey conducted.

Subd. 5. [GENERAL AUTHORITY.] The manager may perform all acts necessary or convenient in the exercise of any power, authority, or jurisdiction over the fund, either in the administration of the fund or in connection with the insurance business to be carried on by the fund under this chapter, including the establishment of premium rates.

Sec. 7. [176A.07] [ACCOUNT.]

Subdivision 1. [STATE COMPENSATION ACCOUNT.] There is created and established under the jurisdiction and control of the fund a revolving account known as the "state compensation account."

The manager shall deliver all money collected or received under this chapter to the account.

The money in the account may be used by the fund in carrying out its purpose under this chapter.

Subd. 2. [PROPERTY OF FUND.] All premiums and other money paid to the fund, all property and securities acquired through the use of money belonging to the fund, and all interest and dividends earned upon money belonging to the fund and deposited or invested by the fund, are the sole property of the fund and shall be used exclusively for the operation and obligations of the fund. The money of the fund is not state money. The property of the fund is not state property.

Subd. 3. [NO STATE APPROPRIATION.] The fund shall not receive any

state appropriation at any time other than as provided by section 10.

Sec. 8. [176A.08] [EXEMPTION FROM AND APPLICABILITY OF CERTAIN LAWS.]

The fund shall not be considered a state agency for any purpose including, but not limited to, chapters 13, 14, 15, 15A, and 43A. However, the fund shall be subject to sections 179.61 to 179.76. The insurance operations of the fund are subject to all of the provisions of chapters 60A and 60B. The commissioner of insurance has the same powers with respect to the board as the commissioner has with respect to a private workers' compensation insurer under chapters 60A and 60B. The fund is considered an insurer for the purposes of chapters 60C, 72A, 79, and 176. The fund is subject to the same tax liability as a mutual insurance company in this state pursuant to section 60A.15, subdivision 2. As a condition of its authority to transact business in this state the fund shall be a member of the workers' compensation reinsurance association and is bound by its plan of operation.

Sec. 9. [176A.09] [ANNUAL REPORT.]

The manager shall submit an annual report pursuant to section 3.195 to the governor and legislature indicating the business done by the fund during the previous year and containing a statement of the resources and liabilities of the fund.

Sec. 10. [176A.10] [APPROPRIATION.]

There is appropriated from the general fund to the state compensation insurance fund a sum of \$3,000,000 to be available until expended. This amount plus interest at eight percent a year shall be amortized over a ten-year period and shall be repaid by the fund to the general fund in equal installments at the end of each fiscal year.

Sec. 11. [IMPLEMENTATION.]

The members of the board of directors shall be appointed no later than September 1, 1983. The board shall act promptly to hire a manager, hire necessary employees, and acquire necessary facilities and supplies to begin operation. The fund shall begin providing workers' compensation insurance coverage when the board determines that the fund is able to do so and all requirements under state law have been met.

Sec. 12. [REPORT TO THE LEGISLATURE AND GOVERNOR.]

The commissioner of labor and industry shall, no later than March 1, 1986, report to the legislature and governor the operations of the fund up to that date. The report shall include but not be limited to:

(1) the volume of premiums insured through the state fund and its share of the state workers' compensation insurance market;

(2) the percent division of premium dollars among various types of benefit payments and administrative costs for policies and claims under the state fund;

(3) the average rate of return enjoyed by the state fund on its invested assets;

(4) recommendations concerning desirable changes in the state fund to

promote its prompt and efficient administration of policies and claims;

(5) a recommendation to the legislature and governor regarding the continued operation of the fund; and

(6) any other information the commissioner deems appropriate.

Sec. 13. [EFFECTIVE DATE.]

This article is effective _____

Delete the title and insert:

“A bill for an act relating to workers’ compensation; providing for comprehensive reform of all aspects of workers’ compensation; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 79.071, subdivision 1; 79.211, subdivision 1; 79.34, subdivisions 1, 2, and by adding a subdivision; 79.35; 79.37; 79.51, subdivisions 2 and 3; 79.52, by adding a subdivision; 175.006, subdivision 1; 175.007, subdivision 1; 175.08; 175.10; 175.101, subdivisions 1 and 2; 176.011, by adding subdivisions; 176.012; 176.021, subdivision 3; 176.041, subdivision 1; 176.061; 176.101, subdivisions 2, 3, 6, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and by adding subdivisions; 176.105, by adding a subdivision; 176.111, subdivisions 6, 7, 8, 18, and by adding a subdivision; 176.121; 176.131, subdivisions 1, 1a, 2, 3, 4, 5, 6, 7, and 8; 176.132, subdivision 1, and by adding a subdivision; 176.134, subdivision 4; 176.135, subdivisions 1 and 3; 176.136; 176.155, subdivisions 3 and 5; 176.179; 176.182; 176.183, subdivisions 1, 1a, and by adding subdivisions; 176.185, by adding a subdivision; 176.191, by adding subdivisions; 176.195, subdivision 2, and by adding subdivisions; 176.221; 176.225, subdivisions 1, 2, and 3; 176.231, subdivisions 3, 4, 5, 9, and 10; 176.241, subdivisions 2 and 4; 176.281; 176.285; 176.321, subdivision 1; 176.331; 176.341; 176.361; 176.371; 176.421, subdivisions 3, 4, 6, and 7; 176.442; 176.461; 176.521, subdivisions 2, 2a, and 3; 176.561; 176.571, subdivision 6; 176.645, subdivision 1; 176.66, by adding subdivisions; 268.08, subdivision 3; and 471.982, subdivision 2, and by adding a subdivision; Laws 1981, chapter 346, section 145; proposing new law coded in Minnesota Statutes, chapter 176; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, sections 175.07; 175.101, subdivision 3; 175.36; 176.102, subdivision 12; 176.131, subdivisions 9, 10, 11, and 12; 176.152; and 176.262.”

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 Frederick amendment to S.F. No. 6.

There were yeas 9 and nays 5, as follows:

Those who voted in the affirmative were:

Messrs. Chmielewski, Belanger, Mrs. Brataas, Messrs. Diessner, Frederick, Nelson, Pehler, Ramstad and Taylor.

Those who voted in the negative were:

Messrs. Dicklich; Frank; Kroening; Peterson, C.C. and Vega.

The amendment was adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the Taylor amendment to S.F. No. 6.

There were yeas 9 and nays 5, as follows:

Those who voted in the affirmative were:

Messrs. Chmielewski; Diessner; Dicklich; Frank; Kroening; Nelson; Pehler; Peterson, C.C. and Vega.

Those who voted in the negative were:

Mr. Belanger, Mrs. Brataas, Messrs. Frederick, Ramstad and Taylor.

The amendment was adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 862 and 853 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Freeman moved that H.F. No. 455, No. 92 on Special Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Luther moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 758: A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Solon
Belanger	Frank	Kronebusch	Pehler	Spear
Benson	Frederick	Langseth	Peterson, C.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.C.	Stumpf
Berglin	Freeman	Lessard	Peterson, D.L.	Taylor
Bernhagen	Hughes	Luther	Peterson, R.W.	Ulland
Bertram	Isackson	McQuaid	Petty	Vega
Brataas	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Chmielewski	Jude	Merriam	Purfeerst	Wegscheid
Dahl	Kamrath	Moe, D. M.	Ramstad	Willet
Davis	Knaak	Nelson	Renneke	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Luther moved that the Senate take up the Special Orders Calendar. The motion prevailed.

SPECIAL ORDER

S.F. No. 812: A bill for an act relating to highway traffic regulations; clarifying certain bumper requirements; restricting the height of bumpers on certain vehicles; amending Minnesota Statutes 1982, section 169.73.

Mr. Vega moved to amend S.F. No. 812 as follows:

Page 2, line 3, strike "three" and insert "six"

The motion prevailed. So the amendment was adopted.

S.F. No. 812 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 57 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Frank	Kronebusch	Peterson, C.C.	Spear
Belanger	Frederick	Laidig	Peterson, D.C.	Storm
Benson	Frederickson	Langseth	Peterson, D.L.	Stumpf
Berg	Freeman	Lantry	Peterson, R.W.	Taylor
Berglin	Hughes	Lessard	Petty	Ulland
Bernhagen	Isackson	Luther	Pogemiller	Vega
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Wegscheid
Brataas	Jude	Mehrkins	Ramstad	Willet
Dahl	Kamrath	Moe, D. M.	Reichgott	
Davis	Knaak	Nelson	Renneke	
DeCramer	Knutson	Olson	Sieloff	

Mr. Merriam voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 985: A bill for an act relating to game and fish; penalty for taking or illegally possessing big game during the closed season; requiring hunters and trappers to wear a blaze orange cap, vest, or jacket during the firearm deer season; amending Minnesota Statutes 1982, sections 97.55, subdivision 9; and 100.29, subdivision 8.

Mr. Merriam moved to amend S.F. No. 985 as follows:

Page 2, line 2, reinstate the stricken language

Page 2, lines 2 to 4, delete the new language

Page 2, after line 4, insert:

"Sec. 3. Minnesota Statutes 1982, section 100.29, is amended by adding a subdivision to read:

Subd. 9a. Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, it is unlawful to cast the rays of a spotlight, headlight or other artificial light in any field, woodland or forest for the purpose of spotting, locating or taking any wild animal except for observing bear at waste disposal sites, or taking raccoons in accordance with the provisions of subdivision 10.

It is not a violation of this subdivision for any person to carry out any agricultural, occupational or recreational practice, including snowmobiling, which is not related to spotting, locating or taking any wild animal."

Amend the title as follows:

Page 1, line 7, before the period, insert ", and by adding a subdivision"

Mr. Willet moved to amend the Merriam amendment to S.F. No. 985 as follows:

Page 1, lines 11 and 12, delete "*observing bear at waste disposal sites, or*"

The motion prevailed. So the amendment to the Merriam amendment was adopted.

Mr. Kamrath moved to amend the Merriam amendment to S.F. No. 985 as follows:

Page 1, line 7, delete "*the hours of 10:00 p.m. and 6:00 a.m.*" and insert "*sunset and sunrise*"

The motion did not prevail. So the amendment to the Merriam amendment was not adopted.

The question recurred on the Merriam amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 985 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 4, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sietloff
Belanger	Diessner	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederick	Lantry	Peterson, D.L.	Storm
Berglin	Frederickson	Lessard	Peterson, R.W.	Taylor
Bernhagen	Freeman	Luther	Petty	Ulland
Bertram	Hughes	McQuaid	Purfeerst	Vega
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Waldorf
Chmielewski	Jude	Merriam	Reichgott	Wegscheid
Dahl	Kamrath	Moe, R. D.	Renneke	Willet
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

Messrs. Anderson, Isackson, Knaak and Stumpf voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 904: A bill for an act relating to transportation; establishing

collective rate-making procedure for motor vehicle carriers; proposing new law coded in Minnesota Statutes, chapter 221.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Olson	Schmitz
Anderson	Diessner	Kroening	Pehler	Sieloff
Belanger	Frank	Kronebusch	Peterson, C.C.	Solon
Benson	Frederick	Laidig	Peterson, D.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.L.	Storm
Berglin	Freeman	Luther	Peterson, R.W.	Stumpf
Bernhagen	Hughes	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Purfeerst	Ulland
Brataas	Johnson, D.E.	Merriam	Ramstad	Waldorf
Chmielewski	Jude	Moe, D. M.	Reichgott	Wegscheid
Dahl	Kamrath	Moe, R. D.	Renneke	Willet
Davis	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 733: A bill for an act relating to game and fish; licensing and record keeping by certain licensees; amending Minnesota Statutes 1982, sections 98.46, subdivision 5; and 98.51, subdivisions 2, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Novak	Schmitz
Anderson	Dicklich	Knutson	Olson	Sieloff
Belanger	Diessner	Kroening	Pehler	Solon
Benson	Frank	Kronebusch	Peterson, C.C.	Spear
Berg	Frederick	Laidig	Peterson, D.L.	Storm
Berglin	Frederickson	Langseth	Peterson, R.W.	Stumpf
Bernhagen	Freeman	Lantry	Petty	Taylor
Bertram	Hughes	Lessard	Purfeerst	Ulland
Brataas	Isackson	Luther	Ramstad	Waldorf
Chmielewski	Johnson, D.E.	McQuaid	Reichgott	Wegscheid
Dahl	Jude	Merriam	Renneke	Willet
Davis	Kamrath	Moe, D. M.	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1101: A bill for an act relating to natural resources; authorizing the commissioner to sell to or exchange surplus tree planting stock with other states and the federal government under certain circumstances; amending Minnesota Statutes 1982, section 89.36, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Olson	Schmitz
Anderson	Dicklich	Kroening	Pehler	Sieloff
Belanger	Diessner	Kronebusch	Peterson, C. C.	Solon
Benson	Frank	Laidig	Peterson, D. C.	Spear
Berg	Frederickson	Lantry	Peterson, D. L.	Storm
Berglin	Freeman	Lessard	Peterson, R. W.	Stumpf
Bernhagen	Hughes	Luther	Petty	Taylor
Bertram	Isackson	McQuaid	Purfeerst	Ulland
Brataas	Johnson, D. E.	Merriam	Ramstad	Waldorf
Chmielewski	Jude	Moe, D. M.	Reichgott	Wegscheid
Dahl	Kamrath	Moe, R. D.	Renneke	Willet
Davis	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 849: A bill for an act relating to state lands; authorizing the sale of a certain lakeshore lot in Douglas 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Novak	Renneke
Anderson	Dicklich	Kronebusch	Olson	Samuelson
Belanger	Diessner	Laidig	Pehler	Sieloff
Benson	Frank	Langseth	Peterson, C. C.	Solon
Berg	Frederickson	Lantry	Peterson, D. C.	Spear
Berglin	Freeman	Lessard	Peterson, D. L.	Storm
Bernhagen	Hughes	Luther	Peterson, R. W.	Stumpf
Bertram	Isackson	McQuaid	Petty	Taylor
Brataas	Johnson, D. E.	Mehrkens	Pogemiller	Ulland
Chmielewski	Jude	Merriam	Purfeerst	Waldorf
Dahl	Kamrath	Moe, D. M.	Ramstad	Willet
Davis	Knaak	Moe, R. D.	Reichgott	

Mr. Kroening voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 194: A bill for an act relating to labor; creating an exemption from state minimum wage for certain live-in child care county employees; amending Minnesota Statutes 1982, section 177.23, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Peterson, C. C.	Solon
Anderson	Frank	Laidig	Peterson, D. C.	Spear
Belanger	Frederickson	Langseth	Peterson, D. L.	Storm
Benson	Freeman	Lantry	Peterson, R. W.	Stumpf
Berg	Hughes	Lessard	Petty	Taylor
Berglin	Isackson	Luther	Pogemiller	Ulland
Bernhagen	Johnson, D. E.	McQuaid	Purfeerst	Waldorf
Bertram	Johnson, D. J.	Mehrkens	Ramstad	Wegscheid
Brataas	Jude	Merriam	Reichgott	Willet
Dahl	Kamrath	Moe, D. M.	Renneke	
Davis	Knaak	Novak	Samuelson	
DeCramer	Knutson	Olson	Schmitz	
Dicklich	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 599: A bill for an act relating to labor; regulating fair labor standards record keeping; changing the civil and criminal penalties on employers for violations of the record keeping and posting requirements of the fair labor standards act; amending Minnesota Statutes 1982, sections 177.27, subdivision 2; 177.30; 177.31; and 177.32, 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 4, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Pehler	Sieloff
Belanger	Frank	Langseth	Peterson, C. C.	Solon
Benson	Frederick	Lantry	Peterson, D. C.	Spear
Berg	Freeman	Lessard	Peterson, D. L.	Storm
Berglin	Hughes	Luther	Peterson, R. W.	Stumpf
Bernhagen	Johnson, D. E.	McQuaid	Petty	Taylor
Bertram	Johnson, D. J.	Mehrkens	Pogemiller	Ulland
Chmielewski	Jude	Merriam	Purfeerst	Waldorf
Dahl	Knaak	Moe, D. M.	Reichgott	Wegscheid
Davis	Knutson	Moe, R. D.	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	
Dicklich	Kronebusch	Olson	Schmitz	

Messrs. Anderson, Frederickson, Isackson and Kamrath voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 318: A bill for an act relating to alcohol and other drug abuse; requiring certain persons to report suspected chemical abuse by minors; establishing certain duties of certain chemical dependency counselors; 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Moe, D. M.	Reichgott
Anderson	Dicklich	Knaak	Novak	Renneke
Belanger	Diessner	Kroening	Olson	Samuelson
Benson	Frank	Kronebusch	Pehler	Schmitz
Berg	Frederick	Laidig	Peterson, C.C.	Sieloff
Berglin	Frederickson	Langseth	Peterson, D.C.	Solon
Bernhagen	Freeman	Lantry	Peterson, D.L.	Spear
Bertram	Hughes	Lessard	Peterson, R.W.	Storm
Brataas	Isackson	Luther	Petty	Stumpf
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Ulland
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 132: A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

Mr. Kroening moved to amend S.F. No. 132 as follows:

Page 1, delete lines 10 to 12 and insert:

"The commissioner shall establish a classification titled "chiropractor". A position allocated to the chiropractor classification may be in the classified or unclassified service."

The motion prevailed. So the amendment was adopted.

S.F. No. 132 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 61 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Sieloff
Anderson	Frank	Laidig	Peterson, C.C.	Solon
Belanger	Frederick	Langseth	Peterson, D.C.	Spear
Benson	Frederickson	Lantry	Peterson, D.L.	Storm
Berg	Freeman	Lessard	Peterson, R.W.	Stumpf
Berglin	Hughes	Luther	Petty	Taylor
Bernhagen	Isackson	McQuaid	Pogemiller	Ulland
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Brataas	Johnson, D.J.	Merriam	Ramstad	Willet
Chmielewski	Jude	Moe, D. M.	Reichgott	
Dahl	Kamrath	Moe, R. D.	Renneke	
Davis	Knutson	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

Mr. Knaak voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 548: A bill for an act relating to traffic regulations; providing for

mandatory alcohol assessment for drivers in certain cases; providing for commitment of certain driving while intoxicated offenders to detoxification facilities; providing for detoxification evaluation, assessment, and referral; withholding driving privileges for offenders until they have paid the costs for the detoxification services; amending Minnesota Statutes 1982, sections 169.121, subdivision 8; 169.123, subdivision 3; and 169.1231.

Mr. Ramstad moved that S.F. No. 548 be stricken from Special Orders and returned to its author. The motion prevailed.

SPECIAL ORDER

H.F. No. 159: A bill for an act relating to education; requiring school boards to adopt and review discipline policies including rules of conduct for pupils, and grounds and procedures for removal of pupils from class; amending Minnesota Statutes 1982, section 127.27, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 127.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Samuelson
Anderson	Diessner	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Sieloff
Benson	Frederick	Laidig	Pehler	Solon
Berg	Frederickson	Langseth	Peterson, C. C.	Spear
Berglin	Freeman	Lantry	Peterson, D. C.	Storm
Bernhagen	Hughes	Lessard	Peterson, D. L.	Stumpf
Bertram	Isackson	Luther	Peterson, R. W.	Taylor
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D. J.	Mehrkens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, D. M.	Reichgott	Willet
DeCramer	Knaak	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 403: A bill for an act relating to taxation; providing a special levy for operating costs of a county jail; amending Minnesota Statutes 1982, section 275.50, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Nelson	Renneke
Anderson	Dicklich	Knaak	Novak	Samuelson
Belanger	Diessner	Knutson	Olson	Schmitz
Benson	Frank	Kroening	Pehler	Sieloff
Berg	Frederick	Kronebusch	Peterson, C. C.	Spear
Berglin	Frederickson	Laidig	Peterson, D. C.	Storm
Bernhagen	Freeman	Langseth	Peterson, R. W.	Taylor
Bertram	Hughes	Lantry	Petty	Ulland
Brataas	Isackson	Lessard	Pogemiller	Waldorf
Chmielewski	Johnson, D. E.	Luther	Purfeerst	Wegscheid
Dahl	Johnson, D. J.	McQuaid	Ramstad	Willet
Davis	Jude	Merriam	Reichgott	

Mr. Peterson, D.L. voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 694: A bill for an act relating to Ramsey County; providing for the membership, terms, and procedures of the medical center commission; amending Minnesota Statutes 1982, section 383A.41, subdivisions 2, 3, and 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 51 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Schmitz
Anderson	Diessner	Knutson	Novak	Sieloff
Belanger	Frank	Kronebusch	Olson	Stumpf
Berglin	Frederickson	Laidig	Peterson, C. C.	Ulland
Bernhagen	Freeman	Langseth	Peterson, D. C.	Vega
Bertram	Hughes	Lantry	Peterson, R. W.	Wegscheid
Brataas	Isackson	Lessard	Petty	Willet
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	
Dahl	Johnson, D. J.	Merriam	Purfeerst	
Davis	Jude	Moe, D. M.	Ramstad	
DeCramer	Kamrath	Moe, R. D.	Renneke	

Those who voted in the negative were:

Kroening	Luther	Pehler	Storm	Waldorf
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So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 490: A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, 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 48 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Peterson, C.C.	Storm
Anderson	Frederick	Kronebusch	Peterson, D.L.	Stumpf
Belanger	Frederickson	Langseth	Peterson, R.W.	Taylor
Benson	Hughes	Lantry	Purfeerst	Ulland
Bernhagen	Isackson	Luther	Ramstad	Vega
Bertram	Johnson, D.E.	McQuaid	Reichgott	Waldorf
Brataas	Jude	Moe, R. D.	Renneke	Wegscheid
Chmielewski	Kamrath	Novak	Samuelson	Willet
Dahl	Knaak	Olson	Schmitz	
Davis	Knutson	Pehler	Solon	

Those who voted in the negative were:

Berglin	Dicklich	Freeman	Merriam	Peterson, D.C.
DeCramer	Frank	Johnson, D.J.	Nelson	Petty

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1048: A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; including conservation officer in the definition of peace officer for purpose of laws relating to fleeing a peace officer; amending Minnesota Statutes 1982, sections 65B.605, subdivision 2; 97.45, subdivisions 1, 3, 4, 6, 7, and 12; and 609.487, subdivision 2; repealing Minnesota Statutes 1982, section 97.45, subdivision 5.

Mr. Peterson, C.C. moved to amend S.F. No. 1048 as follows:

Page 3, after line 12, insert:

“Sec. 5. Minnesota Statutes 1982, section 97.45, is amended by adding a subdivision to read:

Subd. 4a. After a licensed resident has transported a big game animal to his residence and has registered the animal, another person may transport the big game animal by the most direct route to another location for processing, provided there shall be attached to the animal a tag marked in ink showing the name and address of the licensee and the number of the license under which it was taken.”

Page 5, line 11, delete everything after “bear”

Page 5, line 12, delete “*clause (b)*”

Page 5, line 25, after the period, insert “*Deer and bear may be transported only during the time provided in subdivision 4, clause (b).*”

Page 5, line 35, after “any” insert “tag,”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after “12” insert “, and by adding a subdivision”

The motion prevailed. So the amendment was adopted.

S.F. No 1048 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Schmitz
Anderson	Frank	Kronebusch	Pehler	Solon
Belanger	Frederick	Laidig	Peterson, C. C.	Spear
Benson	Frederickson	Langseth	Peterson, D. C.	Storm
Berglin	Freeman	Lantry	Peterson, D. L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R. W.	Taylor
Bertram	Isackson	Luther	Petty	Ulland
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D. J.	Mehrkens	Purfeerst	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, R. D.	Reichgott	Willet
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Knutson	Novak	Samuelson	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 800: A bill for an act relating to health; providing for retention and destruction of certain medical records; amending Minnesota Statutes 1982, section 145.32.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Schmitz
Anderson	Frank	Laidig	Pehler	Solon
Belanger	Frederick	Langseth	Peterson, C. C.	Spear
Benson	Frederickson	Lantry	Peterson, D. C.	Storm
Berglin	Freeman	Lessard	Peterson, D. L.	Stumpf
Bernhagen	Hughes	Luther	Peterson, R. W.	Taylor
Bertram	Isackson	McQuaid	Petty	Ulland
Brataas	Johnson, D. E.	Mehrkens	Pogemiller	Vega
Chmielewski	Jude	Merriam	Purfeerst	Waldorf
Dahl	Kamrath	Moe, D. M.	Ramstad	Wegscheid
Davis	Knaak	Moe, R. D.	Reichgott	Willet
DeCramer	Knutson	Nelson	Renneke	
Dicklich	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

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 and Second Reading of House Bills. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now

adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 582 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:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
582	713				

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. 672 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
672	726				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 672 be amended as follows:

Page 2, line 3, delete "*Such*" and insert "*This type of*"

Page 3, lines 22 to 31, delete the new language

Page 4, delete lines 34 and 35

Page 4, line 36, delete "*require*"

Page 5, line 4, delete "*to*" and insert "*shall*"

Page 5, line 13, before the period insert "*and which would not qualify as an isolated or occasional sale pursuant to section 297A.25, subdivision 1, clause (k)*"

Page 5, line 24, delete "*for the purpose of evading*" and insert "*with the intent to evade*"

Page 6, line 10, before the semicolon insert "*except candy or candy products sold by a nonprofit organization operated primarily for the social and educational benefit of children aged 18 and younger*"

Page 10, line 7, delete everything after "*to*"

Page 10, delete lines 8 to 10 and insert "*building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract for use in the construction, alteration or repair of a building or facility;*"

Page 10, line 15, before the semicolon insert ". For purposes of this subdivision, sales by a nonprofit organization shall be deemed to be "isolated or occasional" if they occur at sale events that have a duration of three or fewer consecutive days. The granting of the privilege of admission to places of amusement and the privilege of use of amusement devices by a nonprofit organization at an isolated or occasional event conducted on property owned or leased for a continuous period of more than 30 days by the nonprofit organization are also exempt. The exemption provided for isolated sales of tangible personal property and of the granting of admissions or the privilege of use of amusement devices by nonprofit organizations pursuant to this clause shall be available only if the sum of the days on which the organization and any subsidiary nonprofit organization sponsored by it that does not have a separate sales tax exemption permit conduct sales of tangible personal property, plus the days with respect to which the organization charges for the use of amusement devices or admission to places of amusement, does not exceed eight days in a calendar year. For purposes of this clause, a "nonprofit organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, no part of the net earnings of which inures to the benefit of a private individual"

Page 11, delete lines 19 to 22 and insert "*building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract for use in the construction, alteration or repair of a building or facility;*"

Page 13, line 11, after "of" insert "*Minnesota Statutes 1980,*"

Page 13, line 19, strike "1978" and insert "1982"

Page 14, line 19, delete "*that is now*"

Page 15, line 19, delete "*generally acceptable*"

Page 15, line 19, after "*techniques*" insert "*consistent with generally acceptable accounting principles*"

Page 17, line 3, strike "\$4,000" and insert "\$6,000"

And when so amended H.F. No. 672 will be identical to S.F. No. 726, and further recommends that H.F. No. 672 be given its second reading and substituted for S.F. No. 726, 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. 519 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:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
519	958				

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. 375 for comparison with companion Senate File, the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
375	572				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 375 be amended as follows:

Page 1, line 11, after "and" insert "training and"

Page 1, line 13, delete "is authorized to" and insert "may"

Page 1, line 14, delete "have"

Page 1, line 15, delete everything before the colon

Page 1, line 23, delete everything after the period

Page 1, delete lines 24 and 25 and insert "*The commissioner shall prohibit use of participants in the programs to do work that was part or all of the duties or responsibilities of an authorized public employee position established as of January 1, 1983.*"

Page 2, line 3, after "implementation" insert "and on the cost effectiveness"

And when so amended H.F. No. 375 will be identical to S.F. No. 572, and further recommends that H.F. No. 375 be given its second reading and substituted for S.F. No. 572, 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. 794 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:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
794			919		

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. 606 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
606			732		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 606 be amended as follows:

Page 1, line 36 to page 2, line 14, delete section 2

Page 3, after line 11, insert:

“Sec. 5. Minnesota Statutes 1982, section 253B.03, subdivision 6, is amended to read:

Subd. 6. [CONSENT FOR MEDICAL PROCEDURE.] A patient has the right to prior consent to any medical or surgical treatment, other than the treatment of mental illness, mental retardation or chemical dependency. The following procedures shall be used to obtain consent for any treatment necessary to preserve the life or health of any committed patient:

- (1) The consent of a competent adult patient for the treatment is sufficient.
- (2) If the patient is subject to guardianship or conservatorship which includes the provision of medical care, the consent of the guardian or conservator for the treatment is sufficient.
- (3) If the head of the treatment facility determines that the patient is not competent to consent to the treatment and the patient has not been adjudicated incompetent, consent for the surgery shall be obtained from the nearest proper relative. For this purpose, the following persons are proper relatives, in the order listed: the patient's spouse, parent, adult child, or adult sibling. If the nearest proper relatives cannot be located or refuse to consent to the procedure, the head of the treatment facility or an interested person may petition the committing court for approval for the treatment or may petition an appropriate court for the appointment of a guardian or conservator. The determination that the patient is not competent, and the

reasons for the determination, shall be documented in the patient's clinical record.

(4) ~~Consent for a medical procedure upon a minor shall be governed by other provisions of law relating to the provision of treatment to minors to treatment of any minor patient shall be secured in accordance with sections 144.341 to 144.346, except that a minor 16 years of age or older may give valid consent for hospitalization, routine diagnostic evaluation, and emergency or short term acute care.~~

(5) In the case of an emergency and when the persons ordinarily qualified to give consent cannot be located, the head of the treatment facility may give consent.

No person who consents to treatment pursuant to the provisions of this subdivision shall be civilly or criminally liable for the performance or the manner of performing the treatment. No person shall be liable for performing treatment without consent if consent was given pursuant to this subdivision. This provision shall not affect any other liability which may result from the manner in which the treatment is performed."

Page 3, line 21, delete ", so long as" and insert "if"

Page 3, line 25, delete everything after the period

Page 3, delete lines 26 to 28

Page 3, line 29, delete the new language

Page 5, line 8, after the period insert " *The physician shall be knowledgeable and trained in the diagnosis of the alleged disability related to the need for admission as a mentally ill or mentally retarded person.*"

Page 5, line 16, delete "mentally ill,"

Page 5, line 17, delete "mentally retarded, or"

Page 8, line 1 to page 9, line 13, delete sections 14, 15, and 16

Page 10, line 4, delete "public" and insert "a"

Page 10, line 4, after "health" insert "officer"

Page 10, line 5, delete "personnel, welfare personnel" and insert "a welfare officer"

Page 10, line 7, delete "as" and insert "which"

Page 13, line 30, delete "shall have the authority to" and insert "may"

Page 13, line 31, delete "U.S. Department of Health and Human Services"

Page 13, line 32, delete the parentheses

Page 13, line 32, before "for" insert "of the United States Department of Health and Human Services"

Page 13, line 36, after "dependency." insert "The contract shall provide that the Indian Health Service may not transfer any person for admission to a regional center unless the commitment procedure utilized by the tribal court provided due process protections similar to those afforded by sections

253B.05 to 253B.10.”

Page 14, line 6, delete “; then” and insert “;”

Page 14, line 6, delete “shall have authority”

Page 14, line 7, delete “to hold and” and insert “may”

Page 14, line 8, delete everything after “Service”

Page 14, delete lines 9 to 11

Page 14, line 13, delete “shall have” and insert “has”

Page 14, line 32, strike “or” and insert a comma

Page 14, line 33, after “retardation” insert “, or chemical dependency.”

Page 14, line 33, delete the new language

Page 14, delete lines 34 and 35

Page 14, line 36, delete the new language

Page 16, line 4, delete “29” and insert “26”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete “removing the 60-day”

Page 1, delete line 10

Page 1, line 18, delete “13.”

Page 1, line 19, delete “subdivision” and insert “subdivisions”

Page 1, line 19, after “2” insert “and 6”

Page 1, line 22, delete “subdivisions” and insert “subdivision”

Page 1, line 22, delete everything after “1”

Page 1, line 23, delete the first “subdivision”

And when so amended H.F. No. 606 will be identical to S.F. No. 732, and further recommends that H.F. No. 606 be given its second reading and substituted for S.F. No. 732, 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 HOUSE BILLS

H.F. Nos. 582, 672, 519, 375, 794 and 606 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Peterson, D.C. moved that S.F. No. 497, No. 17 on Special Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Moe, R.D. moved that House Concurrent Resolution No. 4 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring:

(1) The House of Representatives and the Senate shall meet in joint convention on Tuesday, May 3, 1983, in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives, in a joint meeting, are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

MEMBERS EXCUSED

Mr. Dieterich was excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today until 1:45 p.m. Mr. Schmitz was excused from the Session of today until 1:00 p.m. Mr. Vega was excused from the Session of today at 1:30 p.m. Mr. Wegscheid was excused from the Session of today from 1:30 to 2:10 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:30 a.m., Tuesday, May 3, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-FIFTH DAY

St. Paul, Minnesota, Tuesday, May 3, 1983

The Senate met at 9:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Joseph C. Kremer.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

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.

April 29, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
47		65	April 29	April 29
402		66	April 29	April 29
	157	67	April 29	April 29
	231	68	April 29	April 29
	277	69	April 29	April 29
	342	70	April 29	April 29
	384	71	April 29	April 29
	430	72	April 29	April 29
	601	73	April 29	April 29
	638	74	April 29	April 29
	1079	75	April 29	April 29

Sincerely,

Joan Anderson Growe
Secretary of State

May 3, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 115.

Sincerely,

Rudy Perpich, Governor

RECESS

Mr. Luther moved that the Senate do now recess until 1:30 p.m. for the purpose of attending the Joint Convention. The motion prevailed.

The hour of 1:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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.

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. 756, 987, 705 and 721.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1983

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. 44: A bill for an act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

Senate File No. 44 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1983

CONCURRENCE AND REPASSAGE

Mr. Nelson moved that the Senate concur in the amendments by the House to S.F. No. 44 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 44 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Peterson, D.C.	Spear
Anderson	Dieterich	Lantry	Peterson, D.L.	Storm
Benson	Frank	Lessard	Peterson, R.W.	Stumpf
Berg	Frederickson	Luther	Petty	Taylor
Berglin	Hughes	McQuaid	Pogemiller	Ulland
Bernhagen	Isackson	Mehrkens	Purfeerst	Vega
Bertram	Jude	Merriam	Ramstad	Waldorf
Dahl	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Davis	Knutson	Nelson	Renneke	Wiflet
DeCramer	Kroening	Olson	Samuelson	
Dicklich	Kronebusch	Pehler	Schmitz	

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. 1104: A bill for an act relating to motor vehicles; clarifying requirements for issuance of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, subdivision 3.

