

the person against whom the relief is sought without reasonable allowance to justify the exercise of the police power authorized in sections 4 to 15, or which would cause irreparable harm or undue hardship to any mortgagee, contract vendor, judgment creditor, or their successors or assigns. The remedy authorized by sections 4 to 15 shall be available to a mortgagor or contract vendee only one time on any piece of property.

Sec. 15. [583.12] INCONSISTENT LAWS SUSPENDED.

Every law, to the extent that it is inconsistent with sections 4 to 15 is suspended during the effective period of sections 4 to 15.

Sec. 16. REPEALER.

Sections 1 to 15 are repealed effective July 1, 1984, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 17. EFFECTIVE DATE.