Senate File No. 1104 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1983

CONCURRENCE AND REPASSAGE

Mr. Merriam moved that the Senate concur in the amendments by the House to S.F. No. 1104 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1104: A bill for an act relating to motor vehicles; removing requirements for issuance of a Minnesota identification card; providing for the marking of a Minnesota identification card; amending Minnesota Statutes 1982, section 171.07, subdivision 3.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Olson	Schmitz
Anderson	Frank	Laidig	Pehler	Solon
Benson	Frederick	Langseth	Peterson, D.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.L.	Storm
Berglin	Freeman	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Hughes	Luther	Petty	Taylor
Bertram	Isackson	McQuaid	Pogemiller	Ulland
Dahl	Jude	Mehrkens	Purfeerst	Vega
Davis	Kamrath	Merriam	Ramstad	Waldorf
DeCramer	Knaak	Moe, D. M.	Reichgott	Wegscheid
Dicklich	Knutson	Moe, R. D.	Renneke	Willet
Diessner	Kroening	Nelson	Samuelson	

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 refuses to concur in the Senate amendments to House File No. 90.

H.F. No. 90: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Skoglund; Rodriguez, C., and Schreiber have been appointed as such committee on the part of the House.

House File No. 90 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 May 2, 1983

Mrs. Lantry moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 90, 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 that the House refuses to concur in the Senate amendments to House File No. 365.

H.F. No. 365: A bill for an act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; and 144.652.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Clark, K.; Onnen and Greenfield have been appointed as such committee on the part of the House.

House File No. 365 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 May 2, 1983

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 365, 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. 102, 977, 996, 294 and 431.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1983

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No.102: A bill for an act relating to agricultural and residential real estate; requiring 60 days notice of default on a real estate mortgage, notice of termination of a real estate contract for deed, and eight weeks notice of commencement of a sale and foreclosure proceeding; providing that a court may order a delay in a foreclosure sale or contract termination under certain circumstances; limiting the right to maintain actions for deficiency judgments; amending Minnesota Statutes 1982, sections 47.20, by adding a subdivision; 559.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 550; proposing new law coded as Minnesota

Statutes, chapter 583.

Referred to the Committee on Finance.

H.F. No. 977: A bill for an act relating to liquor; authorizing the city of Farmington to issue a club on-sale license to an Eagles Club.

Referred to the Committee on Public Utilities and State Regulated Industries.

H.F. No. 996: A bill for an act relating to local government; authorizing the port authorities of the cities of St. Paul and Bloomington to acquire and operate a district heating system.

Referred to the Committee on Energy and Housing.

H.F. No. 294: A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; requiring sellers to disclose manufactured home safety features; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1, and by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 610, now on Special Orders.

H.F. No. 431: A bill for an act relating to employment; encouraging public and private sector pension funds to invest in Minnesota situs non-farm real estate; permitting certain public funds to participate in real estate investments; amending Minnesota Statutes 1982, sections 69.77, subdivision 2; 354A.08; and 422A.05, subdivision 2c; proposing new law coded in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 901: A bill for an act relating to state departments and agencies; transferring the planning functions of the department of energy, planning and development to a newly created state planning agency; providing a director; establishing an advisory committee; amending Minnesota Statutes 1982, sections 116J.03, subdivision 1; and 116J.42; proposing new law coded as Minnesota Statutes, chapter 116K; repealing Minnesota Statutes 1982, sections 116J.02, subdivision 1; 116J.41; 116J.46; and 116J.47.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [TRANSFER OF POWERS.]

Subdivision 1. [AUTHORIZATION.] All powers, duties, and functions vested in or imposed on the department of energy, planning and development

or the commissioner of energy, planning and development by chapters 116C, 116D, 116G, sections 116J.40 to 116J.54, and other laws are transferred to, vested in, and imposed on the director of the state planning agency created in section 9.

Subd. 2. [POSITIONS TRANSFERRED.] Personnel positions in the department of energy, planning and development in the classified civil service and temporary positions in the unclassified service established pursuant to section 43A.08, formerly assigned to functions that are transferred by this section to the state planning agency, are continued and transferred with their incumbents to the state planning agency along with the functions transferred. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Subd. 3. [BALANCES TRANSFERRED.] The unexpended balance of any appropriation to the department of energy, planning and development which was assigned to the planning division of the department or to any office within the planning division is transferred to the director of the state planning agency who shall pay all valid claims presented against those appropriations.

Subd. 4. [RECORDS TRANSFERRED.] The commissioner of energy, planning and development, the assistant commissioner for the planning division, and office directors within the planning division shall transfer to the director of the state planning agency all contracts, books, maps, plans, papers, records, and property of every description within their jurisdiction or control which are relevant to the activities and functions transferred by this section to the director of the state planning agency.

Subd. 5. [PROCEEDINGS CONTINUED.] Any proceeding, court action, prosecution, or other business or matter that is pending on the effective date of this section and that involved or was commenced by the commissioner of energy, planning and development and which involved personnel or functions transferred to the state planning agency by this section may be conducted and completed by the state planning director in the same manner, under the same terms and conditions, and with the same effect as though it involved or was commenced and conducted or completed by the officer who began it.

Subd. 6. [AUTHORITY CONTINUED.] The authority of the state planning director regarding functions transferred to the director by this section is a continuation of the authority of the officer from which it was transferred regarding those functions, with the same force and effect as though the functions, powers, or duties of the officer had not been assigned or transferred, and does not constitute a new authority for the purposes of succession to all rights, powers, duties, and obligations of the officer, as constituted at the time of the assignment or transfer. All rules adopted under authority of power, duty, or responsibility transferred by this section to the director of the state planning agency shall remain in full force and effect until amended or repealed.

Sec. 2. Minnesota Statutes 1982, section 116J.03, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] As used in sections 116J.05 to 116J.35; ~~116J.41 to 116J.54~~; 116J.58 to 116J.91; ~~299A.03~~; and 299A.04, the terms defined in this section have the meaning given them.

Sec. 3. Minnesota Statutes 1982, section 116J.42, subdivision 1, is amended to read:

Subdivision 1. [POWERS AND DUTIES.] The ~~commissioner~~ director shall:

(1) Prepare comprehensive, long range recommendations for the orderly and coordinated growth of the state including detailed recommendations ~~for long range plans of operating state departments and agencies on major public investment proposals and programs in the state.~~

(2) ~~The state, in the development of long range planning, shall take into consideration its relationship to local units of government and the planning to be accomplished on such levels.~~ Develop and maintain a statewide long range policy planning process involving local units of government, regional development commissions, the metropolitan council, and state agencies.

(3) Develop and analyze information and forecasts relating to the state's population, economy, natural resources and human services, including but not limited to: (a) collection and analysis of information necessary to enable him to report annually to the governor and the legislature on the status of the state's economy and on forecasts of medium and long term economic prospects for the state; (b) analysis and reporting on the comparability of economic data, assumptions and analyses used by other planning entities, state agencies and levels of government as he deems appropriate; (c) assessment of the implications of demographic, economic and programmatic trends on state and local policies and institutions for providing health, education and other human services; and (d) assessment of the availability and quality of data for long range planning and policy development.

(4) Assist the governor in developing and evaluating alternative long range policies and strategies.

(5) Act in coordination with the department of finance and affected state agencies in the planning and financing of major public programs, including but not limited to capital improvements.

(6) Initiate studies of major policy issues having long range implications.

(7) Provide planning assistance to local, regional, and state agencies, and coordinate these levels of planning with the state long range policy planning process.

Sec. 4. Minnesota Statutes 1982, section 116J.42, subdivision 2, is amended to read:

Subd. 2. The ~~commissioner~~ director shall:

(1) Review ~~current programming and future planning plans, studies and proposed studies,~~ of all state departments and agencies.

(2) Report regularly and on or before November 15 of each even numbered year to the legislature, reviewing in each report the state planning program, and the progress and development thereof. Thereafter, as soon as

practicable, he shall make recommendations for desirable legislation and necessary appropriations.

(3) ~~To the extent practicable coordinate with state budgets the items therein relating to and reflecting statewide planning as authorized by the legislature and as recommended for the consideration of the legislature.~~

(4) ~~Require each state department and agency having planning programs to regularly file copies thereof with him for review.~~

(5) (3) ~~Make available to the legislature or any authorized committee or commission thereof information concerning statewide development plans and basic research from which the plans have been developed.~~

(6) ~~Act as the coordinating agency for the planning activities of all state departments and agencies and local levels of government.~~

(7) ~~Review all plans filed with the federal government by state departments and agencies pursuant to section 16A-30, or any other law as a part of his duties prescribed by this section. The commissioner of finance shall furnish the commissioner the information required by this clause.~~

(8) ~~Encourage the development of planning programs by state departments and agencies and local levels of government.~~

(9) ~~Act as the coordinating agency for submission of the environmental impact statements required by the National Environmental Policy Act and the state's comments thereon to the appropriate federal agencies.~~

(4) *Develop and maintain, in consultation with local government elected officials, a process and procedures for the review of federal grant applications, and the coordination of planning activities including state and local responsibilities as existed on January 1, 1983, in federal Office of Management and Budget Circular A-95, Parts I, II, III, and IV; and the federal Executive Order 12372.*

(5) *Assist the governor and the commissioner of finance in the review of biennial budget proposals and in the analysis of major public investments.*

(6) *Promote awareness by citizens and public officials of major long range trends and policy issues.*

Sec. 5. Minnesota Statutes 1982, section 116J.42, subdivision 4, is amended to read:

Subd. 4. The commissioner *director* shall:

(1) ~~Undertake studies to obtain information and data on urban and rural needs, assistance programs, and activities. The commissioner shall provide technical assistance and advice in the solution of such problems. The duties of the commissioner shall include, but are not limited to, the assembly, the correlation, and dissemination of physical, social, and economic development data to inform local governmental units and interested persons and organizations of the availability and status of federal, state, and local programs and other resources for the solution of urban and rural problems;~~

(2) ~~Make available to the governor and the legislature pertinent information relating to federal grants in aid to local governmental units and an analysis thereof;~~

(3) Inform local governmental units about federal programs of social or economic aid or assistance for which they are eligible, together with the criteria, standards, and conditions upon which the aid is based. Conduct research and make recommendations to the governor and the legislature concerning relationships among federal, state, and local governments; and review and report on changes in federal policies and budgets as they affect the state and state and local government programs;

(3) Provide regional development commissions, the metropolitan council, and units of local government with information, technical assistance, training, and advice in utilizing federal and state programs;

(4) Receive and administer the small cities community development block grant program authorized by the Congress under the Housing and Development Act of 1974, as amended; and

(5) Receive and administer other state and federal grants and grant programs for planning, community affairs, community development purposes, and other state and federal programs assigned to the agency by law or by the governor in accordance with section 4.07.

Sec. 6. Minnesota Statutes 1982, section 116J.42, subdivision 7, is amended to read:

Subd. 7. The ~~commissioner~~ director shall:

(1) Appoint the state demographer who shall be compensated in accordance with section 43A.18, subdivision 3. The state demographer shall be professionally competent in the field of demography and shall possess demonstrated ability, based upon experience and past performance;

~~(1) Shall~~ (2) Continuously gather and develop demographic data within the state;

~~(2) Shall~~ (3) Design and test methods of research and data collection;

~~(3) Shall have the power to Call upon any agency of the state or political subdivision for data as may be available, and the agencies and political subdivisions shall cooperate to the fullest extent possible;~~

~~(4) Shall~~ Periodically prepare population projections for designated regions and for the state and may periodically prepare projections for each county, or other political or geographic division as necessary to carry out the purposes of this section;

~~(5) Shall~~ Review, comment, and prepare analysis of population estimates and projections made by state agencies, political subdivisions, other states, federal agencies or nongovernmental persons, institutions or commissions;

~~(6) Shall~~ Serve as the state liaison with the federal bureau of census, ~~shall~~ and coordinate his activities with federal demographic activities to the fullest extent possible, and shall aid the legislature in preparing a census data plan and form for each decennial census;

~~(7) Shall~~ Compile an annual study of population estimates on the basis of county, regional or other political or geographic divisions as necessary to carry out the purposes of this subdivision and section 116J.43;

~~(8) Shall;~~ On or before January 1 of each year, issue a report to the legis-

lature containing an analysis of the demographic implications of the annual population study and population projections;

(9) ~~Shall~~ Cause to be prepared maps of all counties in the state, all municipalities with a population of 10,000 or more, and any other municipalities as deemed necessary for census purposes, according to scale and detail recommended by the federal bureau of the census, with the maps of cities showing boundaries of precincts; and

(10) ~~Shall annually~~ Prepare a population estimate for each governmental subdivision for which the metropolitan council does not prepare an annual population estimate, and shall communicate the estimate to the governing body of each governmental subdivision by May 1 of each year.

Sec. 7. Minnesota Statutes 1982, section 116J.42, subdivision 8, is amended to read:

Subd. 8. ~~The commissioner may~~ (1) *The land management information center is established to foster integration of environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development;*

(2) *A service bureau shall be established to charge a fee fees to each user of the Minnesota land management clients for information system products and services;*

(3) *A revolving fund shall be established that does not cancel and expend moneys to recover operational costs of services and products and for computer equipment replacement and system enhancement; and*

(4) *The director shall periodically compile studies of land use and natural resources on the basis of county, regional, and other political subdivisions.*

Sec. 8. Minnesota Statutes 1982, section 116J.42, subdivision 9, is amended to read:

Subd. 9. [JUVENILE JUSTICE.] The governor shall designate the ~~department of energy, state planning, and development agency~~ as the sole agency responsible for supervising the preparation and administration of the state plan for juvenile justice required by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The governor shall designate the Juvenile Justice Advisory Committee as the supervisory board for the ~~department of energy, state planning and development agency~~ with respect to preparation and administration of the state plan and award of grants.

The governor shall appoint members to the Juvenile Justice Advisory Committee in accordance with the membership requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

Sec. 9. [116K.02] [STATE PLANNING AGENCY.]

Subdivision 1. [CREATION.] A state planning agency is created in the executive branch of the state government.

Subd. 2. [DIRECTOR.] The governor shall appoint a director of planning who is in the unclassified service of the state. He shall be professionally competent in the fields of public administration and planning and shall pos-

ness demonstrated ability, based upon experience and past performance, to perform the duties of state planning director.

Subd. 3. [ORGANIZATION.] The director shall organize the agency and employ the officers, employees, and agents as the director deems necessary to discharge the functions of his office, and define their duties. The director shall appoint a deputy director and division directors who shall serve in the unclassified service of the state. To fulfill long range planning objectives requiring special projects fully anticipated to be of limited duration, the director shall request temporary unclassified positions pursuant to section 43A.08, subdivision 2a. All other officers, employees, and agents are in the classified service of the state civil service.

Subd. 4. [STAFF.] The director shall employ personnel with qualifications as are needed to perform the duties prescribed in sections 2 to 9.

Sec. 10. [INSTRUCTIONS TO THE REVISOR.]

Subdivision 1. [TERMS.] (a) The revisor of statutes shall substitute the terms "director of the state planning agency" or "director" or "state planning agency" or "agency" or similar terms as appropriate for the terms "commissioner" or "department" meaning the commissioner or department of energy, planning and development, and similar terms where those terms appear in chapters 116C, 116D, and 116G, sections 116J.40 to 116J.54, and other laws relating to the planning functions of the department of energy, planning and development.

(b) The revisor of statutes shall remove the term "planning" wherever it appears in Minnesota Statutes in reference to the department of energy, planning and development, the commissioner of energy, planning and development or similar terms to reflect the removal of the planning functions from that department.

Subd. 2. [RENUMBERING.] The revisor of statutes shall renumber each section specified in column A with the numbers set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A	Column B
116J.40	116K.01
116J.42	116K.04
116J.43	116K.05
116J.44	116K.06
116J.45	116K.07
116J.48	116K.08
116J.49	116K.09
116J.50	116K.10
116J.51	116K.11
116J.52	116K.12
116J.53	116K.13
116J.54	116K.14

Sec. 11. [REPEALER.]

Minnesota Statutes 1982, sections 116J.02, subdivision 1; 116J.41; 116J.42, subdivisions 3, 5, and 6; 116J.46; and 116J.47, are repealed.

Amend the title as follows:

Page 1, line 8, before the semicolon, insert “, subdivisions 1, 2, 4, 7, 8, and 9”

Page 1, line 10, after the second semicolon, insert “116J.42, subdivisions 3, 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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 521 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
521	853				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 521 be amended as follows:

Page 1, delete lines 37 to 39

Page 2, delete lines 1 to 24 and insert:

“Subdivision 1. [FILING; FEE; HEARING.] The incorporators of ~~any~~ a bank proposed to be organized under the laws of this state shall execute and acknowledge ~~an~~ a written application, ~~in writing~~, in the form prescribed by the department of commerce, ~~and shall file the same in its office, which.~~ The application shall ~~must~~ be signed by two or more of the incorporators, ~~requesting and request~~ a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. ~~At the time of filing the application~~ The applicant shall ~~pay file the application with the department with a \$1,000 filing fee of \$1,000, which shall be paid into the state treasury and credited to the general fund and shall pay to the commissioner of banks the sum of and a \$500 as a investigation fee for investigating the application which shall.~~ The fees ~~must~~ be turned over by him to the state treasurer and credited ~~by the treasurer~~ to the general fund ~~of the state.~~ Thereupon the commission shall fix a time, within 60 days after the filing of the application, for a hearing ~~at its office at the state capitol, at which hearing it shall to~~ decide whether or not the application ~~shall will~~ be granted. A notice of the hearing ~~shall must~~ be published in the form prescribed by the commission in ~~some~~ a newspaper published in the municipality in which the proposed bank is to be located, and if there ~~be is~~ no such newspaper, then at the county-seat of the county in which the bank is proposed to be located. The notice ~~shall must~~ be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the commission shall consider the application and hear the applicants and ~~such~~ witnesses as ~~that~~ may appear in favor of or against the granting”

Page 2, line 26, after the comma insert “50 percent of”

Page 2, line 29, after “fund,” delete “shall” and insert “must”

Page 2, line 29, after "and" insert "50 percent by the"

Page 2, line 30, delete "equally"

Page 3, line 11, delete everything after "53.10"

Page 3, delete line 12

Page 3, line 13, delete everything before the period

Page 3, delete lines 26 to 36

Page 4, delete lines 1 to 18 and insert:

"Subdivision 1. [APPLICATION.] Any bank desiring to establish a detached facility shall execute and acknowledge ~~an~~ a written application, ~~in writing~~; in the form prescribed by the commissioner; and shall file the application in the commissioner's office; ~~together~~ with a fee of \$500; ~~and~~. If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the commissioner in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by the applicant and 50 percent by the intervening parties. Thereupon the applicant shall publish a notice of the filing of the application in a newspaper published in the municipality in which the proposed detached facility is to be located, and if there is no such newspaper, then at the county seat of the county in which the facility is proposed to be located. The notice ~~shall~~ must be in the form prescribed by the commissioner and, in addition to the publication, the applicant ~~shall~~ must mail a copy of the notice by certified mail to every bank located within three miles of the proposed location of the detached facility, measured in the manner as provided ~~above~~ in section 47.52."

Page 5, line 12, strike "same"

Page 5, line 20, strike "any such" and insert "these"

Page 5, line 24, strike "when"

Page 5, line 25, strike "such" and insert "if the"

Page 5, line 29, strike "providing" and insert "if"

Page 6, line 20, strike "; provided, that" and insert ". However,"

Page 6, after line 22, insert:

"Sec. 7. [48.90] [DISPOSITION OF CREDIT INSURANCE INCOME.]

Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the following terms have the meanings given them.

(b) "Credit insurance" means credit life and accident and health insurance as defined in section 62B.02.

(c) "Officer", "director", "employee", and "shareholder" include the spouse and minor children of the officer, director, employee, or shareholder.

(d) "Interest" includes ownership through a spouse or minor children; ownership through a broker, nominee, or agent; and ownership through a corporation, partnership, association, joint venture, or proprietorship.

Subd. 2. [SCOPE AND PURPOSE.] This section applies to sales of credit insurance by employees, officers, directors, and shareholders of a banking institution and by corporations, partnerships, associations, and other entities in which these persons have an interest. The purposes of this section are (1) to prohibit employees, officers, directors, and shareholders of banking institutions from benefiting personally on the sale of credit insurance to loan customers and (2) to encourage marketing of credit insurance through the use of banking facilities only under arrangements which assure that employees, officers, directors, and shareholders do not receive benefits not shared with all stockholders of the banking institution.

Subd. 3. [DISTRIBUTION OF CREDIT INSURANCE INCOME.] No employee, officer, director, or shareholder of a banking institution, nor a corporation, partnership, association, or other entity in which these persons have an interest, may retain commissions or other income from the sale of credit insurance in connection with a loan made by the banking institution. All such income received by these persons or by a corporation, partnership, association, or other entity in which these persons have an interest, must be turned over to the banking institution. Nothing in this section prohibits a banking institution from receiving the income directly in the form of commissions or as compensation for use of its premises, personnel, and good will."

Page 6, line 29, delete "together"

Page 6, line 35, strike "as may be"

Page 6, line 36, strike "requested," and insert "by request"

Page 6, line 36, strike "as may be obtained"

Page 7, line 19, strike ", and" and insert a semicolon

Page 7, line 20, after "corporations;" insert "and stating"

Page 7, line 33, strike "as may be"

Page 8, line 32, strike "same" and insert "them"

Page 8, line 33, strike the comma after "fact"

Page 9, line 21, strike "so"

Page 10, line 13, strike "; provided, that" and insert ". However,"

Page 11, delete lines 3 to 35

Page 12, line 4, after "a" insert "\$1,000"

Page 12, line 4, strike "of \$1,000"

Page 12, line 6, strike "the sum of" and insert "a"

Page 12, line 6, strike "as a" and insert "investigation"

Page 12, line 7, strike "for investigating the application"

Page 12, line 8, after the comma insert "50 percent of"

Page 12, line 11, after "and" insert "50 percent by the"

Page 12, line 12, delete "equally"

Page 12, line 18, after "a" insert "\$1,000"

Page 12, line 18, strike "of \$1,000"

Page 12, line 20, after "contested," insert "50 percent of"

Page 12, line 23, after "and" insert "50 percent by the"

Page 12, line 24, delete "equally"

Page 13, line 34, strike "such"

Page 14, line 26, strike "cause an" and insert "file a written"

Page 14, line 26, strike ", in writing, to"

Page 14, line 27, strike "be made to" and insert "with"

Page 14, line 29, strike "and filed in"

Page 14, line 30, strike "its office"

Page 15, delete lines 1 to 12

Page 15, line 13, delete the new language and insert "applicant shall pay a \$1,000 filing fee of \$500; to be paid into the state treasury and credited to the general fund and also shall pay to the commissioner of banks the sum of \$250 and a \$500 as a investigation fee for investigating the application, which fee shall. The fees must be turned over by the commissioner to the state treasurer and credited to the general fund of the state, and. The applicant shall also submit a copy of the bylaws of the corporation, its articles of incorporation and all amendments thereto at that time. If the application is contested, the applicant shall pay 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited to the general fund of the state shall be paid by the applicant and 50 percent by the intervening parties"

Page 16, line 3, before "the" insert "Where" and strike it

Page 16, line 4, delete "Where" and insert "If"

Page 16, line 35, after "contested," insert "50 percent of"

Page 17, line 2, strike "shall" and insert ", must"

Page 17, line 3, before "intervening" insert "50 percent by the"

Page 17, line 3, delete "equally"

Page 17, line 11, strike "shall" and insert "May"

Page 18, line 25, strike "provided,"

Page 21, line 23, strike "provided further that"

Page 23, line 34, delete "must be made"

Page 23, line 35, delete "orally and provided in writing"

Page 23, line 36, after the stricken "shall" insert "must"

Page 23, line 36, reinstate "be provided"

Page 23, line 36, after "borrower" insert "before the transaction is completed for each credit life and accident and health coverage sold"

Page 23, line 36, strike "before the"

Page 24, line 1, strike the old language and delete the new language

Page 24, line 2, delete the new language

Page 24, line 6, reinstate "THE CREDIT LIFE INSURANCE"

Page 24, line 6, after the stricken "AND" insert "(OR"

Page 24, line 6, reinstate "CREDIT"

Page 24, line 7, reinstate the stricken language

Page 24, line 7, after "INSURANCE" insert "J"

Page 24, lines 8 to 16, reinstate the stricken language

Page 26, line 23, delete "making application" and insert "applying"

Page 26, line 26, strike "provided" and insert "however"

Page 26, line 31, strike "transacting the same" and insert "business"

Page 26, line 33, after "state" strike the comma

Page 27, line 7, strike "the same" and insert "it"

Page 27, line 9, strike the semicolon and insert a comma

Page 27, line 10, strike the second comma

Page 27, line 17, strike "provided that" and insert ". However,"

Page 27, line 31, strike "When" and insert "If"

Page 27, line 32, after "provides" insert a comma

Page 27, line 34, after "business of" insert "a"

Page 27, line 35, strike "banks"

Page 27, line 35, before "must" insert "bank"

Page 28, line 8, delete "28 and"

Page 28, line 8, delete "to 32"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 21, before "amending" insert "providing that no employee, officer, director, or shareholder of a banking institution, or a corporation, partnership, or association in which these persons have an interest, may retain income from the sale of credit insurance in connection with a loan made by the banking institution; providing that the income must be turned over to the banking institution;"

Page 1, line 25, delete "51A.23, subdivisions 6 and 7;"

Page 1, line 32, delete "47" and insert "48"

And when so amended H.F. No. 521 will be identical to S.F. No. 853, and further recommends that H.F. No. 521 be given its second reading and substituted for S.F. No. 853, and that the Senate File be indefinitely post-

poned.

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 HOUSE BILLS

H.F. No. 521 was read the second time.

MOTIONS AND RESOLUTIONS

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Special Orders Calendar. The motion prevailed.

SPECIAL ORDER

H.F. No. 558: A bill for an act relating to commerce; altering certain interest rate provisions on renegotiations of conventional and cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

Mr. Wegscheid moved to amend H.F. No. 558, the unofficial engrossment, as follows:

Page 8, line 8, after the period, insert "*Notwithstanding the provisions of section 334.01,*"

Page 8, line 13, delete "*and*"

Page 8, delete line 14

Page 8, line 15, delete "*loan or contract is disclosed*"

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend H.F. No. 558, the unofficial engrossment, as follows:

Page 7, line 18, delete the new language.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

Berglin	Dicklich	Kroening	Pehler	Samuelson
Chmielewski	Diessner	Luther	Peterson, D.C.	Solon
Dahl	Dieterich	Moe, D. M.	Pogemiller	Spear
Davis	Frank	Nelson	Purfeerst	Willet
DeCramer	Freeman	Novak	Reichgott	

Those who voted in the negative were:

Adkins	Frederickson	Kronebusch	Olson	Storm
Anderson	Hughes	Laidig	Peterson, C.C.	Stumpf
Belanger	Isackson	Langseth	Peterson, D.L.	Taylor
Benson	Johnson, D.E.	Lantry	Peterson, R.W.	Ulland
Berg	Jude	Lessard	Petty	Waldorf
Bernhagen	Kamrath	McQuaid	Ramstad	Wegscheid
Bertram	Knaak	Mehrkins	Schmitz	
Frederick	Knutson	Merriam	Sieloff	

The motion did not prevail. So the amendment was not adopted.

H.F. No. 558 was then progressed.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Mr. Hughes moved that the reports from the Committee on Elections and Ethics, reported April 25, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Hughes moved that the foregoing reports be now adopted. The motion prevailed.

Mr. Hughes moved that in accordance with the reports from the Committee on Elections and Ethics, reported April 25, 1983, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE ETHICAL PRACTICES BOARD

William W. McCutcheon, 2238 Edgebrook Street, St. Paul, Ramsey County, effective May 18, 1982, for a term expiring the first Monday in January, 1986.

Leonard C. Myrah, Route 2, Spring Grove, Houston County, effective July 6, 1982, for a term expiring the first Monday in January, 1984.

Myra S. Greenberg, 756 Pontiac Place, Mendota Heights, Dakota County, effective April 25, 1982, for a term expiring the first Monday in January, 1985.

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.

Messrs. Taylor, Nelson, Ramstad, Pehler and Belanger introduced—

S.F. No. 1217: A bill for an act relating to unemployment compensation; authorizing employers to participate in a shared work benefit program; proposing new law coded in Minnesota Statutes, chapter 268.

Referred to the Committee on Employment.

Mr. Ramstad, Mrs. McQuaid and Ms. Olson introduced—

S.F. No. 1218: A bill for an act relating to taxation; income; adopting federal income tax treatment of certain retirement plans; amending Minnesota Statutes 1982, section 290.01, subdivisions 20a, as amended and 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Johnson, D.J. was excused from the Session of today at 2:50 p.m. Messrs. Knaak and Laidig were excused from the Session of today until 1:50 p.m. Mr. Moe, R.D. was excused from the Session of today at 2:30 p.m.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 9:00 a.m., Wednesday, May 4, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, May 4, 1983

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Roger F. Carroll.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrrens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

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 communication was received and referred to the committee indicated.

March 1, 1983

The Honorable Jerome M. Hughes
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:

Earl B. Gustafson, 984 Ashland Avenue, St. Paul, Ramsey County, has

been appointed by me, effective February 19, 1983, for a term expiring the first Monday in January, 1989.

(Referred to the Committee on Taxes and Tax Laws.)

Sincerely,
Rudy Perpich, 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. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 294 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
294	610				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 294 be amended as follows:

Page 1, line 15, reinstate the stricken "and" and delete the new language

Page 1, line 16, delete the new language

Page 2, line 13, before "The" insert "*The park may not charge you an entrance fee.*"

Page 5, after line 10, insert:

"It is also recommended that the buyer check the floor area around the water heater and furnace compartments. A weakened floor can create a fire hazard."

Page 6, line 23, delete everything after the period

Page 6, delete lines 24 and 25

Page 6, after line 29, insert:

"I, _____, the undersigned, hereby declare that the above information is true and correct to the best of my knowledge."

Delete page 6, line 36 to page 7, line 2

Page 7, line 6, delete the quote mark

Page 7, delete lines 7 and 8

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring compliance with certain home safety features;"

And when so amended H.F. No. 294 will be identical to S.F. No. 610, and further recommends that H.F. No. 294 be given its second reading and substituted for S.F. No. 610, 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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which were referred the following appointments as reported in the Journal for January 24, 1983:

CABLE COMMUNICATIONS BOARD

Martin J. Pinkney

Faith Zwemke

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. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred the following appointment as reported in the Journal for February 10, 1983:

CABLE COMMUNICATIONS BOARD

Eugene F. Trumble

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 HOUSE BILLS

H.F. No. 294 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Kroening moved that the name of Mr. Merriam be added as a co-author to S.F. No. 683. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Special Orders Calendar. The motion prevailed.

SPECIAL ORDER

S.F. No. 1003: A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Sieloff
Anderson	Dieterich	Kronebusch	Olson	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R. W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D. E.	Mehrkens	Ramstad	Waldorf
Dahl	Johnson, D. J.	Merriam	Reichgott	Wegscheid
Davis	Jude	Moe, D. M.	Renneke	Willet
DeCramer	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Nelson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 166: A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C. C.	Spear
Benson	Frederick	Langseth	Peterson, D. C.	Storm
Berg	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R. W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D. E.	Mehrkens	Ramstad	Waldorf
Dahl	Johnson, D. J.	Merriam	Reichgott	Wegscheid
Davis	Jude	Moe, D. M.	Renneke	Willet
DeCramer	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Novak	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 540: A bill for an act relating to crimes; creating the crimes of

unlawfully obtaining services from a provider of regular route transit and unlawfully interfering with a transit operator while the operator is performing his or her duties; prohibiting disruptive behavior on a transit vehicle; providing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

Was read the third time 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Peterson, D.C.	Sieloff
Anderson	Frederick	Kronebusch	Peterson, D.L.	Solon
Belanger	Frederickson	Laidig	Peterson, R.W.	Spear
Benson	Freeman	Luther	Petty	Storm
Berg	Hughes	McQuaid	Pogemiller	Taylor
Berglin	Isackson	Mehrkens	Purfeerst	Ulland
Brataas	Johnson, D.E.	Merriam	Ramstad	Vega
Davis	Johnson, D.J.	Novak	Reichgott	Waldorf
Dicklich	Jude	Olson	Renneke	
Diessner	Kamrath	Pehler	Samuelson	
Dietrich	Knaak	Peterson, C.C.	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 74: A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Kronebusch	Peterson, D.C.	Solon
Anderson	Frederickson	Laidig	Peterson, D.L.	Spear
Belanger	Freeman	Luther	Petty	Storm
Benson	Hughes	McQuaid	Pogemiller	Stumpf
Berg	Isackson	Mehrkens	Purfeerst	Taylor
Berglin	Johnson, D.E.	Merriam	Ramstad	Ulland
Brataas	Johnson, D.J.	Moe, D. M.	Reichgott	Vega
Dicklich	Jude	Novak	Renneke	Waldorf
Diessner	Kamrath	Olson	Samuelson	
Dietrich	Knaak	Pehler	Schmitz	
Frank	Kroening	Peterson, C.C.	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 31: A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

Was read the third time 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 6, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Kronebusch	Pehler	Renneke
Belanger	Hughes	Laidig	Peterson, C.C.	Schmitz
Berglin	Isackson	Luther	Peterson, D.C.	Sieloff
Bernhagen	Johnson, D.E.	McQuaid	Peterson, D.L.	Solon
Dicklich	Johnson, D.J.	Mehrkens	Peterson, R.W.	Spear
Diessner	Jude	Merriam	Pogemiller	Storm
Dieterich	Kamrath	Moe, D. M.	Purfeerst	Ulland
Frank	Knaak	Novak	Ramstad	Vega
Frederickson	Kroening	Olson	Reichgott	

Those who voted in the negative were:

Anderson	Berg	Brataas	Frederick	Taylor
Benson				

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 606: A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; authorizing the commissioner to accept admissions to regional centers from the Indian Health Service; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivisions 2 and 6; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.06; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivision 1; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22, subdivision 1; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26; proposing new law coded in Minnesota Statutes, chapter 253B.

Mr. Spear moved to amend H.F. No. 606, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 732.)

Page 1, after line 33, insert:

"Sec. 2. Minnesota Statutes 1982, section 253B.02, subdivision 13, is amended to read:

Subd. 13. [MENTALLY ILL PERSON.] "Mentally ill person" means any person who has *an organic disorder of the brain or a substantial psychiatric disorder of thought, mood, perception, orientation, or memory which grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, which (a) is manifested by instances of grossly disturbed behavior or faulty perceptions; and (b) poses a substantial likelihood of physical harm to himself or others as demonstrated by (i) a recent*

attempt or threat to physically harm himself or others, or (ii) a failure to provide necessary food, clothing, shelter or medical care for himself, as a result of the impairment. This impairment excludes (a) epilepsy, (b) mental retardation, (c) brief periods of intoxication caused by alcohol or drugs, or (d) dependence upon or addiction to any alcohol or drugs."

Page 11, line 6, delete "review statement" and insert "treatment report"

Page 15, line 16, delete "26" and insert "27"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, after "5," insert "13,"

The motion prevailed. So the amendment was adopted.

H.F. No. 606 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kamrath	Novak	Renneke
Anderson	Frank	Knaak	Olson	Schmitz
Belanger	Frederick	Kroening	Pehler	Sieloff
Benson	Frederickson	Kronebusch	Peterson,C.C.	Solon
Berg	Freeman	Laidig	Peterson,D.C.	Spear
Berglin	Hughes	Luther	Peterson,D.L.	Storm
Bernhagen	Isackson	McQuaid	Pogemiller	Taylor
Brataas	Johnson, D.E.	Merriam	Purfeerst	Ulland
Dicklich	Johnson, D.J.	Moe, D. M.	Ramstad	Vega
Diessner	Jude	Nelson	Reichgott	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1008: A bill for an act relating to courts; authorizing the appointment of court referees; amending Minnesota Statutes 1982, sections 260.031, subdivision 1; 484.65, subdivisions 4, 5, and 6; and 484.70, subdivision 1; repealing Minnesota Statutes 1982, section 484.701.

Was read the third time 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 4, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Peterson,C.C.	Sieloff
Anderson	Frank	Kronebusch	Peterson,D.C.	Solon
Belanger	Frederick	Laidig	Peterson,D.L.	Storm
Benson	Freeman	Luther	Pogemiller	Taylor
Berg	Hughes	McQuaid	Purfeerst	Ulland
Berglin	Isackson	Nelson	Ramstad	Vega
Bernhagen	Johnson, D.E.	Novak	Reichgott	
Dicklich	Kamrath	Olson	Renneke	
Diessner	Knaak	Pehler	Schmitz	

Messrs. Jude; Merriam; Moe, D.M. and Spear voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 557: 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; amending Minnesota Statutes 1982, section 549.21; proposing new law coded in Minnesota Statutes, chapter 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Olson	Schmitz
Anderson	Frederick	Kronebusch	Pehler	Sieloff
Belanger	Frederickson	Laidig	Peterson, C.C.	Solon
Benson	Freeman	Luther	Peterson, D.C.	Spear
Berg	Hughes	McQuaid	Peterson, D.L.	Storm
Berglin	Isackson	Mehrkens	Peterson, R.W.	Taylor
Bernhagen	Johnson, D.E.	Merriam	Pogemiller	Ulland
Dicklich	Jude	Moe, D. M.	Ramstad	Vega
Diessner	Kamrath	Nelson	Reichgott	
Dieterich	Knaak	Novak	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1152: A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Olson	Schmitz
Anderson	Frederick	Kronebusch	Pehler	Sieloff
Belanger	Frederickson	Laidig	Peterson, C.C.	Solon
Berg	Freeman	Luther	Peterson, D.C.	Spear
Berglin	Hughes	McQuaid	Peterson, D.L.	Storm
Bernhagen	Isackson	Mehrkens	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	Merriam	Pogemiller	Ulland
Dicklich	Jude	Moe, D. M.	Ramstad	Vega
Diessner	Kamrath	Nelson	Reichgott	
Dieterich	Knaak	Novak	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 794: A bill for an act relating to the legislature; enacting the present legislative apportionment into statutory form with minor alterations;

amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

Was read the third time 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 30, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Novak	Schmitz
Belanger	Frank	Lessard	Peterson, C.C.	Solon
Berglin	Freeman	Luther	Peterson, D.C.	Stumpf
Dahl	Hughes	Merriam	Petty	Vega
Davis	Johnson, D.J.	Moe, D. M.	Pogemiller	Waldorf
DeCramer	Jude	Moe, R. D.	Purfeerst	Wegscheid
Dicklich	Kroening	Nelson	Samuelson	

Those who voted in the negative were:

Anderson	Dieterich	Knaak	Olson	Sieloff
Benson	Frederick	Kronebusch	Pehler	Spear
Berg	Frederickson	Laidig	Peterson, D.L.	Storm
Bernhagen	Isackson	Langseth	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	McQuaid	Ramstad	Ulland
Chmielewski	Kamrath	Mehrkens	Renneke	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 359: A bill for an act relating to taxation; providing a transitional period of exemption from the tax on aggregate materials under certain circumstances.

Was read the third time 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:

Adkins	Dicklich	Knaak	Novak	Samuelson
Anderson	Diessner	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.L.	Storm
Bernhagen	Freeman	Lessard	Peterson, R.W.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Brataas	Isackson	McQuaid	Pogemiller	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Johnson, D.J.	Merriam	Ramstad	Waldorf
Davis	Jude	Moe, D. M.	Reichgott	Wegscheid
DeCramer	Kamrath	Nelson	Renneke	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 85: A bill for an act relating to taxation; providing a property tax

credit to certain veterans awarded the congressional medal of honor; appropriating money; 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 60 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Nelson	Samuelson
Anderson	Diessner	Knaak	Novak	Schmitz
Belanger	Dieterich	Kroening	Olson	Sieloff
Benson	Frank	Kronebusch	Pehler	Solon
Berg	Frederick	Laidig	Peterson, C.C.	Storm
Bernhagen	Frederickson	Langseth	Peterson, D.C.	Stumpf
Bertram	Freeman	Lantry	Peterson, D.L.	Taylor
Brataas	Hughes	Lessard	Pogemiller	Ulland
Chmielewski	Isackson	Luther	Purfeerst	Vega
Dahl	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Davis	Johnson, D.J.	Mehrkens	Reichgott	Wegscheid
DeCramer	Jude	Merriam	Renneke	Willet

Ms. Berglin, Messrs. Peterson, R.W.; Petty and Spear voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 984: A bill for an act relating to taxation; authorizing cities to impose taxes on the gross receipts from the furnishing of certain lodging; requiring these funds to be dedicated to tourism marketing and promotion; proposing new law coded in Minnesota Statutes, chapter 477A.

Was read the third time 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 20, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Langseth	Petty	Stumpf
Anderson	Hughes	Lessard	Purfeerst	Taylor
Bernhagen	Isackson	McQuaid	Ramstad	Ulland
Chmielewski	Johnson, D.E.	Mehrkens	Reichgott	Vega
Dahl	Johnson, D.J.	Moe, R. D.	Renneke	Waldorf
Davis	Jude	Nelson	Samuelson	Wegscheid
DeCramer	Kamrath	Novak	Schmitz	Willet
Frank	Kroening	Olson	Sieloff	
Frederick	Kronebusch	Peterson, C.C.	Solon	

Those who voted in the negative were:

Belanger	Dicklich	Knaak	Merriam	Peterson, R.W.
Berg	Diessner	Laidig	Pehler	Pogemiller
Berglin	Dieterich	Lantry	Peterson, D.C.	Spear
Bertram	Freeman	Luther	Peterson, D.L.	Storm

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1092: A bill for an act relating to motor vehicles; allowing the

holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Nelson	Schmitz
Anderson	Dieterich	Kronebusch	Novak	Sieloff
Belanger	Frank	Laidig	Olson	Solon
Benson	Frederick	Langseth	Peterson, C.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Isackson	Luther	Petty	Ulland
Bertram	Johnson, D.E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Kamrath	Moe, D. M.	Reichgott	Willett
Dicklich	Knaak	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1108: A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Schmitz
Anderson	Dieterich	Kronebusch	Olson	Sieloff
Belanger	Frank	Laidig	Pehler	Solon
Benson	Frederick	Langseth	Peterson, C.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.C.	Storm
Berglin	Freeman	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Luther	Peterson, R.W.	Ulland
Bertram	Isackson	McQuaid	Petty	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Merriam	Purfeerst	Wegscheid
Davis	Jude	Moe, D. M.	Reichgott	Willett
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 463: A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Peterson, C. C.	Solon
Anderson	Dieterich	Langseth	Peterson, D. C.	Spear
Belanger	Frank	Lantry	Peterson, D. L.	Storm
Benson	Frederickson	Lessard	Peterson, R. W.	Stumpf
Berg	Freeman	Luther	Petty	Taylor
Berglin	Hughes	McQuaid	Pogemiller	Ulland
Bernhagen	Isackson	Mehrkens	Purfeerst	Vega
Bertram	Johnson, D. J.	Merriam	Ramstad	Waldorf
Chmielewski	Jude	Moe, D. M.	Reichgott	Wegscheid
Dahl	Kamrath	Moe, R. D.	Renneke	Willet
Davis	Knaak	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	
Dicklich	Kronebusch	Pehler	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1147: A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Laidig	Pehler	Spear
Anderson	Frank	Langseth	Peterson, C. C.	Storm
Belanger	Frederickson	Lantry	Peterson, D. C.	Stumpf
Benson	Freeman	Lessard	Peterson, D. L.	Taylor
Berglin	Hughes	Luther	Peterson, R. W.	Ulland
Bernhagen	Isackson	McQuaid	Petty	Vega
Bertram	Johnson, D. E.	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D. J.	Merriam	Purfeerst	Wegscheid
Dahl	Jude	Moe, D. M.	Ramstad	Willet
Davis	Kamrath	Moe, R. D.	Reichgott	
DeCramer	Knaak	Nelson	Renneke	
Dicklich	Kroening	Novak	Sieloff	
Diessner	Kronebusch	Olson	Solon	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 911: A bill for an act relating to utilities; specifying the commission's authority over the availability of submetering; amending Minnesota Statutes 1982, section 216B.02, subdivision 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 216B.

Was read the third time 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:

Adkins	Dicklich	Kamrath	Merriam	Reichgott
Anderson	Diessner	Knaak	Moe, R. D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Sieloff
Benson	Frank	Kroening	Novak	Spear
Berg	Frederick	Kronebusch	Olson	Storm
Berglin	Frederickson	Laidig	Peterson, D. C.	Stumpf
Bernhagen	Freeman	Langseth	Peterson, D. L.	Taylor
Bertram	Hughes	Lantry	Peterson, R. W.	Ulland
Chmielewski	Isackson	Lessard	Petty	Willet
Dahl	Johnson, D.E.	Luther	Pogemiller	
Davis	Johnson, D.J.	McQuaid	Purfeerst	
DeCramer	Jude	Mehrkens	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 167: A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

Was read the third time 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 14, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Moe, R. D.	Sieloff
Belanger	Dieterich	Kronebusch	Nelson	Storm
Benson	Frank	Langseth	Novak	Stumpf
Berglin	Frederick	Lantry	Peterson, D. C.	Ulland
Bertram	Freeman	Lessard	Peterson, R. W.	Vega
Dahl	Hughes	Luther	Petty	Waldorf
Davis	Isackson	McQuaid	Pogemiller	Willet
DeCramer	Johnson, D.J.	Mehrkens	Purfeerst	
Dicklich	Jude	Merriam	Reichgott	

Those who voted in the negative were:

Anderson	Frederickson	Knaak	Olson	Ramstad
Bernhagen	Johnson, D.E.	Knutson	Peterson, C. C.	Renneke
Chmielewski	Kamrath	Laidig	Peterson, D. L.	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 290: A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4, and by adding a subdivision; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.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 58 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Sieloff
Belanger	Dieterich	Kronebusch	Olson	Spear
Benson	Frank	Laidig	Peterson, C. C.	Storm
Berglin	Frederickson	Langseth	Peterson, D. C.	Stumpf
Bernhagen	Freeman	Lantry	Peterson, D. L.	Taylor
Bertram	Hughes	Lessard	Peterson, R. W.	Ulland
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Willet
Davis	Jude	Merriam	Ramstad	
DeCramer	Kamrath	Moe, R. D.	Reichgott	

Messrs. Frederick and Knutson voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 683: A bill for an act relating to education; modifying the exercise of seniority by licensed teachers in certain circumstances; amending Minnesota Statutes 1982, sections 125.12, subdivisions 6a and 6b, and by adding a subdivision; and 125.17, subdivisions 1 and 11; and Laws 1974, chapter 237, section 1.

Mr. Kroening moved to amend S. F. No. 683 as follows:

Delete everything after the enacting clause and insert:

“Section 1. [125.051] [CERTAIN LICENSES PROHIBITED.]

The board of teaching and the state board of education shall not issue to any individual a provisional license or any other license which is issued and valid for a limited period of time and for which the requirements to obtain the license are a portion of the requirements to obtain a nonprovisional license in the same field. For the purposes of this section “nonprovisional” license means an entrance, continuing, or life license. The provisions of this section shall not apply to a vocational educational license.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert “prohibiting certain licenses for teachers;”

Page 1, delete lines 3 to 7 and insert “proposing new law coded in Minnesota Statutes, chapter 125.”

The motion prevailed. So the amendment was adopted.

S.F. No. 683 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 54 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kronebusch	Olson	Sieloff
Belanger	Frederick	Laidig	Pehler	Solon
Bernhagen	Frederickson	Lantry	Peterson, C. C.	Spear
Bertram	Freeman	Lessard	Peterson, D. C.	Storm
Brataas	Hughes	Luther	Petty	Stumpf
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Taylor
Dahl	Johnson, D. J.	Merriam	Purfeerst	Ulland
DeCramer	Jude	Moe, D. M.	Ramstad	Waldorf
Dicklich	Knaak	Moe, R. D.	Reichgott	Wegscheid
Diessner	Knutson	Nelson	Samuelson	Willet
Dieterich	Kroening	Novak	Schmitz	

Those who voted in the negative were:

Anderson	Berg	Davis	Kamrath	Peterson, D. L.
Benson	Berglin	Isackson	Mehrkens	Vega

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 412: A bill for an act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; removing the limitation on contracts for temporary detention of pre-trial detainees; transferring functions and powers of the corrections board to the commissioner of corrections; providing for reimbursement of foster care costs for delinquent juveniles; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 243.51, subdivision 3; 244.05; 244.06; 244.065; 260.251, subdivision 1a; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

Mr. Moe, D.M. moved to amend S. F. No. 412 as follows:

Page 7, after line 28, insert:

"Sec. 6. Minnesota Statutes 1982, section 244.04, subdivision 1, is amended to read:

Subdivision 1. [REDUCTION OF SENTENCE.] *Notwithstanding the provisions of section 609.11, subdivision 6, and section 609.346, subdivision 1, An inmate's term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980, shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate.*

If an inmate violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of his term of imprisonment after the violation without earning good time."

Page 9, after line 19, insert:

"Sec. 10. Minnesota Statutes 1982, section 244.09, subdivision 11, is amended to read:

Subd. 11. [MODIFICATION; RETROACTIVE EFFECT.] The commis-

sion shall meet as necessary for the purpose of modifying and improving the guidelines. *Any modification of the guidelines that causes a duration change shall be retroactive for all inmates serving sentences imposed pursuant to the Minnesota sentencing guidelines if the durational change reduces the appropriate term of imprisonment.*"

Page 10, after line 6, insert:

"Sec. 12. Minnesota Statutes 1982, section 383A.28, subdivision 2, is amended to read:

Subd. 2. [NUMBER AND COMPENSATION OF EMPLOYEES.] Subject to the Ramsey county civil service laws, the Ramsey county board of commissioners shall determine the number of employees and their compensation in each office or department in the county government except the abstract clerk, district court reporters, ~~county home school employees~~, the examiner of title and his deputies, the public defender and his assistants, ~~the director of court services and his principal assistants~~, welfare department employees and officers and employees of an agency supported by money provided by Ramsey county and by the city of Saint Paul.

Sec. 13. [383A.405] [CORRECTIONS.]

Subdivision 1. [DIRECTOR OF COMMUNITY CORRECTIONS.] The management and control of the operations of any correctional, juvenile detention, or home school facility within Ramsey county shall be the responsibility of the director of the department of community corrections. All of the employees of these correctional facilities except the superintendent and the first assistant or chief deputy of the facility shall be in the classified service of the county civil service and subject to section 383A.29.

Subd. 2. [HOME SCHOOL SUPERINTENDENT.] Notwithstanding section 260.094, or other law, in Ramsey county, the superintendent or matron and the assistant superintendent or matron of any county home school shall be appointed and removed by the director of the county community corrections department. The county board of commissioners shall set all salaries of employees at the school subject to section 383A.29.

Subd. 3. [DETENTION HOME STAFF.] Notwithstanding section 260.101, or other law, in Ramsey county, staff for detention homes shall be appointed and removed by the director of the community corrections department. Salaries for all employees shall be set by the county board of commissioners subject to section 383A.29.

Sec. 14. Minnesota Statutes 1982, section 609.02, is amended by adding a subdivision to read:

Subd. 11. [SECOND OR SUBSEQUENT VIOLATION OR OFFENSE.] "Second or subsequent violation" or "second or subsequent offense" means that prior to the commission of the violation or offense, the actor has been adjudicated guilty of a specified similar violation or offense.

Sec. 15. Minnesota Statutes 1982, section 609.11, subdivision 6, is amended to read:

Subd. 6. [NO EARLY RELEASE.] Any defendant convicted and sentenced as required by this section ~~shall not be~~ *is not* eligible for probation.

parole, discharge, or supervised release until that person shall have as served the full mandatory minimum term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12 and 609.135.

Sec. 16. Laws 1923, chapter 289, section 1, as amended by Laws 1949, chapter 61, section 1, Laws 1965, chapter 469, section 1, and Laws 1974, chapter 322, section 11, is amended to read:

Section 1. [~~COURT SERVICES DEPARTMENT, SECOND JUDICIAL DISTRICT COMMUNITY CORRECTIONS DEPARTMENT.~~] There is established, in the second judicial district Ramsey county, a court services community corrections department in connection with the courts of Ramsey county the second judicial district. The department is in the charge of a director of court services who shall be appointed by and serve at the pleasure of a corrections management committee comprised of three judges of the second judicial district appointed by the chief judge of the district and three members of the board of county commissioners appointed by the chairman of the board. The district judges shall appoint the director who shall serve for four years unless sooner removed for cause by the judges. The director shall supervise and administer services of the department to any courts of Ramsey county; establish necessary policy; and may divide the duties of the department into branches or divisions and appoint from department personnel; the heads of the branches or divisions, all with the approval of the district judges. The director shall have full authority and responsibility for the administration, operation, and supervision of all functions and services of the department, and shall carry out that authority and responsibility within the organizational structure and reporting relationship that is in accord with county board and judicial district administrative policies. Salary of the director shall be set by the county board of commissioners upon recommendation of the corrections management committee.

Sec. 17. Laws 1923, chapter 289, section 2, as amended by Laws 1965, chapter 469, section 2, and Laws 1974, chapter 322, section 12, is amended to read:

Sec. 2. [~~OFFICERS, EMPLOYEES.~~] The director may appoint, as the judges may approve, three principal assistants or division supervisors employ an assistant director, a superintendent, and assistant superintendent for each correctional facility in the county, and three principal assistants or division supervisors, all of whom shall serve at the pleasure of the director in the unclassified service. The director shall define the duties of these employees and may delegate powers, duties and responsibilities to them. Any officer or employee of the department shall exercise delegated powers under the control of and subject to conditions prescribed by the director. The salaries shall be set by the Ramsey county board of commissioners."

Page 10, line 16, after "DATE" insert "LOCAL APPROVAL"

Page 10, line 17, delete "This act is" and insert "Sections 1 to 11, 14, 15, 18, and 19 are"

Page 10, after line 17, insert "Sections 12, 13, 16, and 17 are effective the day after compliance with section 645.021, subdivision 3, by the Ramsey county board of commissioners."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "adjusting the duration of certain sentences; defining second or subsequent violation or offense; providing for administration of Ramsey county corrections services;"

Page 1, line 11, after the third semicolon, insert "244.04, subdivision 1;"

Page 1, line 12, after the second semicolon, insert "244.09, subdivision 11;" and before "repealing" insert "383A.28, subdivision 2; 609.02, by adding a subdivision; 609.11, subdivision 6; Laws 1923, chapter 289, sections 1, as amended; and 2, as amended; proposing new law coded in chapter 383A;"

The motion prevailed. So the amendment was adopted.

S.F. No. 412 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 47 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Knutson	Moe, D. M.	Schmitz
Anderson	Frederickson	Kroening	Moe, R. D.	Solon
Benson	Freeman	Kronebusch	Nelson	Spear
Berg	Hughes	Laidig	Novak	Storm
Bernhagen	Isackson	Langseth	Olson	Taylor
Brataas	Johnson, D.E.	Lantry	Peterson, D.L.	Waldorf
Chmielewski	Johnson, D.J.	Lessard	Petty	Wegscheid
Dicklich	Jude	Luther	Pogemiller	
Diessner	Kamrath	McQuaid	Ramstad	
Dieterich	Knaak	Mehrkens	Reichgott	

Those who voted in the negative were:

Berglin	Davis	Merriam	Peterson, R.W.	Stumpf
Bertram	DeCramer	Pehler	Purfeerst	Vega
Dahl	Frank	Peterson, C.C.	Samuelson	Willet

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 297: A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic assault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341.

Mr. Kroening moved to amend S.F. No. 297 as follows:

Page 2, line 1, before the period, insert "*and it reasonably appears that the victim or another is in danger of further immediate bodily harm if an arrest is not made*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Kamrath	Olson	Schmitz
Anderson	Diessner	Knutson	Pehler	Sieloff
Belanger	Frederick	Kroening	Peterson, C.C.	Solon
Benson	Frederickson	Kronebusch	Peterson, D.L.	Storm
Berg	Freeman	Laidig	Peterson, R.W.	Stumpf
Bernhagen	Hughes	Langseth	Purfeerst	Ulland
Bertram	Isackson	Lessard	Ramstad	Vega
Chmielewski	Johnson, D.E.	McQuaid	Renneke	Wegscheid
Dahl	Jude	Mehrkens	Samuelson	Willet

Those who voted in the negative were:

Berglin	Frank	Luther	Nelson	Reichgott
Brataas	Johnson, D.J.	Merriam	Peterson, D.C.	Spear
Dicklich	Knaak	Moe, D. M.	Petty	Taylor
Dieterich	Lantry	Moe, R. D.	Pogemiller	Waldorf

The motion prevailed. So the amendment was adopted.

Mr. Petty moved to amend S. F. No. 297 as follows:

Page 2, line 6, after the period, insert "A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by subdivision 1."

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 297 as follows:

Page 1, line 20, delete everything after "resided"

Page 1, line 21, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 297 as follows:

Page 2, after line 26, insert:

"Sec. 2. Laws 1983, chapter 52, is amended by adding a section to read:

Sec. 3. [EFFECTIVE DATE.]

This act is effective June 1, 1983."

Amend the title as follows:

Page 1, line 7, before the period, insert "; and Laws 1983, chapter 52, by adding a section"

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend S.F. No. 297 as follows:

Page 1, line 25, strike "physical injury" and insert "substantial bodily harm"

The motion did not prevail. So the amendment was not adopted.

S.F. No. 297 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 61 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Peterson,C.C.	Spear
Anderson	Dieterich	Langseth	Peterson,D.C.	Storm
Belanger	Frank	Lantry	Peterson,D.L.	Stumpf
Benson	Freeman	Lessard	Peterson,R.W.	Taylor
Berg	Hughes	Luther	Petty	Ulland
Berglin	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Brataas	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Chmielewski	Jude	Moe, D. M.	Reichgott	Willet
Dahl	Kamrath	Moe, R. D.	Renneke	
Davis	Knaak	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	
Dicklich	Kronebusch	Pehler	Solon	

Messrs. Frederick, Frederickson and Sieloff voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 527: A bill for an act relating to legal liability; prohibiting retaliation against an individual who complies with the child abuse reporting act; providing damages for retaliation; clarifying immunity provisions for good faith compliance with the child abuse reporting act; amending Minnesota Statutes 1982, section 626.556, subdivision 4, and by adding a subdivision.

Mr. Freeman moved to amend S. F. No. 527 as follows:

Page 2, delete lines 9 to 21 and insert:

“(c) It is retaliation for an employer to do any of the following with respect to a person who reports suspected abuse or neglect: depart from any customary employment practice; transfer or assign the person to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the person has reported suspected abuse or neglect.”

Page 2, after line 23, insert:

“Sec. 3. [EFFECTIVE DATE; APPLICATION.]

Sections 1 and 2 are effective August 1, 1983, and apply to actions commenced on and after that date.”

The motion prevailed. So the amendment was adopted.

S.F. No. 527 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Samuelson
Anderson	Dieterich	Kronebusch	Olson	Schmitz
Belanger	Frank	Laidig	Pehler	Sieloff
Benson	Frederick	Langseth	Peterson, C.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.C.	Storm
Bernhagen	Freeman	Lessard	Peterson, D.L.	Stumpf
Bertram	Hughes	Luther	Petty	Taylor
Chmielewski	Isackson	McQuaid	Pogemiller	Ulland
Dahl	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Davis	Jude	Merriam	Ramstad	Waldorf
DeCramer	Kamrath	Moe, D. M.	Reichgott	Wegscheid
Dicklich	Knaak	Moe, R. D.	Renneke	Willet

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 582: A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; limiting certain inmate functions; authorizing the use of necessary force to prevent escape; providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanant probations; removing archaic language; amending Minnesota Statutes 1982, sections 241.01, subdivision 3a; 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; 609.135, subdivision 1; and 624.714, subdivision 13.

Mr. Pogemiller moved to amend H.F. No. 582 as follows:

Page 5, line 14, strike everything after "himself"

Page 5, line 15, strike everything before the period and insert "*by the use of force*"

Page 5, line 17, strike "or to resist" and insert "*resists*"

Page 5, line 18, strike the second "or"

Page 5, line 19, after "or" insert "*attempts*"

Page 5, line 20, strike "in" and delete "*any*" and strike "manner"

Page 5, line 21, delete "*that appears*" and strike "necessary; and," and insert "*by the use of force.*" and strike "in so doing,"

Page 5, line 22, strike "so"

Page 5, line 23, strike "necessarily" and after "*the*" insert "*use of force by the*"

Page 5, line 25, delete "*subdivision*" and insert "*section*"

Page 5, after line 25, insert:

"As used in this section, "use of force" means conduct which is authorized by sections 609.06 to 609.066. An officer or guard may use force in the same manner as authorized for peace officers under sections 609.06 to 609.066."

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend H.F. No. 582 as follows:

Page 2, lines 2 to 4, delete the new language

The motion prevailed. So the amendment was adopted.

H.F. No. 582 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Nelson	Schmitz
Anderson	Dicklich	Kroening	Novak	Sieloff
Belanger	Diessner	Kronebusch	Olson	Spear
Benson	Dieterich	Laidig	Peterson, C.C.	Storm
Berg	Frank	Lantry	Peterson, D.C.	Stumpf
Berglin	Frederickson	Lessard	Peterson, D.L.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Wegscheid
Dahl	Jude	Moe, D. M.	Renneke	Willet
Davis	Kamrath	Moe, R. D.	Samuelson	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 682: A bill for an act relating to animals; providing for the welfare of certain pets and companion animals; imposing a penalty; proposing new law coded in Minnesota Statutes, chapter 346.

Mr. Benson moved to amend S.F. No. 682 as follows:

Page 9, line 28, after "*products*" insert "*or any other agricultural use*"

The motion prevailed. So the amendment was adopted.

Mr. Dieterich moved to amend S. F. No. 682 as follows:

Page 5, line 22, after "HOUSING" insert "AND BREEDING"

Page 5, line 23, after the period, insert "*Animals must not be bred so often as to endanger their health.*"

The motion prevailed. So the amendment was adopted.

Mr. Vega moved to amend S. F. No. 682 as follows:

Page 2, line 22, after the period, insert "*An animal which is not redeemed by its owner within the six day period required by this subdivision or an animal which is impounded pursuant to another law and is redeemable but is not redeemed within the period specified by the other law shall be released for placement in a suitable home, upon payment of the expenses incurred, or shall be humanely and painlessly disposed of by a method of euthanasia approved by the American Veterinary Medical Association.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Knutson	Novak	Samuelson
Chmielewski	Hughes	Kroening	Pehler	Vega
Davis	Johnson, D.J.	Lantry	Peterson, D.L.	
DeCramer	Jude	McQuaid	Petty	
Dicklich	Knaak	Merriam	Ramstad	

Those who voted in the negative were:

Anderson	Frederick	Lessard	Peterson, D.C.	Storm
Benson	Freeman	Luther	Pogemiller	Stumpf
Berg	Isackson	Mehrkens	Reichgott	Taylor
Berglin	Johnson, D.E.	Moe, D. M.	Renneke	Ulland
Bernhagen	Kamrath	Moe, R. D.	Schmitz	Waldorf
Bertram	Kronebusch	Nelson	Sieloff	Wegscheid
Brataas	Laidig	Olson	Solon	Willet
Dahl	Langseth	Peterson, C.C.	Spear	

The motion did not prevail. So the amendment was not adopted.

Mr. Ulland moved to amend S.F. No. 682 as follows:

Page 9, line 32, delete everything after "misdemeanor"

Page 9, line 33, delete "violation"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 682 as follows:

Page 4, delete lines 14 to 22

The motion prevailed. So the amendment was adopted.

S.F. No. 682 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 45 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Langseth	Novak	Samuelson
Belanger	Freeman	Lantry	Olson	Sieloff
Berglin	Hughes	Lessard	Pehler	Spear
Chmielewski	Johnson, D.J.	Luther	Peterson, C.C.	Storm
Dahl	Jude	McQuaid	Peterson, D.C.	Ulland
Davis	Knaak	Mehrkens	Petty	Vega
DeCramer	Knutson	Merriam	Pogemiller	Waldorf
Frank	Kroening	Moe, R. D.	Ramstad	Wegscheid
Frederick	Kronebusch	Nelson	Reichgott	Willet

Those who voted in the negative were:

Anderson	Bernhagen	Isackson	Peterson, D.L.	Stumpf
Benson	Bertram	Johnson, D.E.	Renneke	
Berg	Brataas	Kamrath	Schmitz	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 314: A bill for an act relating to insurance; requiring insurance agents to maintain trust accounts; requiring certain disclosures in personal sales contacts; requiring disclosure of certain limitations on medicare sup-

plement insurance coverage; prohibiting the sale of more than two medicare supplement insurance policies to an individual; requiring copies of medicare supplement and life insurance applications to be provided to applicants; requiring applications for medicare supplement insurance to list health and accident insurance already maintained by applicant; providing rulemaking authority; imposing civil penalties for certain violations; providing a criminal penalty; amending Minnesota Statutes 1982, sections 60A.17, subdivisions 1, 1a, and 6c, and by adding subdivisions; 62A.17, by adding a subdivision; 62A.31, subdivision 1; 62A.39; 62A.42; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Mr. Petty moved to amend H. F. No. 314, as amended pursuant to Rule 49, adopted by the Senate on April 13, 1983, as follows:

(The text of the amended House File is identical to S. F. No. 368.)

Page 11, line 18, delete "62A.17" and insert "60A.17"

Page 11, line 20, delete "7" and insert "17"

Amend the title as follows:

Page 1, line 17, delete "62A.17, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend H.F. No. 314, as amended pursuant to Rule 49, adopted by the Senate April 13, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 368.)

Page 12, line 18, after "(c)" insert "[FALSE REPRESENTATION OF GOVERNMENT AFFILIATION.]"

Page 16, line 5, delete the comma

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend H.F. No. 314, as amended pursuant to Rule 49, adopted by the Senate April 13, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 368.)

Page 12, line 36, delete "subdivision 1,"

Page 14, after line 5, insert:

"Subd. 2. [GENERAL COVERAGE.] For a policy to meet the requirements of this section it must contain (1) a designation specifying whether the policy is a medicare supplement 1+, 1, 2, or 3, (2) 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 (3) the policy must provide the minimum coverage prescribed in sections 62A.32 to 62A.35 for the supplement specified, *provided that an annual deductible of not more than \$200 is permissible for those covered charges not paid by medicare or otherwise included in paragraph (f) of sections 62A.32 and 62A.33.*"

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "allowing a deductible on

certain medicare supplement insurance coverages;"

Page 1, line 17, delete the second comma

Page 1, line 18, delete "subdivision 1"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H. F. No. 314, as amended pursuant to Rule 49, adopted by the Senate April 13, 1983, as follows:

(The text of the amended House File is identical to S. F. No. 368.)

Page 12, after line 34, insert:

"Sec. 8. [62A.141] [COVERAGE FOR HANDICAPPED DEPENDENTS.]

No group policy or plan of health and accident insurance regulated under this chapter, chapter 62C, or chapter 62D, which provides for dependent coverage may be issued or renewed in this state after August 1, 1983, unless it covers the handicapped dependents of the insured, subscriber, or enrollee of the policy or plan."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing group coverage for handicapped dependents;"

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend H.F. No. 314, as amended pursuant to Rule 49, adopted by the Senate on April 13, 1983, as follows:

(The text of the amended House File is identical to S. F. No. 368.)

Page 12, after line 34, insert:

"Sec. 8. Minnesota Statutes 1982, section 62A.17, is amended to read:

62A.17 [TERMINATION OF OR LAYOFF FROM EMPLOYMENT.]

Subdivision 1. [CONTINUATION OF COVERAGE.] Every group insurance policy, group subscriber contract, and health care plan included within the provisions of section 62A.16, except policies, contracts, or health care plans covering employees of an agency of the federal government, shall contain a provision which permits every eligible employee ~~whose employment~~ *who is terminated or laid off from his employment*, if the policy, contract, or health care plan remains in force for active employees of the employer, to elect to continue the coverage for himself and his dependents.

Subd. 2. [RESPONSIBILITY OF EMPLOYEE.] Every eligible employee electing to continue coverage shall pay his former employer, on a monthly basis, the cost of the continued coverage. If the policy, contract, or health care plan is administered by a trust, every eligible employee electing to continue coverage shall pay the trust the cost of continued coverage according to the eligibility rules established by the trust. The employee shall be eligible to continue the coverage until he becomes re-employed and eligible for health care coverage under a group policy, contract, or plan spon-

sored by the same or another employer, or for a period of ~~six~~ 12 months after the termination of *or lay off from* employment, whichever is shorter.

Subd. 3. [ELIGIBILITY FOR CONTINUED COVERAGE.] An employee shall be eligible to make the election for himself and his dependents provided for in subdivision 1 if:

(a) In the period preceding the termination of *or lay off from* his employment, he and his dependents were covered through his employment by a group insurance policy, subscriber's contract, or health care plan included within the provisions of section 62A.16;

(b) The termination of *or lay off from* employment was for reasons other than the discontinuance of the business, bankruptcy, *or* the employee's disability or retirement.

Subd. 4. [RESPONSIBILITY OF EMPLOYER.] After timely receipt of the monthly payment from an eligible employee, if the employer, or the trustee, if the policy, contract, or health care plan is administered by a trust, fails to make the payment to the insurer, ~~the~~ nonprofit health service plan corporation, ~~or the~~ health maintenance organization, with the result that the employee's coverage is terminated, the employer or ~~the~~ trust shall become liable for the employee's coverage to the same extent as the insurer, ~~the~~ nonprofit health service plan corporation, ~~or the~~ health maintenance organization, would be if the coverage were still in effect.

Subd. 5. [NOTICE OF OPTIONS.] Upon the termination of *or lay off from* employment of an eligible employee, the employer shall inform the employee within ten days after termination *or lay off of*:

(a) his right to elect to continue the coverage;

(b) the amount he must pay monthly to the employer to retain the coverage;

(c) the manner in which and the office of the employer to which the payment to the employer must be made; and

(d) the time by which the payments to the employer must be made to retain coverage.

If the policy, contract, or health care plan is administered by a trust, the ~~terminating~~ employer is relieved of the obligation imposed by clauses (a) to (d). The trust shall inform the employee of the information required by clauses (a) to (d).

Notice may be in writing and sent by first class mail to the employee's last known address which the employee has provided the employer or trust. If the employer or trust fails to so notify the employee who is properly enrolled in the program, the employee shall have the option to retain coverage ~~provided if~~ he makes this election within 60 days of the date ~~his employment~~ *he is terminated or laid off by* making the proper payment to the employer or trust to provide continuous coverage.

A notice in substantially the following form shall be sufficient. As a terminated *or laid off* employee, the law authorizes you to maintain your group medical insurance for a period of up to ~~six~~ 12 months. To do so you must notify your former employer within ten days of this notice that you intend to

retain ~~such~~ *this* coverage and must make a monthly payment of \$_____ to _____ at _____ by the _____ of each month.

Subd. 6. [CONVERSION TO INDIVIDUAL POLICY.] A group insurance policy that provides post termination *or lay off* coverage as required by this section shall also include a provision allowing a covered employee ~~or~~ , surviving spouse, or dependent at the expiration of the post termination *or lay off* coverage provided by subdivision 2 to obtain from the insurer offering the group policy or group subscriber contract, at the employee's, spouse's, or dependent's option and expense, without further evidence of insurability and without interruption of coverage, an individual policy of insurance or an individual subscriber contract providing at least the minimum benefits of a qualified plan as prescribed by section 62E.06 and the option of a number three qualified plan, a number two qualified plan, and a number one qualified plan as provided by section 62E.06, subdivisions 1 to 3. A policy providing reduced benefits at a reduced premium rate may be accepted by the employee, the spouse, or a dependent in lieu of the optional coverage otherwise required by this subdivision.

The individual policy shall be renewable at the option of the individual as long as the individual is not covered under another qualified plan as defined in section 62E.02, subdivision 4, up to age 65 or to the day before the date of eligibility for coverage under Title XVIII of the Social Security Act, as amended. Any revisions in the table of rate for the individual policy shall apply to the covered person's original age at entry ~~7~~ and shall apply equally to all similar policies issued by the insurer."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing for continuation and conversion of health and accident coverage for laid off employees;"

Page 1, line 17, after the first semicolon, insert "62A.17;"

The motion prevailed. So the amendment was adopted.

H.F. No. 314 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 49 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Olson	Samuelson
Anderson	Dicklich	Laidig	Pehler	Solon
Belanger	Diessner	Langseth	Peterson, C. C.	Spear
Benson	Frank	Lantry	Peterson, D. C.	Stumpf
Berglin	Frederickson	Lessard	Peterson, R. W.	Taylor
Bertram	Freeman	Luther	Petty	Ulland
Brataas	Hughes	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D. E.	Moe, D. M.	Purfeerst	Waldorf
Dahl	Johnson, D. J.	Moe, R. D.	Ramstad	Wegscheid
Davis	Jude	Novak	Reichgott	

Those who voted in the negative were:

Frederick
Isackson
Kamrath

Knaak
Knutson
Kronebusch

Merriam
Peterson, D.L.

Renneke
Schmitz

Sieloff
Willet

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 214: A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; prohibiting a surcharge for failure to use seatbelts; requiring insurers to reduce premium rates if claim amounts are reduced; providing a penalty; amending Minnesota Statutes 1982, sections 65B.133, subdivision 5; and 169.685, by adding subdivisions.

CALL OF THE SENATE

Mr. Frank imposed a call of the Senate for the balance of the proceedings on S.F. No. 214. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Frank moved to amend S. F. No. 214 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 65B.133, subdivision 5, is amended to read:

Subd. 5. [LIMITATION ON CHARGEABLE TRAFFIC VIOLATIONS.] No traffic violation is chargeable to a driver unless the driver is convicted of, or forfeits bail for, the offense, or the driver's license is revoked pursuant to section 169.123. If a surcharge is applied because bail is forfeited and if the driver is later acquitted of the offense, the insurer shall rebate the surcharge. *A violation of section 2 is not chargeable.*

Sec. 2. Minnesota Statutes 1982, section 169.685, is amended by adding a subdivision to read:

Subd. 3a. Except as provided in subdivisions 3b and 5, no person may drive or ride in the front seat of a motor vehicle on the highways of this state unless wearing a seat belt that is provided for use in the motor vehicle. No penalty may be assessed for a violation of this subdivision. If a law enforcement officer stops a motor vehicle for a traffic violation and a person in the vehicle is not wearing a seat belt as required by this subdivision, the officer shall inform the person of the increased risk to the person due to the failure to wear a seat belt and of the legal requirement to wear a seat belt. A violation of this subdivision does not involve the operation of a motor vehicle.

Sec. 3. Minnesota Statutes 1982, section 169.685, is amended by adding a subdivision to read:

Subd. 3b. Subdivision 3a does not apply to:

- (a) a person driving a motor vehicle in a rearward direction;*
- (b) a person riding in a seat of a motor vehicle in which all the seating positions equipped with safety belts are occupied by other persons;*
- (c) a person who has been issued by the department of public safety a*

certificate which certifies that, because of medical unfitness or physical disability, it is impracticable, undesirable, or inexpedient that the person wear a seat belt. The commissioner of public safety may adopt rules governing the issuance of certificates; and

(d) a person who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in the vehicle at a speed exceeding 25 miles per hour.

The commissioner of public safety, by rule promulgated pursuant to the administrative procedure act, may exempt certain additional classes of persons from the provisions of subdivision 3a if he determines the exemptions are necessary by reason of body size or by reason of occupational requirements and will not materially affect the safety of the class of persons exempted.

Sec. 4. [INSURANCE PREMIUM REDUCTIONS.]

All insurers offering motor vehicle insurance coverage in this state shall study the effects of this act on the amount paid on motor vehicle accident claims. If an insurer determines that this act has resulted in a reduction in the amount of claims paid, it shall adjust its premium rates accordingly.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; prohibiting a surcharge for failure to use seat belts; requiring insurers to reduce premium rates if claim amounts are reduced; amending Minnesota Statutes 1982, sections 65B.133, subdivision 5; and 169.685, by adding subdivisions."

Mr. Berg moved to amend the Frank amendment to S.F. No. 214 as follows:

Page 1, line 33, after the semicolon, insert "and"

Page 1, delete lines 34 to 36

Page 2, delete lines 1 to 3

Page 2, line 4, delete "(d)" and insert "(c)"

Page 2, delete lines 8 to 13

The motion prevailed. So the amendment to the Frank amendment was adopted.

The question recurred on the Frank amendment, as amended.

The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 214 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 35 and nays 30, as follows:

Those who voted in the affirmative were:

Berglin	Frederick	Langseth	Novak	Sieloff
Brataas	Freeman	Lantry	Pehler	Solon
Davis	Hughes	Luther	Peterson, D.C.	Spear
DeCramer	Johnson, D.J.	McQuaid	Peterson, R.W.	Ulland
Dicklich	Knaak	Merriam	Petty	Vega
Diessner	Kroening	Moe, D. M.	Pogemiller	Waldorf
Frank	Laidig	Nelson	Samuelson	Wegscheid

Those who voted in the negative were:

Adkins	Bertram	Jude	Moe, R. D.	Reichgott
Anderson	Chmielewski	Kamrath	Olson	Renneke
Belanger	Dahl	Knutson	Peterson, C.C.	Schmitz
Benson	Frederickson	Kronebusch	Peterson, D.L.	Storm
Berg	Isackson	Lessard	Purfeerst	Stumpf
Bernhagen	Johnson, D.E.	Mehrkens	Ramstad	Taylor

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 824: A bill for an act relating to the city of Minneapolis; abolishing the office of comptroller-treasurer in the city of Minneapolis; authorizing the reorganization, reallocation, consolidation, and delegation of the functions of the office; restructuring the board of estimate and taxation in the city of Minneapolis; changing the membership and terms of members of the retirement board; amending Minnesota Statutes 1982, sections 422A.02; and 422A.03, subdivision 3.

Mr. Moe, D. M. moved to amend S. F. No. 824 as follows:

Page 2, after line 31, insert:

“Sec. 5. Minnesota Statutes 1982, section 422A.10, is amended by adding a subdivision to read:

Subd. 1a. [INCREASED CONTRIBUTION.] Notwithstanding subdivision 1, the retirement board shall increase the survivor's benefits contribution rate in an amount equal to one-half of the rate required for the benefit increase provided by section 10.

Sec. 6. Minnesota Statutes 1982, section 422A.101, subdivision 1a, is amended to read:

Subd. 1a. [CITY CONTRIBUTIONS.] Prior to August 31 of each year, the retirement board shall prepare an itemized statement of the financial requirements of the fund payable by the city for the succeeding fiscal year, and a copy of the statement shall be submitted to the board of estimate and taxation and to the city council by September 15. The financial requirements of the fund payable by the city shall be calculated as follows:

(a) a regular employer contribution of an amount equal to the percentage rounded to the nearest two decimal places of the salaries and wages of all employees covered by the retirement fund which equals the difference between the level normal cost plus administrative cost as reported in the annual actuarial valuation and the employee contributions provided for in section 422A.10 less any amounts contributed toward the payment of the balance of the normal cost not paid by employee contributions by any city

owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, or by special school district number 1 pursuant to subdivision 2;

(b) an additional employer contribution of an amount equal to the percent specified in section 353.27, subdivision 3a, clause (a), multiplied by the salaries and wages of all employees covered by the retirement fund less any amounts contributed toward amortization of the unfunded accrued liability by the year 2017 attributable to their respective covered employees by any city owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, or by Special School District No. 1 pursuant to subdivision 2; ~~and~~

(c) a proportional share of an additional employer amortization contribution of an amount equal to \$3,900,000 annually until the year 2017 based upon the share of the fund's unfunded accrued liability attributed to the city as disclosed in the annual actuarial valuation; *and*

(d) one-half of the amount of any increase in contributions required for benefit increases granted by section 10.

The city council shall, in addition to all other taxes levied by the city, annually levy a tax equal to the amount of the financial requirements of the fund which are payable by the city. The tax, when levied, shall be extended upon the county lists and shall be collected and enforced in the same manner as other taxes levied by the city. If the city does not levy a tax sufficient to meet the requirements of this subdivision, the retirement board shall submit the tax levy statement directly to the county auditor, who shall levy the tax. The tax, when levied, shall be extended upon the county lists and shall be collected and paid into the city treasury to the credit of the retirement fund. Any amount to the credit of the retirement fund shall constitute a special fund and shall be used only for the payment of obligations authorized pursuant to this chapter.

Sec. 7. Minnesota Statutes 1982, section 422A.101, subdivision 3, is amended to read:

Subd. 3. [STATE CONTRIBUTIONS.] The state shall pay to the Minneapolis employees retirement fund annually an amount equal to the financial requirements of the Minneapolis employees retirement fund reported by the actuary in the actuarial valuation of the fund prepared pursuant to section 356.215 for the most recent year but based on a target date for full amortization of the unfunded liabilities by the year 2017 less the amount of employee contributions required pursuant to section 422A.10, ~~and~~ the amount of employer contributions required pursuant to subdivisions 1a and 2, *and the amount of any increase in contributions required for benefit increases granted by section 10.* Payments shall be made in four equal installments on March 15, July 15, September 15, and November 15 annually."

Page 3, after line 35, insert:

"Sec. 10. Minnesota Statutes 1982, section 422A.23, subdivision 2, is amended to read:

Subd. 2. Upon the death of a contributing member after having been in the

city service not less than 18 months but before the effective date of retirement, the board shall in lieu of the settlement hereinbefore provided pay to the surviving ~~dependent~~ spouse and/or ~~dependent~~ children of the member under the age of 18, or under the age of 22 if a full time student at an accredited school, college or university, and single, the following monthly benefit:

(a) Surviving spouse ~~\$150~~ \$325 per month, *except for benefits beginning after July 1, 1983, which shall be 30 percent of member's average salary in effect over the last six months of allowable service preceeding the month in which the death occurred.*

(b) Each ~~dependent~~ surviving child ~~\$100~~ \$150 per month, *except for benefits beginning after July 1, 1983, which shall be ten percent of the member's average salary in effect over the last six months of allowable service preceeding the month in which the death occurred.* Payments for the benefit of any ~~dependent~~ child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed a total of ~~\$450~~ \$750."

Page 4, line 1, delete "This act is" and insert "Sections 1 to 4, 8, and 9 are"

Page 4, line 3, after the period, insert "Sections 5 to 7 and 10 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Minneapolis city council, by a separate resolution from that approving sections 1 to 4, 8, and 9."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing an increase in survivor's benefits for members of the Minneapolis employees retirement fund;"

Page 1, line 10, delete "and" and before the period, insert "422A.10, by adding a subdivision; 422A.101, subdivisions 1a and 3; and 422A.23, subdivision 2"

Mr. Knutson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 824 was read the third time 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 3, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Pehler	Solon
Anderson	Dicklich	Kronebusch	Peterson, C.C.	Spear
Belanger	Diessner	Lantry	Peterson, D.C.	Storm
Benson	Frank	Lessard	Peterson, R.W.	Stumpf
Berg	Frederick	Luther	Petty	Ulland
Berglin	Frederickson	Mehrkens	Pogemiller	Vega
Bernhagen	Freeman	Merriam	Purfeerst	Waldorf
Bertram	Hughes	Moe, D. M.	Ramstad	Wegscheid
Brataas	Johnson, D.E.	Moe, R. D.	Reichgott	Willert
Chmielewski	Jude	Nelson	Renneke	
Dahl	Knaak	Novak	Schmitz	
Davis	Knutson	Olson	Steloff	

Messrs. Isackson, Kamrath and Mrs. McQuaid voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Stumpf moved that S.F. No. 180, No. 28 on Special Orders, be stricken and re-referred to the Committee on Public Utilities and State Regulated Industries. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Ramstad, Sieloff and Ulland introduced—

S.F. No. 1219: A bill for an act relating to taxation; income; providing a separate rate schedule for income from an S corporation; amending Minnesota Statutes 1982, section 290.06, subdivision 2c.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S.F. No. 1220: A bill for an act relating to financial institutions; exempting regulated lenders from the operation of certain usury provisions; authorizing foreign bank holding companies to acquire state banks and do business in the state as a result of these acquisitions; authorizing banks to organize or acquire insurance companies and securities broker-dealers for the purpose of engaging in these businesses; amending Minnesota Statutes 1982, section 48.15, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 47.

Referred to the Committee on Economic Development and Commerce.

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.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

SPECIAL ORDER

H.F. No. 798: A bill for an act relating to tax-forfeited land; authorizing

the sale of a certain tract within the city of Orono.

Ms. Olson moved to amend H.F. No. 798 as follows:

Page 1, after line 19, insert:

“Sec. 2. [CONVEYANCE OF STATE LAND; ITASCA COUNTY.]

Notwithstanding any contrary provision of Minnesota Statutes, section 92.45, the commissioner of natural resources may offer for sale and sell, in the manner provided for the sale of trust fund lands, the following described land:

The northern 150.00 feet of the southwest quarter of the northwest quarter of section five, township one hundred forty-nine north, range twenty-eight west, in Itasca County.”

ReNUMBER the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “tax-forfeited” and insert “public”

Page 1, line 3, after “tract” insert “of tax-forfeited land”

Page 1, line 3, before the period insert “; authorizing sale of a certain tract of trust fund land in Itasca County”

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend H.F. No. 798 as follows:

Page 1, line 6, after “LAND” insert “IN THE CITY OF ORONO”

Page 1, after line 19, insert:

“Sec. 2. [SALE OF CERTAIN TAX-FORFEITED LAND IN ST. LOUIS COUNTY.]

Notwithstanding Minnesota Statutes, section 282.01, that certain tract of tax-forfeited land located and described as the Southwest Quarter of the Southeast Quarter of Section 15, Township 60N of Range 21W, St. Louis County, except for that portion north of county state aid highway 65, and subject to a 50-foot road reservation from the center line for highway 65 constituting approximately 7.3 acres, may be sold at private sale to the Northeast Perch Lake Landowners Association of Iron, Minnesota, at not less than the appraised value as determined under section 282.01, subdivision 3.”

Page 1, line 20, delete “2” and insert “3”

Amend the title as follows:

Page 1, line 3, delete “a”

Page 1, line 3, delete “tract” and insert “tracts” and after “Orono” insert “and St. Louis County”

The motion prevailed. So the amendment was adopted.

H.F. No. 798 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 42 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Laidig	Olson	Stumpf
Anderson	Freeman	Langseth	Peterson, D.C.	Taylor
Benson	Hughes	Lantry	Peterson, D.L.	Ulland
Berg	Isackson	Luther	Purfeerst	Waldorf
Dahl	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
DeCramer	Kamrath	Mehrkens	Reichgott	Willet
Dicklich	Knaak	Merriam	Schmitz	
Diessner	Kroening	Moe, R. D.	Sieloff	
Frederick	Kronebusch	Nelson	Storm	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 672: A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3 and 4; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; 297A.391; and 297B.03; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, sections 297A.05 and 297A.251.

Mr. Berg moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 5, after line 10, insert:

“This section shall not apply to an operator of a flea market, craft show, antique show, coin show, stamp show, comic book show, or similar selling event which is held in conjunction with a community sponsored festival which has a duration of four or fewer consecutive days no more than once a year.”

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 5, after line 19, insert:

“Sec. 5. Minnesota Statutes 1982, section 297A.211, is amended by adding a subdivision to read:

Subd. 3. Any person who pays the tax to the seller as provided in section 297A.03 and who meets the requirements of section 297A.211 at the time of the sale, except that the person has not registered as a retailer pursuant to section 297A.211 at the time of the sale, may register as a retailer, make a return, and file for a refund of the difference between the tax calculated

under section 297A.02 or 297A.14 and the tax calculated under subdivision 2. The person must file for a refund within the time limitations provided in section 297A.35. Notwithstanding the provisions of section 297A.35, subdivision 1, interest shall be allowed for any refund allowed under this subdivision only from the date on which the person has both registered as a retailer and filed a claim for refund."

Page 18, line 35, delete "8" and insert "9" and delete "12" and insert "13"

Page 18, line 36, delete "6, 7, 9 to 11, 13, and 14" and insert "5, 7, 8, 10 to 12, 14, and 15"

Page 19, lines 2 and 4, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "allowing for a sales tax refund in certain instances;"

Page 1, line 12, after "4;" insert "297A.211, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 1, line 30, delete ". meaning" and insert "games"

Page 1, delete line 31

Page 2, delete line 1 and insert "that are usable"

Page 2, line 3, after "software" insert "games"

The motion did not prevail. So the amendment was not adopted.

Mr. Frederickson moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Page 14, after line 6, insert:

"Sec. 6. Minnesota Statutes 1982, section 297A.26, is amended by adding a subdivision to read:

Subd. 3. The sales tax return form must include printed notice in eight point type or larger that the return and payment are due in the commissioner's office on the due date."

Page 18, line 35, delete "8, and 12" and insert "7, and 13"

Page 18, line 36, delete "6, 7, 8, 9 to 11, 13, and 14" and insert "7, 8, 9, 10 to 12, 14, and 15"

Page 19, line 5, after the period, insert "Section 6 is effective January 1, 1984."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "requiring a notice on the sales tax return form;"

Page 1, line 12, after "1;" insert "297A.26, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend H.F. No. 672, as amended pursuant to Rule 49, adopted by the Senate May 2, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 726.)

Delete the Frederickson amendment and amend H. F. No. 672 as follows:

Page 14, after line 6, insert:

"Sec. 7. Minnesota Statutes 1982, section 297A.26, is amended by adding a subdivision to read:

Subd. 3. The sales tax return form must include printed notice in eight point type or larger that the return and payment must be postmarked no later than the due date."

Page 18, line 35, delete "8, and 12" and insert "10, and 14"

Page 18, line 36, delete "6, 7, 9 to 11, 13, and 14" and insert "8, 9, 11 to 13, 15, and 16"

Page 19, line 5, after the period, insert "Section 7 is effective January 1, 1984."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "requiring a notice on the sales tax return form;"

Page 1, line 12, after "1;" insert "297A.26, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

H.F. No. 672 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:

Adkins	Diessner	Kroening	Olson	Solon
Anderson	Dieterich	Kronebusch	Pehler	Spear
Belanger	Frank	Laidig	Peterson, C.C.	Storm
Benson	Frederick	Langseth	Peterson, D.C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D.L.	Taylor
Berglin	Freeman	Luther	Petty	Ulland
Bertram	Hughes	McQuaid	Pogemiller	Vega
Brataas	Isackson	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Johnson, D.J.	Moe, D. M.	Reichgott	Willet
Davis	Jude	Moe, R. D.	Samuelson	
DeCramer	Kamrath	Nelson	Schmitz	
Dicklich	Knaak	Novak	Sieloff	

So the bill, as amended, 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 revert to the Order of Business of Messages From the House. The motion prevailed.

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. 76, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 76 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1983

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on H.F. No. 76. The Sergeant at Arms was instructed to bring in the absent members.

CONFERENCE COMMITTEE REPORT ON H.F. NO. 76

A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

May 2, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 76, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 76 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [115B.01] [CITATION.]

Sections 1 to 24 may be cited as the Environmental Response and Liability

Act.

Sec. 2. [115B.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 1 to 20, the following terms have the meanings given them.

Subd. 2. [ACT OF GOD.] "Act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

Subd. 3. [AGENCY.] "Agency" means the pollution control agency.

Subd. 4. [DIRECTOR.] "Director" means the director of the pollution control agency.

Subd. 5. [FACILITY.] "Facility" means:

(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft;

(b) Any watercraft of any description, or other artificial contrivance used or capable of being used as a means of transportation on water; or

(c) Any site or area where a hazardous substance, or a pollutant or contaminant, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Facility" does not include any consumer product in consumer use.

Subd. 6. [FEDERAL SUPERFUND ACT.] "Federal Superfund Act" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq.

Subd. 7. [FUND.] "Fund" means the environmental response, compensation and compliance fund established under section 20.

Subd. 8. [HAZARDOUS SUBSTANCE.] "Hazardous substance" means:

(a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section 1321(b)(2)(A);

(b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412; and

(c) Any hazardous waste.

"Hazardous substance" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof which is not otherwise a hazardous waste.

Subd. 9. [HAZARDOUS WASTE.] "Hazardous waste" means:

(a) Any hazardous waste as defined in section 116.06, subdivision 13, and any substance identified as a hazardous waste pursuant to rules adopted by the agency under section 116.07; and

(b) Any hazardous waste as defined in the Resource Conservation and

Recovery Act, under 42 U.S.C. Section 6903, which is listed or has the characteristics identified under 42 U.S.C. Section 6921, not including any hazardous waste the regulation of which has been suspended by act of Congress.

Subd. 10. [NATURAL RESOURCES.] "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

Subd. 11. [OWNER OF REAL PROPERTY.] "Owner of real property" means a person who is in possession of, has the right of control, or controls the use of real property, including without limitation a person who may be a fee owner, lessee, renter, tenant, lessor, contract for deed vendee, licensor, licensee, or occupant; provided that:

(1) A lessor of real property under a lease which in substance is a financing device and is treated as such under the United States Internal Revenue Code, common law, or statute, is not an owner of the real property;

(2) A public utility holding a public utility easement is an owner of the real property described in the easement only for the purpose of carrying out the specific use for which the easement was granted; and

(3) Any person holding a remainder or other nonpossessory interest or estate in real property is an owner of the real property beginning when that person's interest or estate in the real property vests in possession or that person obtains the unconditioned right to possession, or to control the use of, the real property.

Subd. 12. [PERSON.] "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state and any agency, department or political subdivision of the state.

Subd. 13. [POLLUTANT OR CONTAMINANT.] "Pollutant or contaminant" means any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in the organisms or their offspring.

"Pollutant or contaminant" does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.

Subd. 14. [PUBLIC UTILITY EASEMENT.] "Public utility easement" means an easement used for the purposes of transmission, distribution, or furnishing, at wholesale or retail, natural or manufactured gas, or electric or telephone service, by a public utility as defined in section 216B.02, subdivision 4, a cooperative electric association organized under the provisions of chapter 308, a telephone company as defined in section 237.01, subdivisions 2 and 3, or a municipality producing or furnishing gas, electric, or telephone service.

Subd. 15. [RELEASE.] "Release" means any spilling, leaking, pumping,

pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time or which continues to occur.

"Release" does not include:

(a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;

(b) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. Section 2014, if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under 42 U.S.C. Section 2210;

(c) Release of source, byproduct or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. Section 7912(a)(1) or 7942(a); or

(d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in section 18A.21, subdivision 25.

Subd. 16. [REMEDY OR REMEDIAL ACTION.] "Remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance, or a pollutant or contaminant, into the environment, to prevent, minimize or eliminate the release in order to protect the public health or welfare or the environment.

"Remedy" or "remedial action" includes, but is not limited to:

(a) Actions at the location of the release such as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances, pollutants or contaminants, or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring and maintenance reasonably required to assure that these actions protect the public health and welfare and the environment; and

(b) The costs of permanent relocation of residents and businesses and community facilities when the agency determines that, alone or in combination with other measures, relocation is more cost effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or pollutants or contaminants, or may otherwise be necessary to protect the public health or welfare.

"Remedy" or "remedial action" does not include offsite transport of hazardous substances, pollutants or contaminants, or contaminated materials or their storage, treatment, destruction, or secure disposition offsite unless the agency determines that these actions:

(1) Are more cost effective than other remedial actions;

(2) Will create new capacity to manage hazardous substances in addition to those located at the affected facility, in compliance with section 116.07 and

subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq.; or

(3) Are necessary to protect the public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of the hazardous substances, pollutants or contaminants, or contaminated materials.

Subd. 17. [REMOVE OR REMOVAL.] "Remove" or "removal" means:

(a) The cleanup or removal of a released hazardous substance, or a pollutant or contaminant, from the environment;

(b) Necessary actions taken in the event of a threatened release of a hazardous substance, or a pollutant or contaminant, into the environment;

(c) Actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance, or a pollutant or contaminant;

(d) Disposal or processing of removed material; or

(e) Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, which may otherwise result from a release or threatened release.

"Remove" or "removal" includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. Section 5121 et seq.

Subd. 18. [RESPOND OR RESPONSE.] "Respond" or "response" means remove, removal, remedy, and remedial action.

Subd. 19. [WATER.] "Water" has the meaning given to the term "waters of the state" in section 115.01, subdivision 9.

Sec. 3. [115B.03] [RESPONSIBLE PERSON.]

Subdivision 1. [GENERAL RULE.] For the purposes of sections 1 to 20, and except as provided in subdivisions 2 and 3, a person is responsible for a release or threatened release of a hazardous substance, or a pollutant or contaminant, from a facility if the person:

(a) Owned or operated the facility: (1) when the hazardous substance, or pollutant or contaminant, was placed or came to be located in or on the facility; (2) when the hazardous substance, or pollutant or contaminant, was located in or on the facility but before the release; or (3) during the time of the release or threatened release;

(b) Owned or possessed the hazardous substance, or pollutant or contaminant, and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance, or pollutant or contaminant; or

(c) Knew or reasonably should have known that waste he accepted for transport to a disposal or treatment facility contained a hazardous substance, or pollutant or contaminant, and either selected the facility to which it was transported or disposed of it in a manner contrary to law.

Subd. 2. [EMPLOYEES AND EMPLOYERS.] When a person who is responsible for a release or threatened release as provided in subdivision 1 is an employee who is acting in the scope of his employment:

(a) The employee is subject to liability under section 4 or 5 only if his conduct with respect to the hazardous substance was negligent under circumstances in which he knew that the substance was hazardous and that his conduct, if negligent, could result in serious harm.

(b) His employer shall be considered a person responsible for the release or threatened release and is subject to liability under section 4 or 5 regardless of the degree of care exercised by the employee.

Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a person responsible for the release or threatened release of a hazardous substance from a facility in or on the property unless that person:

(a) was engaged in the business of generating, transporting, storing, treating, or disposing of a hazardous substance at the facility or disposing of waste at the facility, or knowingly permitted others to engage in such a business at the facility;

(b) knowingly permitted any person to make regular use of the facility for disposal of waste;

(c) knowingly permitted any person to use the facility for disposal of a hazardous substance;

(d) knew or reasonably should have known that a hazardous substance was located in or on the facility at the time right, title, or interest in the property was first acquired by the person and engaged in conduct by which he associated himself with the release; or

(e) took action which significantly contributed to the release after he knew or reasonably should have known that a hazardous substance was located in or on the facility.

For the purpose of clause (d), a written warranty, representation, or undertaking, which is set forth in an instrument conveying any right, title or interest in the real property and which is executed by the person conveying the right, title or interest, or which is set forth in any memorandum of any such instrument executed for the purpose of recording, is admissible as evidence of whether the person acquiring any right, title, or interest in the real property knew or reasonably should have known that a hazardous substance was located in or on the facility.

Any liability which accrues to an owner of real property under sections 1 to 15 does not accrue to any other person who is not an owner of the real property merely because the other person holds some right, title, or interest in the real property.

An owner of real property on which a public utility easement is located is not a responsible person with respect to any release caused by any act or omission of the public utility which holds the easement in carrying out the specific use for which the easement was granted.

Sec. 4. [115B.04] [LIABILITY FOR RESPONSE COSTS AND NATURAL RESOURCES; LIMITATIONS AND DEFENSES.]

Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 12, and notwithstanding any other provision or rule of law, any person who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following response costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes:

(a) All reasonable and necessary response costs incurred by the state, a political subdivision of the state or the United States;

(b) All reasonable and necessary removal costs incurred by any person; and

(c) All damages for any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss.

Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for response costs or damages which result from the release of a pollutant or contaminant.

Subd. 3. [LIABILITY FOR A THREATENED RELEASE.] Liability under this section for a threatened release of a hazardous substance is limited to the recovery by the agency of reasonable and necessary response costs as provided in section 17, subdivision 6.

Subd. 4. [LIABILITY OF POLITICAL SUBDIVISIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.

Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.

Subd. 6. [DEFENSE TO CERTAIN CLAIMS BY POLITICAL SUBDIVISIONS AND PRIVATE PERSONS.] It is a defense to a claim by a political subdivision or private person for recovery of the costs of its response actions under this section that the hazardous substance released from the facility was placed or came to be located in or on the facility before April 1, 1982, and that the response actions of the political subdivision or private person were not authorized by the agency as provided in section 17, subdivision 12. This defense applies only to response costs incurred on or after July 1, 1983.

Subd. 7. [DEFENSE FOR INTERVENING ACTS.] It is a defense to liability under this section that the release or threatened release was caused solely by:

(a) An act of God;

(b) An act of war;

(c) An act of vandalism or sabotage; or

(d) *An act or omission of a third party or the plaintiff.*

“Third party” for the purposes of clause (d) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.

The defenses provided in clauses (c) and (d) apply only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions and the consequences that could foreseeably result from those acts or omissions.

Subd. 8. [INTERVENING ACTS OF PUBLIC AGENCIES.] When the agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking removal actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 for any subsequent release of the hazardous substance from another facility to which it has been removed.

Subd. 9. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] It is a defense to liability under this section that:

(a) The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., the hazardous substance was specifically identified in the permit, and the release was within the limits allowed in the permit for release of that substance;

(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;

(c) The release resulted from circumstances identified and reviewed and made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;

(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;

(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or

(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).

Subd. 10. [NATURAL RESOURCES.] It is a defense to liability under this section, for any injury to, destruction of, or loss of natural resources that:

(a) The natural resources were specifically identified as an irreversible

and irretrievable commitment of natural resources in an approved final state or federal environmental impact statement, or other comparable approved final environmental analysis for a project or facility which was the subject of a governmental permit or license; and

(b) The project or facility was being operated within the terms of its permit or license.

Subd. 11. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] It is a defense to liability under this section that the response costs or damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 17 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.

Subd. 12. [BURDEN OF PROOF FOR DEFENSES.] Any person claiming a defense provided in subdivisions 6 to 11 has the burden to prove all elements of the defense by a preponderance of the evidence.

Sec. 5. [115B.05] [LIABILITY FOR ECONOMIC LOSS, DEATH, PERSONAL INJURY AND DISEASE; LIMITATIONS AND DEFENSES.]

Subdivision 1. [LIABILITY.] Except as otherwise provided in subdivisions 2 to 10, and notwithstanding any other provision or rule of law, any person who is responsible for the release of a hazardous substance from a facility is strictly liable, jointly and severally, for the following damages which result from the release or to which the release significantly contributes:

(a) All damages for actual economic loss including:

(1) Any injury to, destruction of, or loss of any real or personal property, including relocation costs;

(2) Any loss of use of real or personal property;

(3) Any loss of past or future income or profits resulting from injury to, destruction of, or loss of real or personal property without regard to the ownership of the property; and

(b) All damages for death, personal injury, or disease including:

(1) Any medical expenses, rehabilitation costs or burial expenses;

(2) Any loss of past or future income, or loss of earning capacity; and

(3) Damages for pain and suffering, including physical impairment.

Subd. 2. [LIABILITY FOR POLLUTANT OR CONTAMINANT EXCLUDED.] There is no liability under this section for damages which result from the release of a pollutant or contaminant.

Subd. 3. [CERTAIN EMPLOYEE CLAIMS NOT COVERED.] Except for a third party who is subject to liability under section 176.061, subdivision 5, there is no liability under this section for the death, personal injury or disease of an employee which is compensable under chapter 176 as an injury or disease arising out of and in the course of employment.

Subd. 4. [LIABILITY LIMITATIONS.] The liability of a political subdivi-

sion under this section is subject to the limits imposed under section 466.04, subdivision 1.

Subd. 5. [TRANSPORTATION OF HOUSEHOLD REFUSE.] A person who accepts only household refuse for transport to a treatment or disposal facility is not liable under this section for the release or threatened release of any hazardous substance unless he knew or reasonably should have known that the hazardous substance was present in the refuse. For the purpose of this subdivision, household refuse means garbage, trash, or septic tank sanitary wastes generated by single or multiple residences, hotels, motels, restaurants and other similar facilities.

Subd. 6. [DEFENSE FOR INTERVENING ACTS.] It is a defense to liability under this section that the release or threatened release was caused solely by:

- (a) An act of God;*
- (b) An act of war;*
- (c) An act of vandalism or sabotage; or*
- (d) An act or omission of a third party or the plaintiff.*

"Third party" for the purposes of clause (d) does not include an employee or agent of the defendant, or a person in the chain of responsibility for the generation, transportation, storage, treatment, or disposal of the hazardous substance.

The defenses provided in clauses (c) and (d) apply only if the defendant establishes that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of the hazardous substance in light of all relevant facts and circumstances which he knew or should have known, and that he took precautions against foreseeable acts or omissions and the consequences that could foreseeably result from those acts or omissions.

Subd. 7. [INTERVENING ACTS OF PUBLIC AGENCIES.] When the agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking removal actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 for any subsequent release of the hazardous substance from another facility to which it has been removed.

Subd. 8. [RELEASES SUBJECT TO CERTAIN PERMITS OR STANDARDS; FEDERAL POST-CLOSURE FUND.] It is a defense to liability under this section that:

(a) The release or threatened release was from a hazardous waste facility as defined under section 115A.03, for which a permit had been issued pursuant to section 116.07 or pursuant to subtitle C of the Solid Waste Disposal Act, 42 U.S.C. Section 6921 et seq., the hazardous substance was specifically identified in the permit, and the release was within the limits allowed in the permit for release of that substance;

(b) The hazardous substance released was specifically identified in a federal or state permit and the release is within the limits allowed in the permit;

(c) The release resulted from circumstances identified and reviewed and

made a part of the public record of a federal or state agency with respect to a permit issued or modified under federal or state law, and the release conformed with the permit;

(d) The release was any part of an emission or discharge into the air or water and the emission or discharge was subject to a federal or state permit and was in compliance with control rules or regulations adopted pursuant to state or federal law;

(e) The release was the introduction of any hazardous substance into a publicly owned treatment works and the substance was specified in, and is in compliance with, applicable pretreatment standards specified for that substance under state and federal law; or

(f) Liability has been assumed by the federal post-closure liability fund under 42 U.S.C. Section 9607(k).

Subd. 9. [RENDERING ASSISTANCE IN RESPONSE ACTIONS.] It is a defense to liability under this section that the damages resulted from acts taken or omitted in preparation for, or in the course of rendering care, assistance, or advice to the director or agency pursuant to section 17 or in accordance with the national hazardous substance response plan pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9605, or at the direction of an on-scene coordinator appointed under that plan, with respect to any release or threatened release of a hazardous substance.

Subd. 10. [BURDEN OF PROOF FOR DEFENSES.] Any person claiming a defense provided in subdivisions 6 to 9 has the burden to prove all elements of the defense by a preponderance of the evidence.

Sec. 6. [115B.06] [APPLICATION TO PAST ACTIONS.]

Subdivision 1. [APPLICATION OF SECTION 5 AND ADDITIONAL DEFENSE.] (a) A defendant in an action under section 5 has the additional defense provided in subdivision 2 for damages caused or significantly contributed to by the release of a hazardous substance from a facility if the defendant shows that the substance was placed or came to be located in or on the facility wholly before January 1, 1973.

(b) Section 5 does not apply to any claim for damages arising out of the release of a hazardous substance which was placed or came to be located in or on the facility wholly before January 1, 1960.

Subd. 2. [ADDITIONAL DEFENSE.] For a defendant who has made the showing required in subdivision 1, clause (a), it is a defense to liability under section 5 that the activity by which the substance was kept, placed, or came to be located in or on the facility was not an abnormally dangerous activity. The determination of whether the activity was an abnormally dangerous activity shall be made by the court.

Sec. 7. [115B.07] [CAUSATION.]

In any action brought under section 5 or any other law to recover damages for death, personal injury, or disease arising out of the release of a hazardous substance, the court may not direct a verdict against the plaintiff on the issue of causation if the plaintiff produces evidence sufficient to enable a reasonable person to find that:

- (a) the defendant is a person who is responsible for the release;
- (b) the plaintiff was exposed to the hazardous substance;
- (c) the release could reasonably have resulted in plaintiff's exposure to the substance in the amount and duration experienced by the plaintiff; and
- (d) the death, injury, or disease suffered by the plaintiff is caused or significantly contributed to by exposure to the hazardous substance in an amount and duration experienced by the plaintiff.

Evidence to a reasonable medical certainty that exposure to the hazardous substance caused or significantly contributed to the death, injury, or disease is not required for the question of causation to be submitted to the trier of fact.

Nothing in this section shall be construed to relieve the plaintiff of the burden of proving that the defendant is a person who is responsible for the release and of proving the causal connection between the release of the hazardous substance for which the defendant is a responsible person and the plaintiff's death, injury, or disease.

Sec. 8. [115B.08] [LIABILITY UNDER SECTION 4; APPORTIONMENT AND CONTRIBUTION.]

Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.] Any person held jointly and severally liable under section 4 has the right at trial to have the trier of fact apportion liability among the parties as provided in this section. The burden is on each defendant to show how his liability should be apportioned. The court shall reduce the amount of damages in proportion to any amount of liability apportioned to the party recovering.

In apportioning the liability of any party under this section, the trier of fact shall consider the following:

- (a) The extent to which that party's contribution to the release of a hazardous substance can be distinguished;
- (b) The amount of hazardous substance involved;
- (c) The degree of toxicity of the hazardous substance involved;
- (d) The degree of involvement of and care exercised by the party in manufacturing, treating, transporting, and disposing of the hazardous substance;
- (e) The degree of cooperation by the party with federal, state, or local officials to prevent any harm to the public health or the environment; and
- (f) Knowledge by the party of the hazardous nature of the substance.

Subd. 2. [CONTRIBUTION.] If a person is held jointly and severally liable under section 4 and establishes his proportionate share of the aggregate liability, the provisions of section 604.02, subdivisions 1 and 2, shall apply with respect to contribution and reallocation of any uncollectible amounts.

Sec. 9. [115B.09] [LIABILITY UNDER SECTION 5; COMPARATIVE FAULT AND CONTRIBUTION.]

The provisions of sections 604.01, 604.02, subdivisions 1 and 2, apply to

any action for damages under section 5, except that, if the percentage of fault attributable to a defendant is determined under section 604.01, the liability of the defendant shall be limited to two times that percentage of the damages recoverable in the action.

Sec. 10. [115B.10] [NO AVOIDANCE OF LIABILITY; INSURANCE AND SUBROGATION.]

An owner or operator of a facility or any other person who may be liable under sections 1 to 15 may not avoid that liability by means of any conveyance of any right, title, or interest in real property, or by any indemnification, hold harmless agreement, or similar agreement. Nothing in this section shall be construed:

(a) To prohibit any party who may be liable under sections 1 to 15 from entering an agreement by which that party is insured, held harmless or indemnified for part or all of that liability;

(b) To prohibit the enforcement of any insurance, hold harmless or indemnification agreement; or

(c) To bar any cause of action brought by a party who may be liable under sections 1 to 15 or by an insurer or guarantor, whether by right of subrogation or otherwise.

Sec. 11. [115B.11] [STATUTE OF LIMITATIONS.]

No person may recover pursuant to sections 1 to 15 unless the action is commenced within six years from the date when the cause of action accrues. In determining when the cause of action accrues for an action to recover damages for death, personal injury or disease, the court shall consider factors including the following:

(a) When the plaintiff discovered the injury or loss;

(b) Whether a personal injury or disease had sufficiently manifested itself; and

(c) When the plaintiff discovered, or using due diligence should have discovered, a causal connection between the injury, disease, or loss and the release of a hazardous substance.

Sec. 12. [115B.12] [OTHER REMEDIES PRESERVED.]

Nothing in sections 1 to 15 shall be construed to abolish or diminish any remedy or affect the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss or response costs arising out of a release of any hazardous substance, or for removal or the costs of removal of that hazardous substance. Nothing in sections 1 to 15 shall be construed to limit or restrict in any way the liability of any person under any other state or federal law, including common law, for loss due to personal injury or disease, for economic loss, or for response costs arising out of any release or threatened release of a hazardous substance from a facility regardless of the time at which a hazardous substance was placed or came to be located in or on the facility. The provisions of sections 1 to 15 shall not be considered, interpreted, or construed in any way as reflecting a determination, in whole or in part, of policy regarding the

inapplicability of strict liability, or strict liability doctrines under any other state or federal law, including common law, to activities past, present or future, relating to hazardous substances, or pollutants or contaminants, or other similar activities.

Sec. 13. [115B.13] [DOUBLE RECOVERY PROHIBITED.]

A person who recovers response costs or damages pursuant to sections 1 to 15 may not recover the same costs or damages pursuant to any other law. A person who recovers response costs or damages pursuant to any other state or federal law may not recover for the same costs or damages pursuant to sections 1 to 15.

Sec. 14. [115B.14] [AWARD OF COSTS.]

Upon motion of a party prevailing in an action under sections 1 to 15 the court may award costs, disbursements and reasonable attorney fees and witness fees to that party.

Sec. 15. [115B.15] [APPLICATION OF SECTIONS 1 TO 14.]

Sections 1 to 14 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1983, including any release which began before July 1, 1983, and continued after that date. Sections 1 to 14 do not apply to a release or threatened release which occurred wholly before July 1, 1983, regardless of the date of discovery of any injury or loss caused by the release or threatened release.

Sec. 16. [115B.16] [DISPOSITION OF FACILITIES.]

Subdivision 1. [CLOSED DISPOSAL FACILITIES; USE OF PROPERTY.] No person shall use any property on or in which hazardous waste remains after closure of a disposal facility as defined in section 115A.03, subdivision 10, in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the disposal facility's monitoring systems, unless the agency finds that the disturbance:

(a) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(b) Is necessary to reduce a threat to human health or the environment.

Subd. 2. [RECORDING OF AFFIDAVIT.] Before any transfer of ownership of any property which the owner knew or should have known was used as the site of a hazardous waste disposal facility as defined in section 115A.03, subdivision 10, or which the owner knew or should have known is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:

(a) That the land has been used to dispose of hazardous waste or that the land is contaminated by a release of a hazardous substance;

(b) The identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or reasonably ascertainable; and

(c) That the use of the property or some portion of it may be restricted as provided in subdivision 1.

An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under clauses (a) to (c) with respect to property for which an affidavit has already been recorded.

If the owner or any subsequent owner of the property removes the hazardous substance, together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal of the hazardous substance.

Failure to record an affidavit as provided in this subdivision does not affect or prevent any transfer of ownership of the property.

Subd. 3. [DUTY OF COUNTY RECORDER.] The county recorder shall record all affidavits presented to him in accordance with subdivision 2. The affidavits shall be recorded in a manner which will assure their disclosure in the ordinary course of a title search of the subject property.

Subd. 4. [PENALTIES.] (a) Any person who knowingly violates the provisions of subdivision 1 is subject to a civil penalty in an amount determined by the court of not more than \$100,000, and shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance resulting from the violation.

(b) Any person who knowingly fails to record an affidavit as required by subdivision 2 shall be liable under sections 4 and 5 for any release or threatened release of any hazardous substance from a facility located on that property.

(c) A civil penalty may be imposed and recovered by an action brought by a county attorney or by the attorney general in the district court of the county in which the property is located.

(d) Any civil fines recovered under this subdivision shall be deposited in the fund.

Sec. 17. [115B.17] [STATE RESPONSE TO RELEASES.]

Subdivision 1. [REMOVAL AND REMEDIAL ACTION.] Whenever there is a release or substantial threat of release from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare or the environment or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility:

(a) The agency may take any removal or remedial action relating to the hazardous substance, or pollutant or contaminant, which the agency deems necessary to protect the public health or welfare or the environment. Before taking any action the agency shall:

(1) Request any responsible party known to the agency to take actions which the agency deems reasonable and necessary to protect the public health or welfare or the environment, stating the reasons for the actions, a reasonable time for beginning and completing the actions taking into account the urgency of the actions for protecting the public health or welfare or the environment, and the intention of the agency to take action if the requested

actions are not taken as requested;

(2) Notify the owner of real property where the facility is located or where response actions are proposed to be taken, if the owner is not a responsible party, that responsible parties have been requested to take response actions and that the owner's cooperation will be required in order for responsible parties or the agency to take those actions; and

(3) Determine that the actions requested by the agency will not be taken by any known responsible party in the manner and within the time requested.

(b) The director may take removal action which he deems necessary to protect the public health or welfare or the environment if the director determines that the release or threatened release constitutes an emergency requiring immediate action to prevent, minimize or mitigate damage to the public health or welfare or the environment. Before taking any action the director shall make reasonable efforts in light of the urgency of the action to follow the procedure provided in clause (a).

No removal action taken by any person shall be construed as an admission of liability for a release or threatened release.

Subd. 2. [OTHER ACTIONS.] Whenever the agency or director is authorized to act pursuant to subdivision 1 or whenever the agency or director has reason to believe that a release of a hazardous substance, or a pollutant or contaminant, has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, or a pollutant or contaminant, the agency or director may undertake investigations, monitoring, surveys, testing, and other similar activities necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, or pollutants or contaminants, and the extent of danger to the public health or welfare or the environment. In addition, the agency may undertake planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations necessary or appropriate to plan and direct a response action, to recover the costs of the response action, and to enforce the provisions of sections 1 to 18.

Subd. 3. [DUTY TO PROVIDE INFORMATION.] Any person who the agency has reason to believe is responsible for a release or threatened release as provided in section 3, or who is the owner of real property where the release or threatened release is located or where response actions are proposed to be taken, when requested by the agency, or any member, employee or agent thereof who is authorized by the agency, shall furnish to the agency any information which he may have or may reasonably obtain which is relevant to the release or threatened release.

Subd. 4. [ACCESS TO INFORMATION AND PROPERTY.] The agency or any member, employee or agent thereof authorized by the agency, upon presentation of credentials, may:

(a) Examine and copy any books, papers, records, memoranda or data of any person who has a duty to provide information to the agency under subdivision 3; and

(b) Enter upon any property, public or private, for the purpose of taking

any action authorized by this section purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information under subdivision 3, conducting surveys or investigations, and taking removal or remedial action.

Subd. 5. [CLASSIFICATION OF DATA.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to subdivision 3 or 4 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 1 to 18, or to other public agencies concerned with the implementation of sections 1 to 18.

Subd. 6. [RECOVERY OF EXPENSES.] Any reasonable and necessary expenses incurred by the agency or director pursuant to this section, including all response costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any person who may be liable under section 4 or any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to section 4 or any other law, including any award of attorneys fees, shall be deposited in the fund and credited to a special account for additional response actions as provided in section 20, subdivision 2, clause (b) or (d).

Subd. 7. [ACTIONS RELATING TO NATURAL RESOURCES.] For the purpose of this subdivision, the state is the trustee of the air, water and wildlife of the state. An action pursuant to section 4 for damages with respect to air, water or wildlife may be brought by the attorney general in the name of the state as trustee for those natural resources. Any damages recovered by the attorney general pursuant to section 4 or any other law for injury to, destruction of, or loss of natural resources resulting from the release of a hazardous substance, or a pollutant or contaminant, shall be deposited in the fund and credited to a special account for the purposes provided in section 20, subdivision 2, clause (f).

Subd. 8. [ACTIONS RELATING TO PESTICIDES OR FERTILIZER OR SOIL OR PLANT AMENDMENTS.] When the commissioner of agriculture has reported an incident involving the release of pesticides under the provisions of section 18A.37 or the release of fertilizers or soil or plant amendments, and the agency determines that the incident constitutes a release of a hazardous substance, or a pollutant or contaminant, the agency shall authorize the commissioner, subject to the provisions of subdivision 13, to take any action which the agency would be authorized to take under subdivisions 1 to 4. Subject to the provisions of section 20, subdivision 3, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.

Subd. 9. [ACTIONS RELATING TO OCCUPATIONAL SAFETY AND

HEALTH.] *The agency, director and the commissioner of labor and industry shall make reasonable efforts to coordinate any actions taken under this section and under sections 182.65 to 182.674 to avoid duplication or conflict of actions or requirements with respect to a release or threatened release affecting the safety of any conditions or place of employment.*

Subd. 10. [ACTIONS RELATING TO HEALTH.] The agency and director shall make reasonable efforts to coordinate and consult with the commissioner of health in planning and directing response actions with respect to a release or threatened release affecting the public health. If the commissioner of health, upon the request of the agency, takes any actions authorized under this section, the agency shall reimburse the commissioner from the fund for the reasonable and necessary expenses incurred in taking those actions and may recover any amount spent from the fund under subdivision 6.

Subd. 11. [LIMIT ON ACTIONS BY POLITICAL SUBDIVISIONS.] When the agency or director has requested a person who is responsible for a release or threatened release to take any response action under subdivision 1, no political subdivision shall request or order that person to take any action which conflicts with the action requested by the agency or director.

Subd. 12. [AUTHORIZATION OF CERTAIN RESPONSE ACTIONS.] For the purpose of permitting a political subdivision or private person to recover response costs as provided in section 4, subdivision 6, the agency may authorize the political subdivision to take removal or remedial actions or may authorize the private person to take removal actions with respect to any release of a hazardous substance which was placed or came to be located in the facility before April 1, 1982. The authorization shall be based on application of the criteria in the rules of the agency adopted under subdivision 13 or, if the rules have not been adopted, under the criteria set forth in subdivision 13 on which the rules are required to be based. The authorization shall not be inconsistent with the criteria. This subdivision shall not be construed to prohibit a political subdivision or private person from taking removal or remedial actions without the authorization of the agency.

Subd. 13. [PRIORITIES; RULES.] By November 1, 1983, the agency shall establish a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until the agency adopts rules establishing state criteria for determining priorities among releases and threatened releases. The agency shall adopt the rules by July 1, 1984. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, according to the criteria set forth in the rules. Before any list is established under this subdivision the agency shall publish the list in the state register and allow 30 days for comments on the list by the public.

The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the ad-

ministrative and financial capabilities of the agency, and other appropriate factors.

Sec. 18. [115B.18] [FAILURE TO TAKE REQUESTED ACTIONS; CIVIL PENALTIES; ACTION TO COMPEL PERFORMANCE; INJUNCTIVE RELIEF.]

Subdivision 1. [CIVIL PENALTIES.] Any person responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare or the environment or for a release or threatened release of a hazardous substance from a facility shall forfeit and pay to the state a civil penalty in an amount to be determined by the court of not more than \$20,000 per day for each day that the person fails to take reasonable and necessary response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3.

The penalty provided under this subdivision may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the agency under section 17, subdivision 6, or by a separate action in the district court of Ramsey County. All penalties recovered under this subdivision shall be deposited in the fund.

Subd. 2. [ACTION TO COMPEL PERFORMANCE.] When any person who is responsible for a release or threatened release from a facility of a pollutant or contaminant which presents an imminent and substantial danger to the public health or welfare or the environment or for a release or threatened release of a hazardous substance from a facility, fails to take response actions or to make reasonable progress in completing response actions requested as provided in subdivision 3, the attorney general may bring an action in the name of the state to compel performance of the requested response actions. If any person having any right, title, or interest in and to the real property where the facility is located or where response actions are proposed to be taken is not a person responsible for the release or threatened release, the person may be joined as an indispensable party in an action to compel performance in order to assure that the requested response actions can be taken on that property by the responsible parties.

Subd. 3. [REQUESTS FOR RESPONSE ACTIONS.] A request for emergency removal action shall be made by the director. Other requests for response actions shall be made by the agency. A request shall be in writing, shall state the action requested, the reasons for the action, and a reasonable time by which the action must be begun and completed taking into account the urgency of the action for protection of the public health or welfare or the environment.

Subd. 4. [INJUNCTIVE RELIEF.] The release or threatened release of a hazardous substance, or a pollutant or contaminant, shall constitute a public nuisance and may be enjoined in an action, in the name of the state, brought by the attorney general.

Sec. 19. [115B.19] [PURPOSES OF FUND AND TAXES.]

In establishing the environmental response, compensation and compliance fund in section 20 and imposing taxes in section 22 it is the purpose of the legislature to:

(a) Encourage treatment and disposal of hazardous waste in a manner that adequately protects the public health or welfare or the environment;

(b) Encourage responsible parties to provide the response actions necessary to protect the public and the environment from the effects of the release of hazardous substances;

(c) Encourage the use of alternatives to land disposal of hazardous waste including resource recovery, recycling, neutralization, and reduction;

(d) Provide state agencies with the financial resources needed to prepare and implement an effective and timely state response to the release of hazardous substances, including investigation, planning, removal and remedial action;

(e) Compensate for increased governmental expenses and loss of revenue and to provide other appropriate assistance to mitigate any adverse impact on communities in which commercial hazardous waste processing or disposal facilities are located under the siting process provided in chapter 115A;

(f) Recognize the environmental and public health costs of land disposal of solid waste and of the use and disposal of hazardous substances and to place the burden of financing state hazardous waste management activities on those whose products and services contribute to hazardous waste management problems and increase the risks of harm to the public and the environment.

Sec. 20. [115B.20] [ENVIRONMENTAL RESPONSE, COMPENSATION AND COMPLIANCE FUND.]

Subdivision 1. [ESTABLISHMENT.] The environmental response, compensation and compliance fund is created as an account in the state treasury and may be spent only for the purposes provided in subdivision 2.

Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Subject to appropriation by the legislature the money in the fund may be spent for any of the following purposes:

(a) Preparation by the agency for taking removal or remedial action under section 17, including investigation, monitoring and testing activities, enforcement and compliance efforts relating to the release of hazardous substances, pollutants or contaminants under section 17 or 18;

(b) Removal and remedial actions taken or authorized by the agency or director under section 17, including related enforcement and compliance efforts under section 17 or 18, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to facilities other than commercial hazardous waste facilities located under the siting authority of chapter 115A;

(c) Reimbursement to any private person for expenditures made before July 1, 1983 to provide alternative water supplies deemed necessary by the agency and the department of health to protect the public health from contamination resulting from the release of a hazardous substance;

(d) *Removal and remedial actions taken or authorized by the agency or director under section 17 including related enforcement and compliance efforts under section 17 or 18, and payment of the state share of the cost of remedial action which may be carried out under a cooperative agreement with the federal government pursuant to the Federal Superfund Act, under 42 U.S.C. Section 9604(c)(3) for actions related to commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(e) *Compensation as provided by law, after submission by the waste management board of the report required under section 115A.08, subdivision 5, to mitigate any adverse impact of the location of commercial hazardous waste processing or disposal facilities located pursuant to the siting authority of chapter 115A;*

(f) *Planning and implementation by the commissioner of natural resources of the rehabilitation, restoration or acquisition of natural resources to remedy injuries or losses to natural resources resulting from the release of a hazardous substance;*

(g) *Inspection, monitoring and compliance efforts by the agency, or by political subdivisions with agency approval, of commercial hazardous waste facilities located under the siting authority of chapter 115A;*

(h) *Grants by the agency or the waste management board to demonstrate alternatives to land disposal of hazardous waste including reduction, separation, pretreatment, processing and resource recovery, for education of persons involved in regulating and handling hazardous waste;*

(i) *Intervention and environmental mediation by the legislative commission on waste management under chapter 115A; and*

(j) *Grants by the agency to study the extent of contamination and feasibility of cleanup of hazardous substances and pollutants or contaminants in major waterways of the state.*

Subd. 3. [LIMIT ON CERTAIN EXPENDITURES.] The director or agency may not spend any money under subdivision 2, clause (b) or (d) for removal or remedial actions to the extent that the costs of those actions may be compensated from any fund established under the Federal Superfund Act, 42 U.S.C. Section 9600 et seq. The director or agency shall determine the extent to which any of the costs of those actions may be compensated under the federal act based on the likelihood that the compensation will be available in a timely fashion. In making this determination the director or agency shall take into account:

(a) *The urgency of the removal or remedial actions and the priority assigned under the Federal Superfund Act to the release which necessitates those actions;*

(b) *The availability of money in the funds established under the Federal Superfund Act; and*

(c) *The consistency of any compensation for the cost of the proposed actions under the Federal Superfund Act with the national contingency plan, if such a plan has been adopted under that act.*

Subd. 4. [REVENUE SOURCES.] Revenue from the following sources

shall be deposited in the environmental response, compensation and compliance fund:

(a) The proceeds of the taxes imposed pursuant to section 22, including interest and penalties;

(b) All money recovered by the state under sections 1 to 18 or under any other statute or rule related to the regulation of hazardous waste or hazardous substances, including civil penalties and money paid under any agreement, stipulation or settlement but excluding fees imposed under section 25;

(c) All interest attributable to investment of money deposited in the fund; and

(d) All money received in the form of gifts, grants, reimbursement or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.

Subd. 5. [RECOMMENDATION BY LCWM.] The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations regarding appropriations from the fund.

Subd. 6. [REPORT TO LEGISLATURE.] By November 1, 1984, and each year thereafter, the agency shall submit to the senate finance committee, the house appropriations committee and the legislative commission on waste management a report detailing the activities for which money from the environmental response, compensation and compliance fund has been spent during the previous fiscal year.

Sec. 21. [115B.21] [TAXES; DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions provided in this section and section 2 apply to sections 21 to 24.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of revenue.

Subd. 3. [GENERATOR.] "Generator" means a person who generates hazardous waste and who is required to disclose the generation of hazardous waste under the hazardous waste rules of the agency adopted under section 116.07.

Subd. 4. [LONG TERM CONTAINMENT.] "Long term containment" means land disposal or storage for a period of more than one year.

Subd. 5. [TREATMENT.] "Treatment" means any material, technique or process designed to change the physical, chemical or biological character or composition of a hazardous waste in order to: (a) neutralize it; (b) render it nonhazardous or less hazardous; (c) render it safer to transport, store or dispose of; (d) make it amenable to storage; or (e) reduce its volume.

Subd. 6. [WASTEWATER TREATMENT UNIT.] "Wastewater treatment unit" means a device which is part of a wastewater treatment facility subject to regulation pursuant to the federal Clean Water Act under 33 U.S.C. Section 1317 (b) or 1342.

Sec. 22. [115B.22] [HAZARDOUS WASTE GENERATOR TAX.]

Subdivision 1. [TAXES IMPOSED; EXCLUSIONS.] Each generator of

hazardous waste shall pay the taxes imposed by this section based upon the volume and destination of the hazardous wastes generated. The taxes imposed by this section do not apply to hazardous wastes destined for recycling or reuse including waste accumulated, stored, or physically, chemically, or biologically treated before recycling or reuse, to used crankcase oil, to hazardous waste which is generated as a result of any response action, or to hazardous waste which meets applicable pretreatment standards or compliance schedules and is discharged to a public sewage treatment works.

Subd. 2. [LONG TERM CONTAINMENT WITHOUT TREATMENT.] Hazardous waste destined for long term containment without treatment shall be taxed at the rate of 32 cents per gallon of liquid or \$32 per cubic yard of solid.

Subd. 3. [LONG TERM CONTAINMENT AFTER TREATMENT.] Hazardous waste destined for long term containment after treatment shall be taxed at the rate of 16 cents per gallon of liquid or \$16 per cubic yard of solid.

Subd. 4. [LAND TREATMENT.] Hazardous waste destined for treatment in or on the land shall be taxed at the rate of \$32 per cubic yard.

Subd. 5. [OTHER TREATMENT.] Hazardous waste destined for treatment, other than as provided in subdivision 6, to produce a material which is not hazardous, including treatment permitted by the agency in a sewage treatment works, or hazardous waste which is destined for destructive treatment by incineration shall be taxed at the rate of eight cents per gallon of liquid or \$8 per cubic yard of solid.

Subd. 6. [ON-SITE WASTEWATER TREATMENT.] The tax imposed under this section does not apply to hazardous waste which is destined for treatment in an on-site wastewater treatment unit to produce a material which is not hazardous before entering a public sewer system or waters of the state but the tax does apply to any residue of treatment which is a hazardous waste.

Subd. 7. [DISPOSITION OF PROCEEDS.] The proceeds of the taxes imposed under this section including any interest and penalties shall be deposited in the fund.

Subd. 8. [REVIEW OF TAX BY LCWM.] After the waste management board submits the plan required under section 115A.11 to the legislative commission on waste management, the commission shall review the taxes and tax rates imposed under this section in light of the objectives and recommendations of the plan, and shall recommend to the standing tax committees of both houses of the legislature any changes in the taxes or tax rates which are needed to assist or encourage implementation of the strategies adopted by the state for management of hazardous waste.

Sec. 23. [115B.23] [SEVERABILITY.]

If any tax imposed under section 22 is found to be invalid because of the purpose for which the proceeds were appropriated or made available under section 20, subdivision 2, the proceeds of that tax shall not be appropriated or available for the objectionable purposes, but the tax shall continue to be imposed and the proceeds shall be appropriated and made available for

other purposes provided in section 20, subdivision 2.

Sec. 24. [115B.24] [TAX ADMINISTRATION AND ENFORCEMENT.]

Subdivision 1. [ANNUAL RETURNS.] Every generator of hazardous waste subject to taxation pursuant to section 22 shall file a return relating to the tax due for the preceding calendar year with the commissioner of revenue by April 15 each year, in the form prescribed by the commissioner. Payment of the tax, to the extent not paid in full pursuant to subdivisions 2 and 3, shall be submitted with the return.

Subd. 2. [DECLARATIONS OF ESTIMATED TAX.] For 1983, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the last six months of calendar 1983 if the tax can reasonably be estimated to exceed \$500. The declaration of the estimated tax shall be filed by October 15, 1983. The amount of estimated tax with respect to which a declaration is required shall be paid in two equal installments by October 15, 1983 and January 15, 1984. For 1984 and subsequent years, every generator of hazardous waste required to pay a tax pursuant to section 22 shall make a declaration of estimated hazardous waste generated for the calendar year if the tax can reasonably be expected to be in excess of \$1,000. The declaration of estimated tax shall be filed by March 15. The amount of estimated tax with respect to which a declaration is required shall be paid in four equal installments on or before the 15th day of March, June, September, and December.

An amendment of a declaration may be filed in any interval between installment dates prescribed above but only one amendment may be filed in each interval. If an amendment of a declaration is filed, the amount of each remaining installment shall be the amount which would have been payable if the new estimate had been made when the first estimate for the calendar year was made, increased or decreased, as the case may be, by the amount computed by dividing

(1) the difference between (A) the amount of estimated tax required to be paid before the date on which the amendment was made, and (B) the amount of estimated tax which would have been required to be paid before that date if the new estimate had been made when the first estimate was made, by

(2) the number of installments remaining to be paid on or after the date on which the amendment is made.

The commissioner of revenue may grant a reasonable extension of time for filing any declaration but the extension shall not be for more than six months.

Subd. 3. [FAILURE TO PAY ESTIMATED TAX.] (a) In case of any underpayment of estimated tax required by this section, except as provided in clause (b), there shall be added to the tax for the taxable year an amount determined at the rate specified in section 270.75, subdivision 4, upon the amount of the underpayment for the period of the underpayment.

For purposes of this subdivision, the amount of the underpayment shall be the excess of

(1) the amount of the installment, over

(2) the amount, if any, of the installment paid on or before the last date

prescribed for payment.

The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:

(1) April 15, or

(2) With respect to any portion of the underpayment, the date on which the portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under this subdivision for the installment date.

(b) Notwithstanding the provisions of clause (a), the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were the lesser of:

(1) For 1985 and thereafter, the tax shown on the return of the taxpayer for the preceding year or, for 1984, twice the amount of the tax shown for 1983; or

(2) Eighty percent of the actual liability for the year.

Subd. 4. [REFUNDS OF OVERPAYMENTS OF ESTIMATED TAX.] Refunds of overpayments of estimated tax shall be made as provided in section 290.936.

Subd. 5. [EXCHANGE OF INFORMATION.] Notwithstanding the provisions of section 116.075, the pollution control agency may provide the commissioner of revenue with the information necessary for the enforcement of section 22 and this section. Information disclosed in a return filed pursuant to this section is public. Information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency pursuant to section 116.075 or is trade secret information classified pursuant to section 13.37. Information obtained in the course of an audit of the taxpayer by the department of revenue shall be nonpublic or private data to the extent that it is not directly divulged in a return of the tax.

Subd. 6. [PAYMENT BY OUT-OF-STATE GENERATORS.] A generator of any hazardous waste which is generated outside of this state and is transported into this state for long term containment or treatment as described in section 22, subdivisions 2 to 5 shall pay the tax imposed by section 22 at the first point at which the hazardous wastes are received by a person in this state for storage, treatment or long term containment. The tax shall be paid to the person who first receives the wastes in this state at the time the waste is received and shall be remitted by that person to the commissioner of revenue quarterly in the form and manner provided by the commissioner.

Subd. 7. [DUTIES OF THE AGENCY AND METROPOLITAN COUNTIES.] The agency shall provide to the commissioner the names and addresses of all persons known to the agency who are subject to tax under section 22, together with any information which the agency possesses concerning the amount of hazardous waste generated and disposed of by those

persons. Metropolitan counties required to regulate hazardous wastes under section 473.811, subdivision 5b, shall provide to the agency the data and information necessary to allow the agency to carry out its duties under this subdivision. Upon request by the commissioner, the agency shall examine returns and reports filed with the commissioner and notify the commissioner of any suspected inaccurate or fraudulent declaration or return. The agency may assist in auditing any person subject to tax under section 22 when requested by the commissioner.

Subd. 8. [PENALTIES; ENFORCEMENT.] The audit, penalty and enforcement provisions applicable to taxes imposed under chapter 290 apply to the taxes imposed under section 22 and those provisions shall be administered by the commissioner.

Subd. 9. [RULES.] The commissioner may adopt temporary and permanent rules necessary to implement the provisions of this section and section 22.

Subd. 10. [ADMINISTRATIVE EXPENSES.] Any amount expended by the commissioner from a general fund appropriation to enforce and administer section 22 and this section shall be reimbursed to the general fund and the amount necessary to make the reimbursement is appropriated from the fund to the commissioner of finance for transfer to the general fund.

Sec. 25. [116.12] [HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 in the manner provided in section 16A.128 to cover the amount appropriated from the general fund to the agency for that year for permitting, monitoring, inspection and enforcement expenses of the hazardous waste activities of the agency.

The legislature may appropriate additional amounts that need not be covered by fees or may provide that the fees shall cover only a portion of the general fund appropriation for the hazardous waste activities of the agency, in order to assure adequate funding for the regulatory and enforcement functions of the agency related to hazardous waste. All fees collected by the agency under this section shall be deposited in the general fund.

Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.] Each generator of hazardous waste shall pay a fee on the hazardous waste which he generates. The agency shall compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid annually commencing with the first day of the calendar quarter after the date of the statement.

The agency may exempt generators of small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee based on the quantity of wastes generated by the generator.

If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the

agency outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. The agency shall impose a fee calculated as a surcharge on the fees charged by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. The surcharge imposed on the fees charged by the metropolitan counties shall be collected by the metropolitan counties in the manner in which the counties collect their generator fees. Metropolitan counties shall remit the proceeds of the surcharge to the agency by the last day of the month following the month in which they were collected.

Subd. 3. [FACILITY FEES.] The agency shall charge an original permit fee, a reissuance fee and an annual operator's fee for any hazardous waste facility regulated by the agency. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any hazardous waste facility.

Sec. 26. Minnesota Statutes 1982, section 115A.24, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] ~~Except as provided in subdivision 2;~~ By December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal. The certificate or certificates shall not be subject to the provisions of chapter 14 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 27. Minnesota Statutes 1982, section 466.01, is amended by adding a subdivision to read:

Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.

Sec. 28. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case;

(b) \$300,000 for any number of claims arising out of a single occurrence-;

(c) *Twice the limits provided in clauses (a) and (b), but not less than \$300,000 per claim, when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 15 or under any other law.*

No award for damages on any such claim shall include punitive damages.

Sec. 29. [RECOMMENDATIONS CONCERNING ALLOCATION OF LIABILITY.]

The waste management board shall make recommendations to the legislature by November 1, 1983 regarding the allocation of liability among the owners, operators, and users of a hazardous waste disposal facility established pursuant to sections 115A.18 to 115A.30, including any recommended legislative changes, taking into consideration the need for the facility, the state's involvement in the facility, the need to protect the health, property and environment of the local community from injury and loss, and the need for incentives to encourage the development and use of alternatives to land disposal. The recommendations shall be made after consultation with affected industries, including insurers, generators, transporters, disposers, and treaters of hazardous waste, individuals, including academic, scientific and legal professionals, and groups, including community and environmental groups.

Sec. 30. [VICTIM COMPENSATION STUDY.]

By July 1, 1984, the legislative commission on waste management shall conduct a study and make recommendations to the legislature on the creation of a compensation fund to compensate persons who are injured as the result of a release of a hazardous substance and who would not otherwise be adequately compensated for their injuries. The study shall consider matters including the following:

(a) *The appropriate scope of compensation which should be provided by the fund including the extent of any compensation which should be available for medical expenses, disability, loss of income, physical impairment, and death;*

(b) *Creation of a simple, speedy, and cost efficient claims procedure which provides an effective remedy for injured claimants;*

(c) *Methods by which compensation can be financed by those who create or contribute to the risk of injury from hazardous substance releases, including*

the manner by which the state may seek to recover amounts paid from the fund; and

(d) Whether the fund should be established or administered at the federal or state level and the appropriate degree of state and federal cooperation in providing compensation.

Sec. 31. [INSURANCE STUDY.]

The commissioner of insurance shall conduct a study of insurance providing coverage for liability under section 5. The commissioner shall submit the results of the study, together with his recommendations, to the legislature by July 1, 1985. The director of the pollution control agency shall cooperate with and provide assistance to the commissioner during the course of the study.

Sec. 32. [APPROPRIATION; COMPLEMENT.]

Subdivision 1. [APPROPRIATION TO FUND.] \$5,000,000 is appropriated from the general fund and transferred to the environmental response, compensation, and compliance fund established in section 20. This appropriation is available until expended.

Subd. 2. [TAX ADMINISTRATION; COMPLEMENT.] \$50,000 in fiscal year 1984 and \$40,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of revenue for the purposes of administering and enforcing sections 21 to 24. This appropriation shall be reimbursed to the general fund under the provisions of section 24, subdivision 10.

The complement of the department of revenue is increased by two positions.

Subd. 3. [APPROPRIATION FOR RESPONSE ACTIONS; COMPLEMENT.] \$483,700 in fiscal year 1984 and \$400,700 in fiscal year 1985 is appropriated from the environmental response, compensation, and compliance fund to the pollution control agency for administrative costs.

The complement of the pollution control agency is increased by ten positions.

All money in the environmental response, compensation, and compliance fund not otherwise appropriated is appropriated to the pollution control agency for the purposes described in section 20, subdivision 2, clauses (a), (b), and (c). This appropriation is available until June 30, 1985.

Subd. 4. [APPROPRIATION FOR COMPLIANCE ACTIONS; COMPLEMENT.] \$45,600 in fiscal year 1984 and \$56,400 in fiscal year 1985 is appropriated from the general fund to the attorney general for the purposes of enforcing this act. This appropriation shall be reimbursed to the general fund from the environmental response, compensation, and compliance fund, and the amount necessary to make the reimbursement is appropriated to the commissioner of finance for transfer to the general fund.

The complement of the office of the attorney general is increased by two positions.

Subd. 5. [APPROPRIATION FOR VICTIM COMPENSATION STUDY.] \$20,000 is appropriated from the general fund to the legislative commission

on waste management to carry out the study required by section 30.

Subd. 6. [APPROPRIATION FOR INSURANCE STUDY.] There is appropriated from the general fund to the commissioner of insurance \$5,000 for fiscal year 1984, to conduct the study described in section 31.

Sec. 33. [REPEALER.]

Minnesota Statutes 1982, section 115A.24, subdivision 2, is repealed.

Sec. 34. [EFFECTIVE DATE.]

Sections 17 to 24 are effective the day following final enactment. The taxes imposed by section 22 are effective July 1, 1983. The remaining sections of this act are effective July 1, 1983."

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "providing for studies;"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Dee Long, Darby Nelson, Willard M. Munger, Bob Anderson, Harry A. Sieben, Jr.

Senate Conferees: (Signed) Gene Merriam, Randolph W. Peterson, William P. Luther, Eric D. Petty

Mr. Merriam moved that the foregoing recommendations and Conference Committee Report on H.F. No. 76 be now adopted and that the bill be repassed as amended by the Conference Committee.

Mr. Berg moved that the recommendations and Conference Committee Report on H.F. No. 76 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the motion of Mr. Berg.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Knutson	Olson	Stumpf
Anderson	Frederick	Kronebusch	Peterson, D.L.	Taylor
Belanger	Frederickson	Laidig	Ramstad	Ulland
Benson	Isackson	Langseth	Renneke	Waldorf
Berg	Johnson, D.E.	Lessard	Schmitz	Wegscheid
Bernhagen	Kamrath	McQuaid	Sieloff	
Brataas	Knaak	Mehrkens	Storm	

Those who voted in the negative were:

Berglin	Dieterich	Luther	Peterson, C.C.	Samuelson
Bertram	Frank	Merriam	Peterson, D.C.	Solon
Dahl	Hughes	Moe, D. M.	Peterson, R.W.	Spear
Davis	Johnson, D.J.	Moe, R. D.	Petty	Vega
DeCramer	Jude	Nelson	Pogemiller	Willet
Dicklich	Kroening	Novak	Purfeerst	
Diessner	Lantry	Pehler	Reichgott	

The motion did not prevail.

The question recurred on the motion of Mr. Merriam.

The motion prevailed. So the recommendations and Conference Com-

mittee Report were adopted.

H.F. No. 76 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 55 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Langseth	Pehler	Schmitz
Anderson	Diessner	Lantry	Peterson, C. C.	Solon
Benson	Dieterich	Lessard	Peterson, D. C.	Spear
Berg	Frank	Luther	Peterson, R. W.	Storm
Berglin	Hughes	McQuaid	Petty	Stumpf
Bertram	Johnson, D. E.	Merriam	Pogemiller	Taylor
Brataas	Johnson, D. J.	Moe, D. M.	Purfeerst	Ulland
Chmielewski	Jude	Moe, R. D.	Ramstad	Vega
Dahl	Knaak	Nelson	Reichgott	Waldorf
Davis	Kroening	Novak	Renneke	Wegscheid
DeCramer	Laidig	Olson	Samuelson	Willet

Those who voted in the negative were:

Belanger	Frederickson	Kamrath	Kronebusch	Peterson, D. L.
Bernhagen	Isackson	Knutson	Mehrkens	Sieloff
Frederick				

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Messages From the House, Reports of Committees and Second Reading of Senate Bills.

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. 667.

H.F. No. 667: A bill for an act relating to employment; providing leaves of absence for adoptive parents; proposing new law coded in Minnesota Statutes, chapter 181.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Blatz, Price and Krueger have been appointed as such committee on the part of the House.

House File No. 667 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 May 4, 1983

Mr. Benson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 667, 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. Willet from the Committee on Finance, to which was re-referred

S.F. No. 86: 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 duties and powers to school boards, school districts, the state board of education; modifying certain components of foundation aid; modifying the method for calculating transportation aid; suspending certain special education rules; providing for community education aid and levy; providing for AVTI instructional aid; providing certain powers to intermediate school districts; modifying certain provisions relating to teacher mobility programs; modifying certain duties of the council on quality education; establishing certain programs relating to high technology; modifying the method of payment of certain aids and credits to school districts and related matters; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 121.15; 120.17, subdivision 3; 121.503; 121.505; 121.904, subdivision 4a, as amended; 121.908; 121.936, by adding a subdivision; 123.32, by adding a subdivision; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.702, subdivision 1a; 123.705; 123.933, subdivision 3; 124.14, subdivision 1; 124.15, subdivision 5; 124.155, subdivisions 1, and 2, as amended; 124.17, subdivision 2d; 124.19, subdivision 3; 124.201, subdivision 2; 124.2122, subdivisions 1 and 2; 124.2124, subdivision 1; 124.2126, subdivision 3; 124.2127, subdivision 1; 124.2132, subdivision 1; 124.214, subdivision 2; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3, and by adding a subdivision; 124.273, subdivision 4; 124.32, subdivisions 3a, 5, and 5a; 124.43, subdivision 1; 124.572, subdivision 2; 124.646, subdivision 1; 125.60, subdivisions 3 and 7; 126.54, subdivision 1; 129B.01, subdivisions 1 and 2; 129B.02; 129B.04; 129B.05; 129B.09, subdivisions 1 and 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 273.1392; 275.125, subdivisions 2d, 5, 5b, 9, 11a, 11b, and by adding subdivisions; 354.094, subdivisions 1, 1a, and by adding a subdivision; 354.66, subdivisions 4, 9, and by adding a subdivision; 354A.091, subdivision 1, 1a, and by adding a subdivision; 354A.094, subdivisions 4, 9, and by adding a subdivision; 375.335; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, by adding a section; Laws 1969, chapter 775, section 3, subdivision 2, as amended; section 3, by adding a subdivision; and chapter 1060, by adding sections; Laws 1981, chapter 358, article VII, section 29, as amended; and Laws 1982, chapter 548, article IV, section 21; proposing new law coded in Minnesota Statutes, chapters 121; 124; 124A; 125; 126; 129B; and 134; repealing Minnesota Statutes 1982, sections 122.542; 122.90; 124.2123; 124.2124; 124.2125; 124.2128; 124.24; 124.251; 124.271; 124.273, subdivisions 1 and 2; 124.32, subdivision 1; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626;

124.5627; 125.60, subdivisions 2a and 7; 129B.09, subdivision 5; 134.03; 134.06; 134.16; 134.19; 134.352; 275.125, subdivisions 6b, 6c, 6d, 7a, 7c, and 8; 354.66, subdivision 9; 354A.094, subdivision 9; and 375.33.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 16, delete everything after the period

Page 3, delete lines 17 and 18

Page 7, line 30, delete "TEACHER" and insert "TRAINING AND EXPERIENCE"

Page 7, line 30, delete "Teacher" and insert "Training and experience"

Page 7, line 31, delete "education" and insert "training"

Page 8, line 2, delete "TEACHER" and insert "TRAINING AND EXPERIENCE"

Page 8, line 3, after "The" insert "training and experience"

Page 8, line 13, delete "average" and insert "average"

Page 9, line 2, delete "teacher" and insert "training and experience"

Page 9, line 24, delete "level" and insert "tier"

Page 11, line 9, delete "minimum aid,"

Page 11, line 11, delete "124.2126,"

Page 11, line 17, after "7a" insert a comma and delete "7c" and insert "no aid or levy reductions were made according to section 275.125, subdivision 7c"

Page 12, line 2, after "(b)," insert "when"

Page 12, line 3, delete everything after the first "the" and insert "tiers specified in sections 9, 10, 11, 12 and 13 for a district exceeds the revenue for that district from the previous formula as specified in section 13, subdivision 1, clauses (a) and (b), the actual total revenue the district shall be permitted from the tiers shall not exceed"

Page 12, delete line 4

Page 12, line 5, delete "(a) and (b) by more than" and delete "for" and insert "of the difference in"

Page 12, lines 6 and 7, delete "for" and insert "of the difference in"

Page 12, line 8, delete everything after "be" except the period and insert "accorded to the lowest numbered tiers, beginning with the cost differential tier"

Page 12, after line 8, insert:

"(b) The permitted total revenue specified in clause (a) shall be determined prior to the reduction according to section 275.125, subdivision 7e."

Page 12, line 9, delete "(b)" and insert "(c)"

Page 14, line 26, delete "when the levy is" and insert "for which the levy

is attributable”

Page 14, line 27, delete “certified”

Page 15, line 24, delete “12.25” and insert “12.5”

Page 17, delete section 21 and insert:

“Sec. 21. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [FOUNDATION AID.] For foundation aid there is appropriated:

\$591,925,000.....1984,

\$539,636,000.....1985.

The appropriation for 1984 includes \$84,895,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$507,030,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$89,413,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$450,223,000 for aid for fiscal year 1985 payable in fiscal year 1985.

Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated.”

Page 23, line 17, delete “13.1” and insert “11.8”

Page 23, line 19, delete “11.6” and insert “10.4”

Page 24, line 22, after the comma insert “and”

Page 24, delete line 24

Page 24, line 25, delete “subdivision 8k,”

Page 29, delete lines 7 to 36

Page 30, delete lines 1 to 8

Page 34, line 10, delete “not exceed the product” and insert “be the sum”

Page 34, delete lines 11 to 19 and insert:

“(a) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation to and from school of secondary pupils who live more than one mile but less than two miles from the public school which they could attend or from a nonpublic school actually attended, plus

(b) the district's actual cost in the school year after the year in which the excess transportation levy is certified for transportation costs or other related services which are necessary because of extraordinary traffic hazards, plus

(c) an amount equal to \$20 times the number of FTE pupils transported on

contracted school buses in the regular transportation category in the school year preceding the year the levy is certified, plus

(d) the amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year beginning in the calendar year following the calendar year the levy is certified."

Pages 34 and 35, delete section 8 and insert:

"Sec. 8. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [TRANSPORTATION AID.] For transportation aid there is appropriated:

\$84,591,000.....1984,

\$89,144,000.....1985.

(a) The appropriation for 1984 includes \$13,471,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$71,120,000 for fiscal year 1984 payable in fiscal year 1984.

(b) The appropriation for 1985 includes \$12,550,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$76,594,000 for fiscal year 1985 payable in fiscal year 1985.

(c) The appropriations are based on 100 percent aid entitlements of \$83,670,000 for fiscal year 1984 and \$90,110,000 for fiscal year 1985.

Subd. 3. [CANCELLATION.] Any unexpended balance remaining from the appropriation in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for any purposes indicated is insufficient, the aid for that year shall be prorated among all qualifying districts in the manner prescribed in Minnesota Statutes, section 124.225, subdivision 8a."

Page 38, line 27, after the period, insert "*In the 1983-1984 school year,*"

Pages 40 to 42, delete section 12 and insert:

"Sec. 12. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [SPECIAL EDUCATION AID.] For special education aid there is appropriated:

\$116,905,000.....1984,

\$123,266,000.....1985.

The appropriation for 1984 includes \$15,148,000 for aid for fiscal year

1983 payable in fiscal year 1984, and \$101,757,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$17,957,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$105,309,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$119,714,000 for fiscal year 1984 and \$123,893,000 for fiscal year 1985.

Subd. 3. [SUMMER SCHOOL FOUNDATION AID.] For aid pursuant to section 124.201, subdivision 3, for special education summer school programs there is appropriated:

\$ 621,000.....1984,

\$ 749,000.....1985.

The appropriation for 1984 is for 1983 summer school programs.

The appropriation for 1985 is for 1984 summer school programs.

Subd. 4. [SUMMER SCHOOL SPECIAL EDUCATION AID.] For special education aid for summer school programs there is appropriated:

\$3,325,000.....1984,

\$3,458,000.....1985.

The appropriation for 1984 is for 1983 summer school programs.

The appropriation for 1985 is for 1984 summer school programs.

Subd. 5. [RESIDENTIAL FACILITIES AID.] For aid pursuant to section 124.32, subdivision 5, there is appropriated:

\$1,139,000.....1984,

\$1,185,000.....1985.

Subd. 6. [LIMITED ENGLISH PROFICIENCY PUPILS PROGRAM AID.] For aid to educational programs for pupils of limited English proficiency pursuant to section 124.273 there is appropriated:

\$2,860,000.....1984,

\$3,079,000.....1985.

The appropriation for 1984 includes \$380,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$2,480,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$438,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$2,641,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$2,918,000 for fiscal year 1984 and \$3,107,000 for fiscal year 1985.

Subd. 7. [AMERICAN INDIAN LANGUAGE AND CULTURE PROGRAM AID.] For grants to American Indian language and culture education programs pursuant to section 126.54, subdivision 1, there is appropriated:

\$538,000.....1984,

\$565,000.....1985.

The appropriation for 1984 includes \$73,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$465,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$82,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$483,000 for aid for fiscal year 1985, payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$547,000 for fiscal year 1984 and \$568,000 for fiscal year 1985.

Subd. 8. [HEARING IMPAIRED SUPPORT SERVICES AID.] For payment of support services for hearing impaired persons pursuant to section 121.201 there is appropriated:

\$42,000.....1984,

\$37,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$42,000 for fiscal year 1984 and \$43,000 for fiscal year 1985.

Subd. 9. [CANCELLATION.] Any unexpended balances remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amount appropriated in this section shall be expended for a purpose other than the purpose indicated.

Subd. 10. [PRORATION.] If the appropriation amount in subdivisions 2, 3, 4, 5 or 6 of this section attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."

Page 45, line 7, after "1982" insert a comma

Page 45, line 8, before "article" insert "chapter 1,"

Pages 45 and 46, delete section 7 and insert:

"Sec. 7. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [ADULT EDUCATION AID.] For adult education aid pursuant to section 124.26 there is appropriated:

\$1,359,000.....1984,

\$1,427,000.....1985.

The amount appropriated for fiscal year 1984 includes \$185,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,174,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The amount appropriated for fiscal year 1985 includes \$207,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,220,000 for aid for fiscal

year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$1,381,000 for fiscal year 1984 and \$1,436,000 for fiscal year 1985.

Subd. 3. [COMMUNITY EDUCATION AID.] For community education aid pursuant to section 1 there is appropriated:

\$1,753,000.....1984,

\$1,249,000.....1985.

The amount appropriated for fiscal year 1984 includes \$494,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,259,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The amount appropriated for fiscal year 1984 includes \$222,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,027,000 for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$1,481,000 for fiscal year 1984 and \$1,208,000 for fiscal year 1985.

Subd. 4. [CANCELLATION AND PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."

Page 46, after line 34, insert:

"Section 1. Minnesota Statutes 1982, section 121.912, is amended by adding a subdivision to read:

Subd. 1a. [AVTIS] Moneys shall not be transferred from the post-secondary general fund to any other operating or nonoperating fund."

Page 47, line 6, insert "9" in the blank

Page 47, line 13, delete "related instruction,"

Page 49, line 6, delete "15" and insert "10"

Page 49, line 21, delete "of" and insert "for"

Page 50, after line 28, insert:

"Subd. 7. [SUBSEQUENT ALLOCATION.] The state board may withhold up to one percent of the post-secondary vocational instructional aid appropriation for subsequent allocation. The amount withheld and any additional state and federal moneys available for post-secondary vocational education shall be allocated, no later than February 15 of the fiscal year for which the aid is allocated, at a public hearing held according to subdivisions 3, 4, and 5."

Page 54, line 35, after "sections" insert "124.11, subdivision 2c,"

Pages 55 to 59, delete section 14 and insert:

“Sec. 15. [APPROPRIATIONS.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID.] For post-secondary vocational instructional aid there is appropriated:

\$86,549,000.....1984,

\$94,909,000.....1985.

The appropriation for 1984 includes \$7,890,000 for aid for fiscal year 1983 payable in fiscal year 1984, pursuant to section 124.5621, and \$78,659,000 for aid for fiscal year 1984 payable in fiscal year 1984, pursuant to section 4.

The appropriation for 1984 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriation for 1985 includes \$13,881,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$81,028,000 for aid for fiscal year 1985 payable in fiscal year 1985, pursuant to section 3.

The appropriation for 1985 is based on the assumption that the state will spend for this purpose an amount at least equal to \$5,700,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriations are based on 100 percent aid entitlements of \$92,540,000 for fiscal year 1984 and \$95,327,000 for fiscal year 1985.

Subd. 3. [POST-SECONDARY VOCATIONAL SUPPLY AID.] For post-secondary vocational supply aid there is appropriated:

\$2,370,000.....1984.

The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.

Subd. 4. [POST-SECONDARY VOCATIONAL SUPPORT SERVICES AID.] (a) For post-secondary vocational support services aid there is appropriated:

\$2,428,000.....1984.

The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.

Subd. 5. [POST-SECONDARY VOCATIONAL EQUIPMENT AID.] For post-secondary vocational equipment aid there is appropriated:

\$1,458,000.....1984.

The appropriation is for aid for fiscal year 1983 payable in fiscal year 1984.

Subd. 6. [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.]

For post-secondary vocational debt service aid there is appropriated:

\$6,987,000.....1984,

\$6,715,000.....1985.

Subd. 7. [ADULT VOCATIONAL EDUCATION AID.] For adult vocational education aid there is appropriated:

\$7,732,000.....1984,

\$8,122,000.....1985.

The appropriation for 1984 includes \$1,055,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$6,677,000 for aid for fiscal year 1984.

The appropriation for 1985 includes \$1,178,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$6,944,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$7,855,000 for fiscal year 1984 and \$8,170,000 for fiscal year 1985.

Subd. 8. [VETERAN FARMER COOPERATIVE TRAINING PROGRAMS.] For veteran farmer cooperative training programs there is appropriated:

\$392,000.....1984,

\$320,000.....1985.

Subd. 9. [DULUTH AND GRAND RAPIDS LOGGING PROGRAM.] For the logging business management program operated by the adult extension department of the Duluth area vocational-technical institute and the Grand Rapids school district, there is appropriated in addition to the aid provided according to subdivision 8:

\$30,000.....1984,

\$30,000.....1985.

Subd. 10. [SECONDARY VOCATIONAL EDUCATION AID.] For secondary vocational education aid pursuant to section 124.573 there is appropriated:

\$20,378,000.....1984,

\$20,037,000.....1985.

The appropriation for 1984 includes \$2,935,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$17,443,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$3,078,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$16,959,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$20,521,000 for fiscal year 1984 and \$19,952,000 for fiscal year 1985.

For the purposes of this subdivision, funds appropriated for secondary

vocational education programs may not be expended for the purpose of discontinuing or converting existing senior secondary industrial arts education programs.

Subd. 11. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.] For secondary vocational programs for handicapped children pursuant to section 124.574 there is appropriated:

\$2,564,000.....1984.

\$2,695,000.....1985.

The appropriation for 1984 includes \$348,000 for aid for fiscal year 1983 payable in fiscal year 1984. This amount also includes \$2,216,000 for aid for fiscal year 1984 payable in fiscal year 1984. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1984 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriation for 1985 includes \$391,000 for aid for fiscal year 1984 payable in fiscal year 1985. This amount also includes \$2,304,000 for aid for fiscal year 1985 payable in fiscal year 1985. This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to \$230,000 in fiscal year 1985 of federal money received for vocational education programs pursuant to the Vocational Education Act of 1963, as amended.

The appropriations are based on 100 percent aid entitlements of \$2,607,000 for fiscal year 1984 and \$2,710,000 for fiscal year 1985.

Subd. 12. [CANCELLATION; PRORATION.] Any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amounts attributable to either year for any purpose indicated are insufficient, the aid for that year shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."

Page 59, delete section 1

Page 62, line 25, delete "Starting in" and insert "For" and after "1982-1983" insert "and 1983-1984"

Page 62, line 26, delete "year" and insert "years"

Page 63, line 20, delete "Starting in" and insert "For" and after "1982-1983" insert "and 1983-1984" and delete "year" and insert "years"

Page 64, after line 9, insert:

"Sec. 8. Minnesota Statutes 1982, section 124.155, subdivision 2, as amended by Laws 1982, Third Special Session chapter 1, article 3, section 3, is amended to read:

Subd. 2. [SUBTRACTION FROM AIDS.] The amount specified in Laws

1981, Third Special Session Chapter 2, Article 4, Section 3, Subdivision 2, as amended by Laws 1982, Chapter 548, Article 7, Section 7, as further amended by article III, section 4 of this act shall be subtracted from the following state aids and credits in the order listed in fiscal year 1983. The amount specified in subdivision 1 shall be used to adjust the following state aids and credits in the order listed:

- (a) Foundation aid as authorized in section 124.212, subdivision 1;
- (b) Secondary vocational aid authorized in section 124.573;
- (c) Special education aid authorized in section 124.32;
- (d) Secondary vocational aid for handicapped children authorized in section 124.574;
- (e) Gifted and talented aid authorized in section 124.247;
- (f) Aid for pupils of limited English proficiency authorized in section 124.273;
- ~~(g) Aid for improved learning programs authorized in section 124.251;~~
- ~~(h) (g) Aid for chemical use programs authorized in section 124.246;~~
- ~~(i) (h) Transportation aid authorized in section 124.225;~~
- ~~(j) (i) Community education programs aid authorized in section 124.271 1 of article 4;~~
- ~~(k) (j) Adult education aid authorized in section 124.26;~~
- ~~(l) (k) Capital expenditure equalization aid authorized in section 124.245;~~
- ~~(m) (l) Homestead credit authorized in section 273.13, subdivisions 6, 7, and 14a;~~
- ~~(n) (m) Reduced assessment credit authorized in section 273.139;~~
- ~~(o) (n) Wetlands credit authorized in section 273.115;~~
- ~~(p) (o) Native prairie credit authorized in section 273.116; and~~
- ~~(q) (p) Attached machinery aid authorized in section 273.138, subdivision 3.~~

The commissioner of education shall schedule the timing of the reductions from state aids and credits specified in Laws 1981, Third Special Session Chapter 2, Article 4, Section 3, Subdivision 2, as amended by Laws 1982, Chapter 548, Article 7, Section 7, as further amended by article III, section 4 of this act, and the adjustments to state aids and credits specified in subdivision 1, as close to the end of the fiscal year as possible and in such a manner that will minimize the impact of Laws 1981, Third Special Session Chapter 2, Article 4, as amended, on the cash flow needs of the school districts."

Page 66, line 25, delete "Starting in" and insert "For" and after "1982-1983" insert "and 1983-1984"

Page 66, line 26, delete "year" and insert "years"

Page 68, after line 31, insert:

“Sec. 16. Minnesota Statutes 1982, section 124.26, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION.] For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar as federal funds are available. The state shall pay these aids on a current funding basis. Except for the 1982-1983 school year, the portion of the compensation from state appropriation aid shall be 90 percent of the compensation paid each teacher for services in the programs up to \$8,000 per year based on the costs as approved in that the current year application. Aid may also be paid for an alternative method of providing programs if the method is determined by the commissioner to be cost-effective. Not more than two and one-half percent of the amount appropriated for evening schools and continuing education programs may be for alternative programs. All classes shall be tuition free when taught by teachers subsidized under this section. and there shall be No charge for registration, materials and supplies may be made except a security deposit for the return of materials, supplies, and equipment. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.”

Pages 81 to 90, delete section 36 and insert:

“Sec. 37. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [HEALTH AND DEVELOPMENTAL SCREENING PROGRAMS.] For health and developmental screening programs pursuant to sections 123.701 to 123.705 there is appropriated:

\$729,000.....1984,

\$794,000.....1985.

The appropriation for fiscal year 1984 includes \$103,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$626,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$111,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$683,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$737,000 for fiscal year 1984 and \$804,000 for fiscal year 1985.

Subd. 3. [MINI-GRANTS FOR PRE-SCHOOL SCREENING STUDY.] For mini-grants to study screening of children three years of age and younger there is appropriated:

\$32,000.....1984,

\$39,000.....1985.

The appropriation for fiscal year 1984 includes aid for fiscal year 1984 payable in fiscal year 1984. The appropriation for fiscal year 1985 includes \$6,000 for fiscal year 1984 payable in fiscal year 1985 and \$33,000 for fiscal year 1985 payable in fiscal year 1985. The appropriations are based on 100 percent aid entitlements of \$38,000 for fiscal year 1984 and \$39,000 for fiscal year 1985. The appropriation is for the purpose of funding mini-grants approved by the department of education to study the feasibility of screening children three years of age and younger. The department of education shall establish procedures for school districts to apply for these grants and the results shall be reported to the legislature by February 15, 1984. Notwithstanding the provisions of section 123.702, children who participate in these experimental screening services shall remain eligible for subsequent screening services offered by the school district under section 123.702, subdivision 1.

Subd. 4. [ABATEMENT AID.] For abatement aid pursuant to section 124.214, subdivision 2, there is appropriated:

\$2,150,000.....1984,

\$2,250,000.....1985.

Subd. 5. [CAPITAL EXPENDITURE EQUALIZATION AID.] For capital expenditure equalization aid pursuant to section 124.245, subdivision 1, there is appropriated:

\$313,000.....1984,

\$224,000.....1985.

The appropriation for fiscal year 1984 includes \$58,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$255,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$45,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$179,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$300,000 for fiscal year 1984 and \$211,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a.

Subd. 6. [SPECIAL PURPOSE CAPITAL EXPENDITURE EQUALIZATION AID.] For special purpose capital expenditure equalization aid pursuant to section 124.245, subdivision 1a, there is appropriated:

\$52,000.....1984,

\$46,000.....1985.

The appropriation for fiscal year 1984 includes \$9,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$43,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$8,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$38,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$51,000 for fiscal year 1984 and \$45,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.

Subd. 7. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE EQUALIZATION AID.] For hazardous substance capital expenditure equalization aid pursuant to section 124.245, subdivision 1c, there is appropriated:

\$38,000.....1985.

The appropriation for fiscal year 1985 includes \$38,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$45,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriation in this subdivision for either year may be expended for capital expenditure equalization aid pursuant to section 124.245, subdivision 1.

Subd. 8. [EDUCATIONAL COOPERATIVE SERVICE UNITS.] For educational cooperative service units, there is appropriated:

\$695,000.....1984,

\$591,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$695,000 for fiscal year 1984 and \$695,000 for fiscal year 1985.

Funds from this appropriation shall be transmitted to ECSU boards of directors for general operations in the amount of \$63,180 per ECSU for each fiscal year; however, the ECSU whose boundaries coincide with the boundaries of development region 11 and the ECSU whose boundaries encompass development regions six and eight shall receive \$126,360 for each fiscal year for general operations.

Subd. 9. [SCHOOL LUNCH AND FOOD STORAGE AID.] For school lunch aid pursuant to section 124.646 and for food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:

\$4,625,000.....1984,

\$4,625,000.....1985.

Any unexpended balance remaining from the appropriations in this subdivision shall be prorated among participating schools based on the number of fully paid lunches served during that school year in order to meet the state revenue matching requirement of the U.S.D.A. National School Lunch Program.

If the appropriation amount attributable to either year is insufficient, the

rate of payment for each full paid student lunch shall be reduced and the aid for that year shall be prorated among participating schools so as not to exceed the total authorized appropriation for that year.

Subd. 10. [INTERDISTRICT COOPERATION AID.] For aid for inter-district cooperation programs pursuant to section 17 there is appropriated:

\$850,000.....1985.

The appropriation is based on 100 percent aid entitlement of \$1,000,000 for fiscal year 1985.

Subd. 11. [GIFTED AND TALENTED STUDENTS.] For programs for the gifted and talented pursuant to section 124.247 there is appropriated:

\$625,000.....1984,

\$659,000.....1985.

The appropriation for aid for fiscal year 1984 includes \$80,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$545,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$96,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$563,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$641,000 for fiscal year 1984 and \$662,000 for fiscal year 1985.

Subd. 12. [NONPUBLIC AIDS.] For programs for nonpublic educational aid pursuant to sections 123.931 to 123.947 there is appropriated:

\$6,020,000.....1984,

\$6,645,000.....1985.

The appropriation for aid for fiscal year 1984 includes \$629,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$5,391,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$951,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$5,694,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$6,342,000 for fiscal year 1984 and \$6,699,000 for fiscal year 1985.

Subd. 13. [APPROPRIATION; INDIAN EDUCATION.] (a) For certain Indian education programs there is appropriated:

\$156,000.....1984,

\$138,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$156,000 for fiscal year 1984 and \$163,000 for fiscal year 1985.

These appropriations are available for expenditure with the approval of the commissioner of education.

The commissioner shall not approve the payment of any amount to a school

district pursuant to this subdivision unless that school district is in compliance with all applicable laws of this state.

Up to the following amounts may be distributed to the following school districts for fiscal year 1984: \$49,600 to Independent School District No. 309-Pine Point School; \$8,750 to Independent School District No. 166; \$13,500 to Independent School District No. 432; \$12,700 to Independent School District No. 435; \$38,100 to Independent School District No. 707; and \$35,350 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

Up to the following amounts may be distributed to the following school districts for fiscal year 1985: \$52,100 to Independent School District No. 309-Pine Point School; \$9,200 to Independent School District No. 166; \$14,200 to Independent School District No. 432; \$13,350 to Independent School District No. 435; \$40,050 to Independent School District No. 707; and \$37,100 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

These appropriations are available only if there will not be available for the districts enumerated in this subdivision for the applicable school year any operation support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, Public Law 73-167 or 25 Code of Federal Regulations 273.31, or equivalent money from the same or another source.

(b) Before a district can receive moneys pursuant to this subdivision, the district must submit to the commissioner of education evidence that it has:

(i) Complied with the Uniform Financial Accounting and Reporting Standards Act, sections 121.90 to 121.917. For each school year, compliance with section 121.908, subdivision 3a, shall require the school district to prepare one budget including the amount available to the district pursuant to this subdivision and one budget which does not include these moneys. The budget of that school district for the 1985-86 school year prepared according to section 121.908, subdivision 3a, shall be submitted to the commissioner of education at the same time as 1984-1985 budgets and shall not include any moneys appropriated in this subdivision;

(ii) Conducted a special education needs assessment and prepared a proposed service delivery plan according to Minnesota Statutes, sections 120.03 and 120.17; Public Law 94-142, an act of the 94th Congress of the United States cited as the "Education for All Handicapped Children Act of 1975"; and applicable state board of education rules; and

(iii) Compiled accurate daily pupil attendance records.

(c) Prior to approving payment of any amount to a school district pursuant to this subdivision, the commissioner shall review and evaluate each affected district's compliance with clause (b) and any other applicable laws, and each affected district's need for the moneys. Each affected district's net unappropriated fund balance in all operating funds as of June 30 of the previous school year shall be taken into consideration.

Subd. 14. [CHEMICAL USE PROGRAMS.] For aid for chemical depen-

gency programs authorized pursuant to section 124.246 there is appropriated:

\$ 965,000.....1984,

\$1,005,000.....1985.

The appropriation for fiscal year 1984 includes \$135,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$830,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$146,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$859,000 for aid for fiscal year 1984 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$977,000 for fiscal year 1984 and \$1,011,000 for fiscal year 1985.

Subd. 15. [EARLY CHILDHOOD AND FAMILY EDUCATION.] For early childhood and family education programs pursuant to sections 129B.06 to 129B.09 there is appropriated:

\$1,761,000.....1984,

\$1,907,000.....1985.

The appropriation for fiscal year 1984 includes \$209,000 for aid for fiscal year 1983 payable in fiscal year 1984 and \$1,552,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for fiscal year 1985 includes \$274,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$1,633,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$1,826,000 for fiscal year 1984 and \$1,921,000 for fiscal year 1985.

Subd. 16. [ARTS PLANNING GRANTS.] For Minnesota comprehensive arts in education planning grants, there is appropriated from the general fund to the department of education the sums indicated for the fiscal years ending June 30 in the years designated:

\$125,000.....1984,

\$106,000.....1985.

The appropriations are based on 100 percent aid entitlements of \$125,000 for fiscal year 1984 and \$125,000 for fiscal year 1985.

This appropriation includes funds for the employment of one staff by the commissioner to administer the program in section 19.

The department of education's approved complement is increased by 1.0 with this appropriation.

Subd. 17. [CARDIOPULMONARY RESUSCITATION INSTRUCTION.] There is appropriated from the general fund to the department of education the sum of \$35,000 for fiscal year 1984 for educational cooperative service units to purchase equipment needed for instruction in cardiopulmonary resuscitation. The equipment shall be available for use by school districts. Funds from this appropriation shall be transmitted to ECSU boards of direc-

tors. The department of education shall issue grants to ECSU's based on the following criteria: the number of school districts in the ECSU, the number of students served by the ECSU, and other resources available to the ECSU. The sums appropriated are available until expended.

Subd. 18. [CAMPUS LABORATORY SCHOOL.] The following sums are appropriated from the general fund to St. Cloud State University for the laboratory school at St. Cloud for the fiscal years ending June 30 in the years indicated:

\$570,000 1984,

\$619,000 1985.

Subd. 19. [EDUCATION DISTRICTS.] There is appropriated from the general fund to the department of education the sum of \$2,000,000 for purposes of the program established under section 13. The state board of education shall approve agreements according to section 15, subdivision 6, within the limits of the appropriation. Approved agreements shall receive full funding. The sum shall be available until June 30, 1985.

Subd. 20. [PINE POINT SCHOOL.] There is appropriated from the general fund to the department of education for Independent School District No. 309, Pine Point School, the sum of \$57,000 for payment of obligations. The sum shall be available until June 30, 1985.

Subd. 21. [CANCELLATION AND PRORATION.] Except as provided in subdivisions 5, 6, and 7, any unexpended balance remaining from the appropriations in this section for 1984 shall cancel and shall not be available for the second year of the biennium. Except as provided in subdivisions 5 and 6, none of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to either year for the purpose indicated is insufficient, the aid for that year shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriations in this section for these purposes."

Page 94, after line 2, insert:

"Sec. 4. Minnesota Statutes 1982, section 120.075, is amended by adding a subdivision to read:

Subd. 1b. Any pupil who has continuously been enrolled for a period of two or more consecutive years in a school district of which the pupil was not a resident, without a tuition agreement pursuant to section 123.39, subdivision 5, or 124.18, subdivision 2, may continue in enrollment in that district. The district in which the pupil is enrolled shall be considered the pupil's district of residence."

Page 94, line 33, after "the" insert "building or"

Page 99, after line 2, insert:

"Sec. 8. Minnesota Statutes 1982, section 122.531, subdivision 2, is amended to read:

Subd. 2. [~~CONSOLIDATION AND VOLUNTARY DISSOLUTION;~~ REFERENDUM LEVIES.] As of the effective date of a consolidation pursu-

ant to section ~~122.23~~ of the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 122.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2d, or its predecessor or successor provision, is cancelled. However, if all of the territory of any independent district is included in the enlarged district, and if the adjusted assessed valuation of taxable property in that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in a ~~newly created~~ or an enlarged district, the board of the ~~newly created~~ or enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the ~~newly created~~ or enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire ~~newly created~~ or enlarged district in an election pursuant to section 275.125, subdivision 2d, or its successor referendum provision.

Sec. 9. Minnesota Statutes 1982, section 122.531, is amended by adding a subdivision to read:

Subd. 2a. [CONSOLIDATION REFERENDUM LEVIES.] As of the effective date of a consolidation according to section 122.23, the newly formed district may levy an amount up to the amount raised by the lowest millage, or the equivalent, authorized for any one of the consolidating districts according to the provisions of section 275.125, subdivision 2d. After the first year of a consolidated district, the referendum levy may be revoked or reduced according to the provisions of section 275.125, subdivision 2d."

Page 99, line 19, after "this" insert "page of the"

Page 99, line 20, after the comma, insert "I believe that"

Page 99, line 21, delete the comma and delete "I believe" and insert "that"

Page 105, line 29, after "by" insert "(petition to)"

Page 108, line 19, after the period, insert "*The execution of an option to purchase real property to be used for post-secondary vocational technical purposes must receive prior approval as required by Minnesota Statutes, section 121.21, subdivision 4a.*"

Page 108, line 32, after the period, insert "*The execution of an option to purchase real property to be used for post-secondary vocational technical purposes must receive prior approval as required by Minnesota Statutes, section 121.21, subdivision 4a.*"

Pages 109 to 111, delete sections 24 and 25 and insert:

"Sec. 27. [LEASE PURCHASE AGREEMENTS.]

The Bemidji regional interdistrict council, formed according to section 471.59, may lease real property with an option to purchase under a lease purchase agreement. Notwithstanding any law to the contrary, no election shall be required in connection with the execution of a lease purchase agreement authorized by this section. The provisions of this section shall apply only to lease purchase agreements between the council and the school boards which are members of the council."

Page 111, after line 27, insert:

“Sec. 29. [FUND TRANSFER AUTHORIZATION; SCHOOL DISTRICT NO. 627.]

Notwithstanding any law to the contrary, Independent School District No. 627 is authorized to permanently transfer from the appropriated fund balance account for bus purchases in its transportation fund to the general fund an amount not to exceed \$61,800. This transfer may be made during the 1984 fiscal year only.”

Page 112, line 6, after “(b)” insert “(2)”

Page 112, line 7, after the period, insert “*The selected school districts shall operate reporting systems parallel to the ESV-IS finance system during the test period.*”

Page 113, line 10, delete “24, 25” and insert “28”

Page 136, line 35, delete “129B” and insert “129B”

Page 137, delete section 14 and insert:

“Sec. 14. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [COUNCIL ON QUALITY EDUCATION GRANTS.] For the council on quality education grants pursuant to sections 129B.02 and 129B.04 there is appropriated:

\$778,000.....1984,

\$816,000.....1985.

The appropriation for 1984 includes \$84,000 for grants for fiscal year 1983 payable in fiscal year 1984, and \$694,000 for grants in fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$122,000 for grants for fiscal year 1984 payable in fiscal year 1985, and \$694,000 for grants in fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent grant entitlements of \$816,000 for fiscal year 1984 and \$816,000 for fiscal year 1985.

Any unexpended balance remaining from the appropriations in this subdivision for 1984 shall not cancel and shall be available for the second year of the biennium.”

Pages 151 to 152, delete section 22 and insert:

“Sec. 22. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [BASIC SUPPORT GRANTS.] For grants pursuant to sections 134.32 to 134.35 and 134.36 for the provision of library services there is

appropriated:

\$4,381,000.....1984,

\$4,605,000.....1985.

The appropriation for 1984 includes \$595,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$3,786,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$668,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$3,937,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$4,454,000 for fiscal year 1984 and \$4,632,000 for fiscal year 1985.

If the Crow River regional library system and the Western Plains regional library system merge by July 1, 1983, the basic support grant paid to the merged system pursuant to section 134.35, subdivision 4, shall be increased by \$24,000 in fiscal year 1984 and \$12,000 in fiscal year 1985. These additional grants are included in the appropriations in this subdivision.

Subd. 3. [MULTI-COUNTY LIBRARY SYSTEMS.] For grants pursuant to sections 134.353 and 16 to multi-county, multi-type library systems there is appropriated:

\$188,000.....1984,

\$197,000.....1985.

The appropriation for 1984 includes \$26,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$162,000 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for 1985 includes \$29,000 for aid for fiscal year 1984 payable in fiscal year 1985 and \$168,000 for aid for fiscal year 1985 payable in fiscal year 1985.

The appropriations are based on 100 percent aid entitlements of \$190,000 for fiscal year 1984 and \$198,000 for fiscal year 1985."

Page 152, delete section 1

Page 152, line 30, delete "3 to 10" and insert "2 to 8"

Page 153, line 5, delete "3" and insert "2"

Page 154, line 15, delete "5" and insert "4"

Page 154, line 33, delete "4" and insert "3"

Page 154, line 34, delete "\$1" and insert "\$0.75"

Page 156, line 32, delete "4" and insert "3"

Page 158, line 24, delete "8" and insert "7"

Pages 158 and 159, delete section 10

Page 159, lines 23, 31, and 35, delete "10" and insert "8"

Page 160, line 5, delete "4" and insert "3"

Page 160, line 9, delete "\$1,500,000" and insert "\$1,055,000"

Page 160, line 10, delete "5" and insert "4"

Page 160, line 10, delete everything after the period

Page 160, delete lines 11 to 14

Page 160, line 16, delete "6" and insert "5"

Page 160, line 19, delete "7" and insert "6"

Page 160, line 26, delete "\$1,860,000" and insert "\$1,005,000"

Page 160, line 26, delete "8" and insert "7"

Page 160, line 31, delete "9" and insert "8"

Page 160, delete lines 32 to 34

Page 160, line 35, delete "9" and insert "8"

Page 160, line 36, delete "11" and insert "9"

Page 161, line 2, delete "10" and insert "8"

Page 161, delete line 5

Pages 161 to 169, delete sections 1 to 7 and insert:

"TEACHER RETIREMENT CONTRIBUTIONS

Section 1. [APPROPRIATIONS.]

Subdivision 1. The sums indicated in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal years ending June 30 in the years indicated. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 2. [TEACHERS RETIREMENT ASSOCIATION: TEACHERS STATEWIDE.] To the teachers retirement association, to meet the state's obligation prescribed in Minnesota Statutes, section 354.43, there is appropriated:

\$87,508,200.....1984,

\$92,137,200.....1985.

Subd. 3. [TEACHERS RETIREMENT ASSOCIATION: SUPPLEMENTAL BENEFITS-1915.] To the teachers retirement association, to meet the state's obligation prescribed in Minnesota Statutes, section 354.55, subdivision 5, there is appropriated:

\$1,500.....1984,

\$1,500.....1985.

Subd. 4. [TEACHERS RETIREMENT ASSOCIATIONS IN CITIES OF THE FIRST CLASS.] To the commissioner of finance for payment to teachers retirement associations in Minneapolis, St. Paul, and Duluth to meet the state's obligation prescribed in Minnesota Statutes, section 354A.12, subdivision 2, there is appropriated:

\$18,138,400.....1984,

\$19,023,500.....1985.

Subd. 5. [EMPLOYER SOCIAL SECURITY CONTRIBUTIONS.] To the commissioner of employee relations for payment to the federal government to meet the state's obligation prescribed in Minnesota Statutes, section 355.46, there is appropriated:

\$82,945,000.....1984,

\$90,626,000.....1985.

Subd. 6. [SOCIAL SECURITY COSTS OF ADMINISTRATION.] To the commissioner of employee relations to meet the state's obligation prescribed in Minnesota Statutes, sections 355.46 and 355.49, there is appropriated.

\$51,000.....1984,

\$51,000.....1985.

ARTICLE 13 AID PAYMENT REDUCTIONS

Section 1. [REDUCTIONS FOR FISCAL YEAR 1984.]

Aid payments that were not reduced in fiscal year 1983 because of the recognition of school district tax settlement revenue, pursuant to Minnesota Statutes, section 121.904, subdivision 4a, as amended by Laws 1982 third special session, chapter 1, article 3, section 1, shall be reduced from aid payments in fiscal year 1984 by approximately \$7,600,000. The commissioner shall reduce aid payments authorized by the appropriations in all articles of this act."

Correct internal cross references

Renumber the sections of each article in sequence

Amend the title as follows:

Page 1, line 3, delete "and the" and insert a comma

Page 1, line 4, before the semicolon, insert "and teacher retirement contributions"

Page 1, line 20, after "1;" insert "120.075, by adding a subdivision;" and delete "121.15;" and after "3;" insert "121.15;"

Page 1, line 21, delete "121.904, subdivision 4a, as amended;"

Page 1, line 21, after "121.908;" insert "121.912, by adding a subdivision;"

Page 1, line 22, after "subdivision;" insert "122.531, subdivision 2, and by adding a subdivision;"

Page 1, line 28, delete "subdivisions 1, and" and insert "subdivision"

Page 1, line 35, after "subdivision;" insert "124.26, subdivision 1;"

Page 1, line 43, delete "273.1392;"

Page 2, line 12, delete "124A;"

Page 2, line 13, after "134;" insert "proposing new law coded as Minnesota Statutes, chapter 124A;"

Page 2, line 14, after "122.90;" insert "124.11, subdivision 2c;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 86 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that the name of Mr. Dahl be added as a co-author to S.F. No. 726. The motion prevailed.

MEMBERS EXCUSED

Ms. Reichgott was excused from the Session of today from 10:00 to 10:30 a.m. Mr. Dieterich was excused from the Session of today from 1:30 to 3:00 p.m. Mr. Wegscheid was excused from the Session of today from 2:00 to 3:00 p.m. Ms. Berglin, Messrs. Bertram; Chmielewski; Davis; Dieterich; Frank; Johnson, D.J.; Jude; Moe, D.M.; Novak; Pehler; Peterson, C.C.; Pogemiller and Vega were excused from this morning's Session from 9:30 to 10:15 a.m. Mr. Lessard was excused from this evening's Session from 7:30 to 9:45 p.m. Mr. Solon was excused from this evening's Session from 7:30 to 9:00 p.m. Messrs. Bertram, Chmielewski, Dahl, Davis, DeCramer, Langseth, Mrs. Lantry, Messrs. Moe, R.D.; Petty; Purfeerst; Samuelson; Stumpf; Waldorf; Wegscheid and Willet were excused from this evening's Session from 7:30 to 8:05 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 5, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, May 5, 1983

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Luther imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Edmund Goldbach.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Frank	Laidig	Peterson, D.C.	Storm
Benson	Frederick	Langseth	Peterson, D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R.W.	Taylor
Berglin	Freeman	Lessard	Petty	Ulland
Bernhagen	Hughes	Luther	Pogemiller	Vega
Bertram	Isackson	McQuaid	Purfeerst	Waldorf
Brataas	Johnson, D.E.	Mehrkens	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Moe, D.M.	Reichgott	Willet
Dahl	Jude	Moe, R.D.	Renneke	
Davis	Kamrath	Nelson	Samuelson	
DeCramer	Knaak	Novak	Schmitz	
Dicklich	Knutson	Olson	Sieloff	

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.

May 3, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
115		76	May 3	May 3
	838	77	May 3	May 3
	516	78	May 3	May 3

Sincerely,

Joan Anderson Growe
Secretary of State

CERTIFICATION

May 3, 1983

To the Senate
State of Minnesota
To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Tuesday, May 3, 1983, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1983:

David M. Lebedoff, Fifth Congressional District, six years

Charles F. McGuiggan, At-Large, six years

Wenda W. Moore, At-Large, six years

Wallace G. Hilke, At-Large Student Member, six years

Jerome M. Hughes
President of the Senate

Harry A. Sieben, Jr.
Speaker of the
House of Representatives

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. 281, 664 and 1105.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 575.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1983

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 575: A bill for an act relating to labor; providing for comprehensive reform of all aspects of workers' compensation; ratifying changes in the state employee bargaining unit composition schedule; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; providing penalties; appropriating money; amending Minnesota Statutes 1982, sections 43A.23, by adding a subdivision; 79.071, subdivisions 1 and 1a; 79.211, subdivision 1; 79.251; 79.34, subdivisions 1, 2, and by adding a subdivision; 79.35; 79.37; 79.51, subdivisions 1 and 3; 79.52, by adding a subdivision; 175.006, subdivision 1; 175.007, subdivision 1; 175.08; 175.10; 175.101, subdivisions 1 and 2; 176.011, by adding subdivisions; 176.012; 176.021, subdivision 3; 176.041, subdivision 1; 176.061; 176.101, subdivisions 2, 3, 6, and by adding subdivisions; 176.102, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and by adding subdivisions; 176.105, by adding a subdivision; 176.111, subdivisions 6, 7, 8, and 18, and by adding a subdivision; 176.121; 176.131, subdivisions 1, 1a, 2, 3, 4, 5, 6, 7, and 8; 176.132, subdivision 1, and by adding a subdivision; 176.134, subdivision 4; 176.135, subdivisions 1 and 3; 176.136; 176.155, subdivisions 3 and 5; 176.179; 176.182; 176.183, subdivisions 1, 1a, and by adding subdivisions; 176.185, by adding a subdivision; 176.191, by adding subdivisions; 176.195, subdivision 2, and by adding subdivisions; 176.221; 176.225, subdivisions 1, 2, and 3; 176.231, subdivisions 3, 4, 5, 9, and 10; 176.241, subdivisions 2 and 4; 176.281; 176.285; 176.321, subdivision 1; 176.331; 176.341; 176.361; 176.371; 176.421, subdivisions 3, 4, 6, and 7; 176.442; 176.461; 176.521, subdivisions 2, 2a, and 3; 176.561; 176.571, subdivision 6; 176.645, subdivision 1; 176.66, by adding subdivisions; 179.741, subdivision 1, and by adding a subdivision; 268.08, subdivision 3; and 471.982, subdivision 2, and by adding a subdivision; Laws 1981, chapter 346, sections 145 and 146; proposing new law coded in Minnesota Statutes, chapters 79 and 176; repealing Minnesota Statutes 1982, sections 79.51, subdivision 2; 79.63; 175.07; 175.101, subdivision 3; 175.36; 176.102, subdivision 12; 176.131, subdivisions 9, 10, 11, and 12; 176.152; and 176.262.

Mr. Luther moved that H.F. No. 575 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Vega moved that the name of Mr. Frank be added as a co-author to S.F. No. 906. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Luther moved that the Senate take up the Special Orders Calendar. The motion prevailed.

SPECIAL ORDER

H.F. No. 749: A bill for an act relating to the city of Fergus Falls; authorizing the city to issue general obligations to finance a solid waste disposal 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Schmitz
Anderson	Dieterich	Kroening	Pehler	Spear
Belanger	Frank	Kronebusch	Peterson, C. C.	Storm
Benson	Frederick	Laidig	Peterson, D. C.	Stumpf
Berg	Frederickson	Langseth	Peterson, D. L.	Taylor
Berglin	Freeman	Lantry	Peterson, R. W.	Ulland
Bernhagen	Hughes	Lessard	Petty	Vega
Bertram	Isackson	Luther	Pogemiller	Waldorf
Brataas	Johnson, D. E.	McQuaid	Purfeerst	Wegscheid
Dahl	Johnson, D. J.	Mehrkens	Ramstad	Willet
Davis	Jude	Moe, D. M.	Reichgott	
DeCramer	Kamrath	Nelson	Renneke	
Dicklich	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 491: A bill for an act relating to administrative rulemaking; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Renneke
Anderson	Dieterich	Kroening	Olson	Samuelson
Belanger	Frank	Kronebusch	Pehler	Schmitz
Benson	Frederick	Laidig	Peterson, C. C.	Spear
Berglin	Frederickson	Langseth	Peterson, D. C.	Storm
Bertram	Freeman	Lantry	Peterson, D. L.	Stumpf
Brataas	Hughes	Lessard	Peterson, R. W.	Taylor
Chmielewski	Isackson	Luther	Petty	Ulland
Dahl	Johnson, D. E.	McQuaid	Pogemiller	Vega
Davis	Johnson, D. J.	Mehrkens	Purfeerst	Waldorf
DeCramer	Jude	Moe, D. M.	Ramstad	Wegscheid
Dicklich	Kamrath	Nelson	Reichgott	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 140: A bill for an act relating to public utilities; requiring public utilities to consider customer schedule needs when reading nonaccessible meters; proposing new law coded in Minnesota Statutes, chapter 216B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Olson	Samuelson
Anderson	Dieterich	Kroening	Pehler	Schmitz
Belanger	Frank	Kronebusch	Peterson, C.C.	Spear
Benson	Frederick	Laidig	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Moe, D. M.	Ramstad	Wegscheid
Davis	Jude	Nelson	Reichgott	Willet
DeCramer	Kamrath	Novak	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 881: A bill for an act relating to local and urban government; providing for the inventory, classification, and protection of aggregate deposits or resources within the state; proposing new law coded in Minnesota Statutes, chapter 84.

Was read the third time 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:

Adkins	Dicklich	Knaak	Olson	Storm
Anderson	Dieterich	Kroening	Pehler	Stumpf
Belanger	Frank	Kronebusch	Peterson, D.C.	Taylor
Benson	Frederick	Laidig	Peterson, D.L.	Ulland
Berg	Frederickson	Langseth	Petty	Vega
Berglin	Freeman	Lantry	Pogemiller	Waldorf
Bertram	Hughes	Lessard	Ramstad	Wegscheid
Brataas	Isackson	Luther	Reichgott	Willet
Chmielewski	Johnson, D.E.	McQuaid	Renneke	
Dahl	Johnson, D.J.	Mehrkens	Samuelson	
Davis	Jude	Nelson	Schmitz	
DeCramer	Kamrath	Novak	Spear	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 845: A bill for an act relating to tort liability; providing for parallel exceptions for unimproved property of the state and municipalities; amending Minnesota Statutes 1982, section 466.03, 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 56 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Peterson, D.C.	Storm
Anderson	Frank	Kronebusch	Peterson, D.L.	Stumpf
Belanger	Frederick	Laidig	Peterson, R.W.	Taylor
Benson	Frederickson	Langseth	Petty	Ulland
Berg	Freeman	Lantry	Pogemiller	Vega
Berglin	Hughes	Lessard	Purfeerst	Waldorf
Bertram	Isackson	McQuaid	Ramstad	Wegscheid
Brataas	Johnson, D.E.	Mehrkens	Reichgott	Willet
Chmielewski	Johnson, D.J.	Nelson	Renneke	
Dahl	Jude	Novak	Samuelson	
Davis	Kamrath	Olson	Schmitz	
DeCramer	Knaak	Pehler	Spear	

Mr. Luther voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 641: A bill for an act relating to insurance and the operation of motor vehicles; prohibiting reparation obligors from prorating the disability and income loss benefits on a daily basis; prohibiting unsafe operation of motorcycles; regulating the crime of driving without the required security; providing penalties; amending Minnesota Statutes 1982, sections 65B.44, subdivision 3; 65B.67, subdivision 2, and by adding a subdivision; and 169.974, subdivision 5; repealing Minnesota Statutes 1982, section 65B.67, subdivision 3.

Mr. Willet moved to amend S.F. No. 641 as follows:

Page 3, lines 29 and 30, delete the new language

The motion prevailed. So the amendment was adopted.

S.F. No. 641 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 60 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Moe, D. M.	Ramstad
Anderson	Dicklich	Kamrath	Nelson	Reichgott
Belanger	Diessner	Knaak	Novak	Renneke
Benson	Dieterich	Knutsen	Olson	Samuelson
Berg	Frank	Kroening	Pehler	Sieloff
Berglin	Frederick	Kronebusch	Peterson, C.C.	Spear
Bernhagen	Frederickson	Laidig	Peterson, D.C.	Storm
Bertram	Freeman	Langseth	Peterson, D.L.	Stumpf
Brataas	Hughes	Lantry	Peterson, R.W.	Ulland
Chmielewski	Isackson	Lessard	Petty	Vega
Dahl	Johnson, D.E.	Luther	Pogemiller	Wegscheid
Davis	Johnson, D.J.	McQuaid	Purfeerst	Willet

Mr. Mehrkens voted in the negative.

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 653: A bill for an act relating to elections; making numerous

procedural changes in the election law; removing or clarifying obsolete and inappropriate language; rearranging certain provisions; amending Minnesota Statutes 1982, sections 201.061, subdivision 3; 203B.11; 203B.12, subdivision 2; 204B.31; 204B.33; 204B.36, subdivision 2; 204C.08, subdivision 1; 204C.10, subdivision 1; 204C.12, subdivisions 3 and 4; 204C.24, subdivision 1; 204C.25; 204C.35; 204D.11, subdivision 5; 204D.13, subdivision 3; 205.17, subdivisions 3 and 4; 206.11; 206.19, subdivision 1; 210A.39; proposing new law coded in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 1982, section 204B.06, subdivision 3.

Mr. Hughes, for Mr. Merriam, moved to amend H.F. No. 653 as follows:

Page 4, after line 8, insert:

“Sec. 4. Minnesota Statutes 1982, section 203B.12, subdivision 5, is amended to read:

Subd. 5. [ELECTRONIC VOTING SYSTEM PRECINCTS.] (a) Paper absentee ballots delivered to the election judges in precincts which use an electronic voting system shall be counted in the manner provided in this section. No duplicate ballot cards shall be prepared. The paper ballot vote totals for each candidate and on each question shall be added to the results obtained from the electronic tabulating equipment in each precinct.

(b) *Absentee ballot cards marked using electronic voting machines as authorized under chapter 206 shall be tabulated using the electronic tabulating equipment in each precinct.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete “subdivision 2” and insert “subdivisions 2 and 5”

The motion prevailed. So the amendment was adopted.

H.F. No. 653 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Novak	Renneke
Anderson	Dicklich	Kroening	Olson	Schmitz
Belanger	Dieterich	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Spear
Berg	Frederick	Langseth	Peterson, D.C.	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Ulland
Brataas	Isackson	McQuaid	Pogemiller	Vega
Chmielewski	Johnson, D.J.	Mehrrens	Purfeerst	Wegscheid
Dahl	Kamrath	Moe, D. M.	Ramstad	Willet
Davis	Knaak	Nelson	Reichgott	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 519: A bill for an act relating to public welfare; abolishing fund-

ing priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, 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 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Novak	Renneke
Anderson	Dicklich	Knutson	Olson	Sieloff
Belanger	Diessner	Kroening	Pehler	Spear
Benson	Dieterich	Kronebusch	Peterson, C. C.	Storm
Berg	Frank	Laidig	Peterson, D. C.	Stumpf
Berglin	Frederick	Langseth	Peterson, D. L.	Taylor
Bernhagen	Frederickson	Lantry	Peterson, R. W.	Ulland
Bertram	Freeman	Lessard	Petty	Vega
Brataas	Hughes	Luther	Pogemiller	Willet
Chmielewski	Isackson	McQuaid	Purfeerst	
Dahl	Johnson, D.J.	Mehrkens	Ramstad	
Davis	Kamrath	Nelson	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 745: A bill for an act relating to the administrative procedure act; requiring certain notices to be sent to the legislative commission to review administrative rules; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; increasing the time period for adopting a rule when reviews by other agencies are necessary; establishing a deadline for agency action with respect to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivisions 1, 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; 14.47, subdivisions 1, 5, and 8; and 14.52.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Nelson	Reichgott
Anderson	Dicklich	Knaak	Novak	Renneke
Belanger	Diessner	Knutson	Olson	Schmitz
Benson	Dieterich	Kroening	Pehler	Sieloff
Berg	Frank	Kronebusch	Peterson, C. C.	Spear
Bernhagen	Frederick	Laidig	Peterson, D. C.	Storm
Bertram	Freeman	Langseth	Peterson, D. L.	Stumpf
Brataas	Hughes	Lantry	Peterson, R. W.	Taylor
Chmielewski	Isackson	Lessard	Petty	Ulland
Dahl	Johnson, D.E.	Luther	Pogemiller	Vega
Davis	Johnson, D.J.	McQuaid	Purfeerst	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 289: A bill for an act relating to the city of St. Paul; authorizing

the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

Was read the third time 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:

Adkins	DeCramer	Knaak	Peterson, D. C.	Spear
Anderson	Dicklich	Kroening	Peterson, R. W.	Storm
Belanger	Diessner	Kronebusch	Petty	Stumpf
Benson	Dieterich	Langseth	Pogemiller	Taylor
Berg	Frank	Lantry	Purfeerst	Ulland
Berglin	Frederick	Luther	Ramstad	Vega
Bernhagen	Freeman	McQuaid	Reichgott	Wegscheid
Bertram	Hughes	Mehrrens	Renneke	Willet
Brataas	Isackson	Moe, D. M.	Samuelson	
Chmielewski	Johnson, D.E.	Nelson	Schmitz	
Dahl	Johnson, D.J.	Novak	Sieloff	
Davis	Kamrath	Olson	Solon	

Messrs. Knutson and Laidig voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 989: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, and 10; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; 144.335, subdivision 2; and 253B.03, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 13.

Mr. Freeman moved to amend S.F. No. 989 as follows:

Page 1, delete section 1

Page 4, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "subdivision 8, and"

The motion did not prevail. So the amendment was not adopted.

Mr. Dicklich moved to amend S.F. No. 989 as follows:

Page 6, after line 21, insert:

"Sec. 13. Minnesota Statutes 1982, section 13.05, is amended by adding a subdivision to read:

Subd. 11. [DISSEMINATION OF AGE OR BIRTHDATE DATA FOR COMMERCIAL USE PROHIBITED.] No responsible authority shall transfer or disseminate data regarding a person's age or birthdate if this data is to be supplied to any person for commercial use as part of a mailing list."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, before the semicolon, insert "", and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

S.F. No. 989 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 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Frank	Laidig	Peterson, D.C.	Storm
Benson	Frederick	Langseth	Peterson, D.L.	Stumpf
Berg	Frederickson	Lantry	Peterson, R.W.	Taylor
Berglin	Hughes	Luther	Petty	Ulland
Bernhagen	Isackson	McQuaid	Pogemiller	Vega
Bertram	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Brataas	Johnson, D.J.	Moe, R. D.	Ramstad	Wegscheid
Chmielewski	Kamrath	Nelson	Reichgott	Willet
Davis	Knaak	Novak	Renneke	
DeCramer	Knutson	Olson	Sieloff	

Mr. Freeman voted in the negative.

So the bill, as amended, passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

CALL OF THE SENATE

Mr. Nelson imposed a call of the Senate for the proceedings on H.F. No. 92. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Nelson moved that H.F. No. 92 be taken from the table. The motion prevailed.

H.F. No. 92: A bill for an act relating to education; providing for aids to education, aids to libraries, aids for teacher retirement contributions, tax levies, and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer non-post-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 16A.15, subdivision 1; 120.075, subdivi-

sion 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdivision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 275.125, subdivisions 2d, 2e, 2i, 5, 5b, 6d, 8, 11a, 11b, and by adding subdivisions; 354.66, subdivision 9; 354A.094, subdivision 9; 375.335; 466.01, subdivision 1; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, section 4; Laws 1969, chapter 775, section 3, subdivision 2, as amended; Laws 1969, chapter 1060, section 4; Laws 1981, chapter 358, article 7, section 29, as amended; and Laws 1982, chapter 548, article 3, sections 27 and 28; proposing new law coded in Minnesota Statutes, chapters 3, 120, 121, 122, 123, 124, 126, 129B, and 134; repealing Minnesota Statutes 1982, sections 121.501 to 121.507; 122.542; 124.11, subdivision 1; 124.24; 124.251; 124.26, subdivision 4; 124.271, subdivision 5; 124.273, subdivisions 1 and 2; 124.32, subdivisions 1 and 9; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; 124.574, subdivision 2; 124.611; 125.611, subdivision 9; 129B.06 to 129B.09; 134.03; 134.06; 134.16; 134.19; 134.352; and 375.33.

SUSPENSION OF RULES

Mr. Nelson 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. 92 and that the rules of the Senate be so far suspended as to give H.F. No. 92 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 92 was read the second time.

Mr. Nelson moved to amend H.F. No. 92 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 92, and insert the language after the enacting clause, and the title, of S.F. No. 86, the Third Engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Nelson moved to amend H.F. No. 92, as amended by the Senate May

5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 114, after line 19, insert:

“Sec. 34. [ALEXANDRIA AVTI.]

Subdivision 1. [ADDITION TO BUILDING.] Notwithstanding any law to the contrary, Independent School District No. 206, Alexandria, may construct an addition to its area vocational-technical institute to replace a temporary building subject to the following conditions:

(1) approval of the school board;

(2) availability, at the time of construction, of unencumbered funds in the district's area vocational-technical institute building construction fund equal to or exceeding \$600,000;

(3) the construction does not exceed the cost of \$600,000;

(4) the addition shall be used for the carpentry program;

(5) the size of the addition shall meet the guidelines of the department of education;

(6) the entire cost of construction shall be from the area vocational-technical institute building construction fund of Independent School District No. 206, Alexandria.

Subd. 2. [APPROVAL.] Pursuant to Minnesota Statutes, section 645.021, subdivision 2, subdivision 1 is effective upon approval by the school board of Independent School District No. 206, Alexandria.”

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 12, after the semicolon, insert “authorizing Independent School District No. 206, Alexandria, to construct an addition to its area vocational-technical institute subject to certain conditions;”

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 113, after line 19, insert:

“Sec. 31. [BOARD OF CONSOLIDATED DISTRICT AND LEVY.]

Independent School District No. 694, Buhl, and one or more districts with which it consolidates according to Minnesota Statutes, section 122.23, and any other applicable provisions of law, may agree to any of the following:

(a) A school board of not more than seven members, (b) election districts of the size and with the population desired by the consolidating districts, and (c) election of all school board members in any manner agreed upon, such as at large from a previously existing district or from the newly consolidated district, some members at large, some members from election districts or from

previously existing districts. To the extent the provisions of Minnesota Statutes, section 122.23, or any other applicable law are inconsistent with this section, the provisions of this section shall apply.

Notwithstanding the provisions of Minnesota Statutes, section 122.531, subdivision 2, if, as of the effective date of a consolidation of Independent School District No. 694, Buhl, with one or more school districts, the newly formed district may levy an amount up to the amount raised by the lowest millage, or the equivalent, authorized for any one of the consolidating districts, according to Minnesota Statutes, section 275.125, subdivision 2d, as of the effective date of the consolidation."

Page 114, line 34, delete "33" and insert "34"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 14, line 31, delete "\$500" and insert "\$700"

The motion did not prevail. So the amendment was not adopted.

Mr. Renneke moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 3, line 15, delete ".024" and insert ".023"

Page 17, line 25, delete "\$539,636,000" and insert "\$570,972,000"

Page 17, line 30, delete "\$450,223,000" and insert "\$481,559,000"

The motion did not prevail. So the amendment was not adopted.

Mr. Peterson, D.L. moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 93, line 26, after "commission" insert "including information related to the funding of education"

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 17, after line 31, insert:

"Subd. 3. The total amount to be expended by the state for foundation aid for the biennium ending June 30, 1985 shall not be less than an amount equal to:

(a) the total amount expended by the state for foundation aid for the biennium ending June 30, 1983, times

(b) the ratio of:

(i) the average of the total pupil units used in computing foundation aid for the 1983-1984 and 1984-1985 school years, divided by

(ii) the average of the total pupil units used in computing foundation aid for the 1981-1982 and 1982-1983 school years.

If the appropriation amount in subdivision 1 of this section is insufficient, as much money as may be necessary for this purpose is appropriated from the general fund and shall be equally apportioned among all qualifying school districts in fiscal year 1985."

Page 17, line 32, delete "3" and insert "4"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knutson	Olson	Storm
Belanger	Frederickson	Kronebusch	Peterson, D.L.	Taylor
Benson	Isackson	Laidig	Ramstad	Ulland
Berg	Kamrath	McQuaid	Renneke	
Bernhagen	Knaak	Mehrkens	Sieloff	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, D.C.	Vega
Berglin	Dieterich	Lessard	Peterson, R.W.	Waldorf
Bertram	Frank	Luther	Petty	Wegscheid
Chmielewski	Freeman	Moe, R.D.	Reichgott	Willet
Dahl	Hughes	Nelson	Samuelson	
Davis	Johnson, D.E.	Novak	Schmitz	
DeCramer	Kroening	Pehler	Spear	
Dicklich	Langseth	Peterson, C.C.	Stumpf	

The motion did not prevail. So the amendment was not adopted.

Mr. Mehrkens moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 95, after line 16, insert:

"Sec. 4. Minnesota Statutes 1982, 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 biennium will be less than the amount estimated or allotted therefor, ~~he~~ the commissioner shall, with the approval of the governor, and after notice to the agency concerned, either:

(a) after consultation with the legislative advisory commission created by section 3.30, transfer from the budget reserve account established in section 16A.153, to the general fund the amount necessary to balance revenue and expenditures;

(b) reduce the amount allotted or to be allotted so as to prevent a deficit; or

(c) make any combination of transfers and reductions as provided by clauses (a) and (b).

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~~ *the commissioner* 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."

Renumber the sections

Page 113, line 10, delete "7, 10, 15, 23, 24, 25, and 30" and insert "4, 8, 11, 16, 24, 25, 26, and 31"

Amend the title as follows:

Page 1, line 20, after "1;" insert "16A.15, subdivision 1;"

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knaak	Mehrkens	Sieloff
Belanger	Frederickson	Knutson	Olson	Storm
Benson	Isackson	Kronebusch	Peterson, D.L.	Taylor
Berg	Johnson, D.E.	Laidig	Ramstad	Ulland
Bernhagen	Kamrath	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Diessner	Lessard	Peterson, D.C.	Stumpf
Berglin	Frank	Luther	Peterson, R.W.	Vega
Bertram	Freeman	Moe, D.M.	Petty	Waldorf
Chmielewski	Hughes	Moe, R.D.	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Nelson	Reichgott	
Davis	Kroening	Novak	Samuelson	
DeCramer	Langseth	Pehler	Schmitz	
Dicklich	Lantry	Peterson, C.C.	Spear	

The motion did not prevail. So the amendment was not adopted.

Mr. Ulland moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 3, line 15, delete ".024" and insert ".023"

Page 3, line 17, after the period, insert "*The basic maintenance mill rate shall be .024 for 1984 payable 1985 levies, and for foundation aid for the 1985-1986 school year.*"

Page 17, line 25, delete "\$539,636,000" and insert "\$570,972,000"

Page 17, line 30, delete "\$450,223,000" and insert "\$481,559,000"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knaak	Mehrkens	Sieloff
Belanger	Frederickson	Knutson	Olson	Storm
Benson	Isackson	Kronebusch	Peterson, D.L.	Taylor
Berg	Johnson, D.E.	Laidig	Ramstad	Ulland
Bernhagen	Kamrath	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Diessner	Luther	Peterson, R.W.	Vega
Berglin	Dieterich	Moe, D.M.	Petty	Waldorf
Bertram	Frank	Moe, R.D.	Pogemiller	Wegscheid
Chmielewski	Freeman	Nelson	Reichgott	Willet
Dahl	Hughes	Novak	Samuelson	
Davis	Johnson, D.J.	Pehler	Schmitz	
DeCramer	Langseth	Peterson, C.C.	Spear	
Dicklich	Lantry	Peterson, D.C.	Stumpf	

The motion did not prevail. So the amendment was not adopted.

Mr. Ulland then moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 3, lines 10 to 15, reinstate the stricken language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knaak	Mehrkens	Sieloff
Belanger	Frederickson	Knutson	Olson	Storm
Benson	Isackson	Kronebusch	Peterson, D.L.	Taylor
Berg	Johnson, D.E.	Laidig	Ramstad	Ulland
Bernhagen	Kamrath	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Dieterich	Lessard	Peterson, D.C.	Stumpf
Bertram	Frank	Luther	Peterson, R.W.	Vega
Chmielewski	Freeman	Moe, D.M.	Petty	Waldorf
Dahl	Hughes	Moe, R.D.	Pogemiller	Wegscheid
Davis	Johnson, D.J.	Nelson	Reichgott	Willet
DeCramer	Kroening	Novak	Samuelson	
Dicklich	Langseth	Pehler	Schmitz	
Diessner	Lantry	Peterson, C.C.	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Renneke moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 157, line 31, after the period, insert "At least one site shall be located in each congressional district."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Peterson, D.L.	Taylor
Belanger	Isackson	Kronebusch	Ramstad	Ulland
Benson	Johnson, D.E.	Laidig	Renneke	Waldorf
Bernhagen	Kamrath	McQuaid	Sieloff	
Brataas	Knaak	Olson	Storm	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, C.C.	Solon
Berglin	Dieterich	Lessard	Peterson, D.C.	Spear
Bertram	Frank	Luther	Peterson, R.W.	Stumpf
Chmielewski	Freeman	Moe, D.M.	Petty	Vega
Dahl	Hughes	Moe, R.D.	Pogemiller	Wegscheid
Davis	Johnson, D.J.	Nelson	Purfeerst	Willet
DeCramer	Kroening	Novak	Reichgott	
Dicklich	Langseth	Pehler	Samuelson	

The motion did not prevail. So the amendment was not adopted.

Ms. Reichgott moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 111, after line 12, insert:

“Sec. 23. Laws 1967, chapter 822, is amended by adding a section to read:

Sec. 13. [LEASE PURCHASE AGREEMENTS.]

In addition to any powers granted pursuant to section 465.71, the board may lease real property with an option to purchase under a lease purchase agreement. Notwithstanding any law to the contrary, no election shall be required in connection with the execution of a lease purchase agreement authorized by this subdivision. The execution of an option to purchase real property to be used for post-secondary vocational technical purposes must receive prior approval as required by Minnesota Statutes, section 121.21, subdivision 4a. The provisions of this subdivision shall apply only to lease purchase agreements between the school board of Intermediate School District No. 287 and the school boards of districts which are members of Intermediate School District No. 287.”

ReNUMBER the sections in sequence and correct internal references

Amend the title as follows:

Page 2, line 8, delete “a section” and insert “sections”

The motion prevailed. So the amendment was adopted.

Ms. Olson moved to amend H.F. No. 92, as amended by the Senate May 5, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 86.)

Page 48, delete lines 6 to 8

Page 48, line 9, delete everything before “The”

Page 48, line 10, after "improve" insert "regular and"

The motion did not prevail. So the amendment was not adopted.

H.F. No. 92 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Schmitz
Anderson	Diessner	Kronebusch	Pehler	Sieloff
Belanger	Dieterich	Laidig	Peterson, C.C.	Solon
Benson	Frank	Langseth	Peterson, D.C.	Spear
Berg	Frederickson	Lantry	Peterson, D.L.	Storm
Berglin	Freeman	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Hughes	Luther	Petty	Taylor
Bertram	Isackson	McQuaid	Pogemiller	Ulland
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D. M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Knutson	Novak	Samuelson	

So the bill, as amended, passed and its title was agreed to.

Mr. Nelson moved that S.F. No. 86, No. 71 on Special Orders, be stricken and laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 294: A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; requiring sellers to disclose manufactured home safety features; requiring compliance with certain home safety features; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1, and by adding subdivisions.

Mr. Novak moved that the amendment made to H.F. No. 294 by the Committee on Rules and Administration in the report adopted May 4, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 294 was read the third time 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:

Anderson	Diessner	Knutson	Pehler	Storm
Belanger	Dieterich	Kroening	Peterson, C.C.	Stumpf
Benson	Frank	Kronebusch	Peterson, D.L.	Taylor
Berg	Frederickson	Laidig	Petty	Ulland
Berglin	Freeman	Lantry	Pogemiller	Vega
Bernhagen	Hughes	Luther	Purfeerst	Waldorf
Bertram	Isackson	McQuaid	Ramstad	Wegscheid
Brataas	Johnson, D.E.	Mehrkens	Reichgott	Willet
Dahl	Johnson, D.J.	Moe, R. D.	Renneke	
Davis	Jude	Nelson	Schmitz	
DeCramer	Kamrath	Novak	Sieloff	
Dicklich	Knaak	Olson	Spear	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 1171: A bill for an act relating to taxation; clarifying the income tax treatment of certain debt obligations of state and local governments; amending Minnesota Statutes 1982, sections 80A.09, subdivision 1; 115A.69, subdivision 6; 116A.25; 116J.89, subdivision 6; 136.32; 136A.179; 136A.39; 193.146, subdivision 4; 272.02, subdivision 1; 362A.07; 447.35; 447.49; 458.193, subdivision 6; 458A.05, subdivision 6; 458A.09; 462.191, subdivision 3; 462.551; 462A.19, subdivision 1; 472.09, subdivision 4; 473.436, subdivision 6; 473.448; 473.545; and 473.666; repealing Minnesota Statutes 1982, sections 116J.89, subdivision 7; 462A.19, subdivision 2; and 474.12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

H.F. No. 1111: A bill for an act relating to local government; regulating town levies in Crow Wing County; repealing Laws 1941, chapter 451.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 619: A bill for an act relating to taxation; providing for collection of employers' contributions to the unemployment compensation fund by the department of revenue; amending Minnesota Statutes 1982, sections 268.05, subdivision 2; 268.12, subdivision 12; 268.16, subdivisions 1 and 2; 268.161, subdivisions 1, 3, 4, 5, 6, 7, 8, and 9; proposing new law coded in chapter 270.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [STUDY.]

The commissioner of revenue and the commissioner of economic security shall prepare a report to be given to the chairmen of the Senate committees on taxes and tax laws, employment, and governmental operations, and the House committees on taxes, labor-management relations, and governmental

operations. The report shall contain recommendations from the commissioners on possible functions of each agency which could be combined or performed jointly to achieve economy in the budgets of the agencies and/or reduce paperwork for taxpayers. The report shall include proposed legislation to accomplish the recommendations of the commissioners. The report shall be submitted by January 15, 1984, to the legislative committee chairmen.

Sec. 2. [EFFECTIVE DATE.]

This act shall be effective the day following final enactment."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 to 9 and insert "providing for a study by the commissioners of revenue and economic security."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 375: A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [BLOOMINGTON; DISTRICT HEATING SYSTEMS.]

Subdivision 1. [AUTHORIZATION.] The city of Bloomington may build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain a district heating system as defined in Minnesota Statutes, section 465.74, subdivision 6, and maintain and operate it inside or outside its corporate limits, and acquire by gift, purchase, lease, condemnation, or otherwise the land and other interests in real estate required for the purpose. The authority granted by this section is in addition to other powers relating to district heating systems granted by law or charter.

Subd. 2. [FINANCING.] To pay the cost of building, constructing, reconstructing, repairing, enlarging, or in other manner obtaining a system or part of a system, the city may issue and sell general or special obligations, which may be made payable primarily from taxes or from special assessments to be levied to pay the cost of the system or from net revenues derived from service charges or from any other nontax revenues pledged for their payment under charter or other statutory authority, or from two or more of those sources. Real estate tax revenues may be used to pay general or special obligations when other revenues are insufficient to meet the obligations. Except as provided in sections 1 to 7, obligations shall be issued and sold in accordance with Minnesota Statutes, chapter 475. When special assessments are pledged for the payment of obligations, they shall be authorized

and issued in accordance with Minnesota Statutes, chapter 429, or the city charter if the governing body determines to proceed under the charter. When net revenues are pledged to the payment of the obligations, together with or apart from taxes and special assessments, the pledge shall be made in accordance with subdivision 3.

Subd. 3. [CHARGES; NET REVENUES.] To pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation, and use of the system, the governing body of the city may impose just and equitable charges for the use and for the availability of the system and for connections with it and make contracts for charges. The charges may be imposed for a system made available by an agreement with another municipality, county, private corporation, or individual, as well as for a system owned and operated by the city.

A charge made for service directly rendered shall be proportionate to the cost of furnishing it, or on another equitable basis or combination of bases. Minimum charges for availability may be imposed for premises abutting on a street or other place where a service line is located, whether or not the premises are connected. Charges for connections may, in the discretion of the governing body, be fixed by reference to the portion of the cost of the facilities which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connections. The governing body may make connection charges a charge against the owner, lessee, occupant, or all of them and may provide for and covenant to certify unpaid charges to the county auditor with taxes against the property to be collected as other taxes are collected.

The governing body may levy taxes to pay reasonable charges to the municipality itself for the use and availability of the system for public buildings and other public places.

In determining the reasonableness of the charges to be imposed, the governing body may consider all costs of the establishment, operation, maintenance, depreciation, and necessary replacements of the system, and of improvements, enlargements, and extensions necessary for adequate service, including the principal and interest to become due on obligations issued or to be issued for the system.

When net revenues have been appropriated to the payment of the cost of the establishment, or of any specified replacement, improvement, enlargement, or extension of the system, or to pay the principal and interest due on obligations to be issued for that purpose, no charges imposed to produce net revenues adequate for that purpose shall be deemed unreasonable because the project to be financed has not been commenced or completed, if proceedings for it are taken with reasonable dispatch and the project, when completed, may be expected to make service available to the premises charged which will have a value reasonably commensurate with the charges.

Charges, when collected, and all money received from the sale of any facilities, equipment, or by-products of the system shall be placed in a separate fund, and used first to pay the normal, reasonable, and current costs of operating and maintaining the facilities. The net revenues received in excess of the costs may be pledged in whole or part by resolutions of the governing body, or may be used in whole or part though not pledged, to pay principal

and interest on obligations issued as provided in subdivision 2. Net revenues derived from any district heating system, whether or not financed by the issuance of obligations, may be pledged or used to pay obligations issued for another facility of that type.

In resolutions authorizing the issuance of either general or special obligations and pledging net revenues, the governing body may make covenants for the protection of holders of the obligations and taxpayers of the municipality as it deems necessary, including, but without limitation, a covenant that the municipality will impose and collect charges of the nature authorized in this subdivision when and in the amounts required to produce, together with any taxes or special assessments designated as a primary source of payment of the obligations, net revenues adequate to pay all principal and interest when due on the obligations and to create and maintain reserves securing the payments as may be provided in the resolutions. When the covenant is made, it shall be enforceable by appropriate action by any holder of the obligations or any taxpayer of the municipality in a court. An election shall not be required to authorize the issuance of the obligations.

Subd. 4. [LEVY ASSESSMENTS.] The city may also levy assessments against property within the city limits benefited by the system under the procedure authorized by law or charter with reference to other assessments for benefits of local improvements, may transfer and use for the purposes of the heating system surplus funds of the city not specifically dedicated to any other purpose, and may levy taxes on property within the city limits for the system. Taxes for the system shall be disregarded in the calculation of levies or limits on levies provided by Minnesota Statutes, sections 275.11 and 275.50 to 275.56, or other law or charter.

A city may contract with any person, company, or corporation for the purposes and under the restrictions set forth in subdivision 5. The contract shall be binding upon the parties for the full term agreed upon but not longer than 30 years, and shall not be changed by either party without the consent of the other.

Subd. 5. [CONNECTION WITH FACILITIES; CHARGES.] The city may permit any person, company, or corporation to connect with the system and use it on terms and payment of fees and charges as prescribed or contracted for by the city. The city may contract with any person, company, or corporation for payment of a part of the cost of construction, maintenance, or use of the system in cash or installments and devote the money to the construction, maintenance, or use of the system. The cost to be paid by the person, company, or corporation may be made payable in installments at not greater than annual intervals for not longer than 30 years. The person, company, or corporation shall then have the right to use the system upon the payment of reasonable charges for the use or the charges contracted for. The city may contract with another city to jointly or cooperatively obtain or use the system for periods not to exceed 30 years.

Sec. 2. [FEES AND CHARGES FOR TAX FORFEITED LANDS RETURNED TO PRIVATE OWNERSHIP.]

When tax forfeited land is returned to private ownership and the land is benefited by a district heating system for which special assessments were canceled because of the forfeiture, the city that made the improvement may

impose fees or charges for the use or availability of the improvement or for connection with it in an amount not to exceed the amount remaining unpaid on the canceled assessment. The city may make the fees or charges a charge against the owner, lessee, occupant, or all of them and may certify unpaid fees or charges to the county auditor with taxes against the property to be collected as other taxes are collected.

Sec. 3. [ESTABLISHMENT OF DISTRICT.]

The governing body of the city may by ordinance adopted by a two-thirds vote of all of its members, establish within its territory a district heating improvement tax district. The ordinance shall describe with particularity the territory or area to be included within the district. The ordinance may be adopted only after a public hearing has been held on the matter. A notice of the time, place, and purpose of the hearing shall be published for two successive weeks in the official newspaper of the city and the last notice shall be at least seven days prior to the day of the hearing. The ordinance when adopted shall be filed with the county auditor and recorder.

Sec. 4. [AUTHORITY OF COUNCIL; RECOVERY OF COST; IMPROVEMENT PROCEDURES.]

Following the adoption of an ordinance pursuant to this act, the governing body may acquire, construct, reconstruct, extend, maintain, and otherwise improve district heating systems and related facilities within the district.

The procedures of Minnesota Statutes, sections 429.031 to 429.081 apply when the council of a municipality determines to make an improvement pursuant to this section.

Sec. 5. [BONDS.]

After a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done by day labor, the city may issue obligations in the amount it deems necessary to defray in whole or part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or its financing. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to section 6. The city may by resolution adopted prior to the sale of obligations pledge its full faith, credit, and taxing power to assure payment of the principal and interest if the proceeds of the tax levy in the district are insufficient. Obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election is not required.

Sec. 6. [TAXES.]

The governing body may levy on all taxable property within the district the taxes necessary to finance the cost of the improvement, including maintenance, and to pay the principal and interest on obligations issued pursuant to section 5. The taxes shall be collected and paid as other taxes, but shall be spread only upon the property described in the ordinance. The proceeds of the taxes shall be disbursed only for the benefit of the district.

Sec. 7. [DISSOLUTION OF DISTRICT.]

Upon the retirement of all obligations within the district, the district may be

dissolved by following the procedures for establishment of a district set forth in section 3.

Sec. 8. [LOCAL APPROVAL.]

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Bloomington."

Delete the title and insert:

"A bill for an act relating to the city of Bloomington; providing authority for the city to establish and maintain district heating systems."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 532: A bill for an act relating to taxation; providing for the valuation of limited equity cooperative apartments; amending Minnesota Statutes 1982, section 273.11, subdivision 1, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, delete "318" and insert "308"

Page 2, line 30, after "members" insert "*, who must be persons or families of low and moderate income as defined in section 462A.03, subdivision 10, at the time they purchase their membership,*"

Page 2, line 31, delete "or by-laws"

Page 2, line 34, delete "and" and insert a period

Page 3, line 19, delete "transferer" and insert "transferor"

Page 3, lines 31 and 36, delete "or by-laws"

Page 4, line 3, delete "or by-laws"

Page 4, delete lines 9 to 11

Page 4, line 21, delete "is the"

Page 4, delete lines 22 to 24 and insert "*shall be set at the lesser of its market value or the value determined on the basis of income of a comparable apartment operated on a rental basis. When determining value on the basis of income, the assessor shall use a capitalization rate equal to the maximum FHA interest rate for multifamily mortgage loans current at the time of assessment.*"

Page 4, delete lines 25 and 26

Page 4, line 27, delete "clause (d)," and insert:

"If a cooperative fails to operate in accordance with the provisions of clauses (a) to (d),"

And when so amended the bill do pass. Amendments adopted. Report

adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 757: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing the counties of Koochiching and Itasca to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, delete “, engaged”

Page 2, delete line 6

Page 2, line 7, delete “pit, quarry or deposit,”

Page 2, lines 12, 13, and 18, delete “such” and insert “the”

Page 4, delete line 2 and insert:

“Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273, are repealed.”

Page 4, line 7, delete “645.02” and insert “645.021”

Page 4, line 9, delete “for gravel removed after June 30” and insert “January 1”

Amend the title as follows:

Page 1, line 5, delete “Minnesota Statutes 1982, section”

Page 1, delete line 6 and insert “Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1204: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing Le Sueur County to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, delete “engaged”

Page 2, delete line 7

Page 2, line 8, delete “pit, quarry, or deposit,”

Page 3, delete line 35

Page 3, line 36, delete "(b)"

Page 4, line 4, delete "gravel" and insert "aggregate material"

Page 4, line 7, delete "645.02" and insert "645.021" and delete everything after the period

Page 4, line 8, delete "effective for gravel removed after June 30, 1983." and delete the comma after "3"

Page 4, line 9, delete "clause (b)."

Amend the title as follows:

Page 1, line 5, delete "Minnesota Statutes 1982, section 298.75;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1194: A bill for an act relating to taxation; changing the tax paid on aviation gasoline; amending Minnesota Statutes 1982, section 296.02, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, delete "maximum"

Page 1, lines 12 and 13, delete the new language and insert "of five cents per gallon"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1205: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing Sherburne County to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, delete "engaged"

Page 2, delete line 7

Page 2, line 8, delete "pit, quarry, or deposit,"

Page 3, delete line 36

Page 4, line 1, delete "(b)"

Page 4, line 8, delete "645.02" and insert "645.021" and delete "Section 3, clause (a), is"

Page 4, line 9, delete "effective for gravel removed after June 30, 1983." and delete the comma after "3"

Page 4, line 10, delete "clause (b),"

Amend the title as follows:

Page 1, line 5, delete "Minnesota Statutes 1982, section 298.75;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 482: A bill for an act relating to taxation; providing for changes in the laws relating to delinquent real estate taxes, real estate tax judgment sales and redemptions and tax forfeited land sales; amending Minnesota Statutes 1982, sections 276.04; 279.05; 279.06; 279.14; 279.15; 279.16; 279.20; 280.01; 280.07; 280.10; 280.38; 280.385, subdivision 1; 281.01; 281.02; 281.03; 281.05; 281.17; 281.18; 281.23; 281.25; 281.34; 281.36; 281.39; 282.01, subdivision 5; 282.039; 282.17; 282.171; 282.222, subdivisions 4 and 5; 282.301; and 559.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapters 276; 279; 280; and 282.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 35, after the period, insert "*The taxpayer is defined as the owner who is responsible for the payment of the tax.*"

Page 3, delete lines 17 to 27 and insert:

"Fee owners, vendees, mortgagees, lienholders, and lessees may file their names and current mailing addresses with the county auditor in the county in which the land is located for the purpose of receiving notices affecting such land that are issued pursuant to sections 276.04, 281.23, and article 2, section 5. Each person filing his name and address shall pay a filing fee of \$15 to the county auditor for each parcel. The filing shall expire after three years. Persons may refile their names and addresses for additional three year periods, and a fee of \$15 shall be paid with each refiling. The county auditor shall furnish a copy of the list of names and addresses to the county treasurer. Taxpayers of record with the county auditor and mortgagees who remit taxes on their behalf shall receive tax statements and other notices as otherwise provided by law and shall not be required to file and pay fees under this section."

Page 4, line 7, after "parcel" insert "or identification"

Page 4, line 11, delete "and current filed addresses"

Page 4, line 13, after "section 2" insert ", and, at the election of the county auditor, the current filed addresses"

Page 6, line 23, before "and" insert "("

Page 6, line 25, after "Addresses" insert ")"

Page 6, line 32, before "Parcel" insert "Tax"

Page 6, line 36, before "825" insert "("

Page 7, line 2, after "55000" insert ")"

Page 7, line 12, before "2059" insert "("

Page 7, line 14, after "55000" insert ")"

Page 7, line 18, before "100" insert "("

Page 7 line 21, after "55000" insert ")"

Page 8, line 1, before "and" insert "("

Page 8, line 3, after "Addresses" insert ")"

Page 8, line 10, before "Parcel" insert "Tax"

Page 8, line 14, before "825" insert "("

Page 8, line 16, after "55000" insert ")"

Page 8, line 20, before "2059" insert "("

Page 8, line 22, after "55000" insert ")"

Page 8, line 26, before "100" insert "("

Page 8, line 28, after "55000" insert ")"

Page 8, line 36, delete "of addresses"

Page 9, line 6, after "and" insert "the pertinent portion of the" and delete " , or"

Page 9, line 7, delete "the pertinent portions thereof."

Page 9, line 8, delete "and fee owners"

Page 9, after line 12, insert:

"Sec. 6. [279.092] [PUBLICATION AND RELATED COSTS.]

The county auditor shall assess a service fee of the greater of (a) \$10.00, or (b) the amount determined by the county board as reasonably necessary to recover all costs incurred, against each parcel included in the delinquent tax list filed pursuant to section 279.05. The unpaid fees shall constitute a lien against the property in the manner provided in section 272.31 for unpaid taxes. When the fee is collected, the general revenue fund of the county shall be credited to defray costs incurred by the county auditor and the clerk of district court to prepare and publish the delinquent tax list and to enter judgment if no answer is filed."

Page 11, line 21, delete "279.13" and insert "7 of this article"

Page 13, after line 5, insert:

"Sec. 12. [REPEALER.]

Minnesota Statutes 1982, section 279.24, is repealed."

Renumber the sections of article 2 in sequence

Page 20, strike line 14

Page 20, line 15, after "all" insert "*subsequent*"

Page 20, line 16, strike the first "such" and insert "*the*" and strike "from and after the time when such"

Page 20, line 17, strike the old language

Page 21, line 6, before the period, insert "*provided in section 279.03*"

Page 22, line 18, strike "of" and delete "12" and strike "percent per annum" and insert "*provided in section 279.03*"

Page 24, line 8, delete the new language

Page 24, line 12, after "*hereof*" insert "*and, at the election of the county auditor, the current filed addresses of any such persons*"

Page 24, line 16, before "and" insert "("

Page 24, line 18, after "Addresses" insert ")"

Page 29, delete section 10

Page 30, after line 16, insert:

"Sec. 11. [REPEALER.]

Minnesota Statutes 1982, section 281.36, is repealed."

Renumber the sections of article 4 in sequence

Page 35, line 24, after "559.21" insert "*, and all costs, attorney's fees, and other amounts payable for the purchaser thereunder shall be payable to the county*"

Page 35, after line 30, insert:

"Sec. 10. [EFFECTIVE DATE.]

This act is effective January 1, 1984, except for article 5, section 7, which is effective January 1, 1985."

Renumber the sections of article 5 in sequence

Amend the title as follows:

Page 1, line 10, delete "281.36;"

Page 1, line 14, after "282" insert "; repealing Minnesota Statutes 1982, sections 279.24; and 281.36"

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. 79: A bill for an act relating to horse racing; defining certain terms; establishing a racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate race-tracks, conduct horse racing, and engage in certain occupations; prescribing license fees; authorizing the assigning of racing days; establishing a divi-

sion of pari-mutuel betting in the department of public safety and providing for the powers and duties of the commissioner; authorizing pari-mutuel betting on horse racing and prescribing taxes thereon; providing for the regulation of horse racing and establishing fines; establishing a breeders fund; prohibiting certain acts relating to horse racing and establishing penalties; providing for the recommendation of legislation establishing treatment programs for compulsive gamblers; amending miscellaneous statutes to include pari-mutuel related provisions; providing a withholding tax on certain pari-mutuel winnings and on occupation license holders; clarifying what is not a lottery; defining sports bookmaking and making it a felony; providing for the forfeiture of certain gambling devices, prizes, and proceeds; appropriating money; amending Minnesota Statutes 1982, sections 10A.09, subdivisions 1 and 5; 38.04; 290.09, subdivisions 5 and 29; 290.17, subdivision 2; 290.92, by adding subdivisions; 609.75, subdivisions 1 and 3, and by adding a subdivision; 609.76; 609.761; proposing new law coded as Minnesota Statutes, chapter 299J; proposing new law coded in Minnesota Statutes, chapter 609.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 2, before the period, insert "*or by the state agricultural society*"

Page 10, line 10, before "A class" insert "(a)"

Page 10, after line 14, insert:

"(b) A class A license may not be issued for the location of a racetrack on the state fairgrounds."

Page 11, delete lines 22 to 27

Page 16, line 10, before "COUNTY" insert "STATE AND"

Page 16, line 11, before "The" insert "(a)"

Page 16, line 12, after "to" insert ":

(1)"

Page 16, line 15, before the period insert "; and

(2) *the state agricultural society established under chapter 37 to conduct and manage, on the state fairgrounds, horse racing on which pari-mutuel betting is conducted*"

Page 16, line 15, before "An" insert:

"(b)"

Pages 33 and 34, delete article 6

Page 34, line 29, delete "7" and insert "6"

Page 51, line 28, insert "115,000" in the blank

Page 51, line 31, insert "425,000" in the blank

Page 51, line 33, after the period, insert "*There is appropriated from the general fund to the attorney general the sum of \$50,000 for the attorney*

general to carry out the purposes of this act. There is appropriated from the general fund to the commissioner the sum of \$150,000 to carry out the purposes of this act, to be available only with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30."

Page 52, line 2, delete "7" and insert "6"

Amend the title as follows:

Page 1, delete lines 16 and 17

Page 1, line 18, delete "gamblers;"

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. 619, 375, 532, 757, 1204, 1194, 1205 and 482 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1171 and 1111 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Novak moved that the name of Mr. Dahl be added as a co-author to S.F. No. 610. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Jude be added as a co-author to S.F. No. 1025. 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. DeCramer introduced—

S.F. No. 1221: A bill for an act relating to transportation; authorizing county turnback account funds for bridges greater than ten feet in length following replacement; amending Minnesota Statutes 1982, section 161.082, subdivision 2a.

Referred to the Committee on Transportation.

Messrs. Davis, Pehler, DeCramer and Belanger introduced—

S.F. No. 1222: A bill for an act relating to unemployment compensation; exempting senior citizen job programs; amending Minnesota Statutes 1982, section 268.04, subdivision 12.

Referred to the Committee on Employment.

Messrs. Taylor; Peterson, D.L.; Nelson; Pehler and Ms. Olson intro-

duced—

S.F. No. 1223: A bill for an act relating to education; requiring adoption of standards to measure the mastery of basic skills by pupils; proposing new law coded in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Messrs. Stumpf, Purfeerst, Solon, Willet and Moe, R.D. introduced—

S.F. No. 1224: A bill for an act relating to transportation; establishing a railroad passenger service study commission to study the feasibility and potential of expanded railroad passenger service within the state.

Referred to the Committee on Transportation.

Messrs. Frederick, Berg, Benson, Frederickson and Kamrath introduced—

S.F. No. 1225: A bill for an act relating to taxation; extending Class 3 property to certain property owned by certain fraternal beneficiary societies or associations for community service; amending Minnesota Statutes 1982, section 273.13, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Spear, Ms. Berglin, Mrs. Brataas and Mrs. Lantry introduced—

S.F. No. 1226: A bill for an act relating to public welfare; providing for local level coordination of chemical dependency, mental retardation, and mental health services through area councils; transferring money; amending Minnesota Statutes 1982, sections 245.61; 245.63; 245.66; 245.69, subdivision 1; 245.711, subdivision 1; 245.713, subdivision 1; 245.716, subdivision 2; 245.73, subdivision 1; 252.27, subdivision 2; 256E.03, subdivision 2; 256E.06, subdivision 2; 256E.09, subdivision 3; and 256E.12, subdivisions 1 and 3; proposing new law coded as Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1982, sections 245.64; 245.711, subdivision 2; 245.712, subdivision 1; 245.713, subdivisions 2 and 3; 245.716, subdivisions 1 and 3; and 256E.08, subdivision 9.

Referred to the Committee on Health and Human Services.

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. 92: Messrs. Bertram, Renneke and Pogemiller.

S.F. No. 50: Mr. Petty, Ms. Reichgott and Mr. Ramstad.

H.F. No. 365: Ms. Berglin, Mmes. Brataas and Lantry.

H.F. No. 90: Mrs. Lantry, Messrs. Frank and Laidig.

H.F. No. 667: Mr. Benson, Mrs. Kronebusch and Ms. Reichgott.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mr. Moe, R.D. was excused from the Session of today until 11:15 a.m. Mr. Sieloff was excused from the Session of today until 10:00 a.m. Mr. Solon was excused from the Session of today from 9:00 to 11:00 a.m. and from 12:00 noon to 1:20 p.m. Mr. Jude was excused from the Session of today from 10:30 a.m. to 2:15 p.m. Mr. Waldorf was excused from the Session of today until 10:45 a.m. Mr. Dahl was excused from the Session of today from 11:15 to 11:30 a.m. and from 1:00 to 1:15 p.m. Mr. Frederick was excused from the Session of today at 11:30 a.m. Mr. Purfeerst was excused from the Session of today from 11:30 a.m. to 1:30 p.m. Messrs. Lessard and Peterson, R.W. were excused from the Session of today from 2:00 to 3:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Monday, May 9, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

FORTY-EIGHTH DAY

St. Paul, Minnesota, Friday, May 6, 1983

The House of Representatives met on Friday, May 6, 1983, which was the Forth-Eighth Legislative Day of the Seventy-Third Session of the Minnesota State Legislature. The Senate did not meet on this date.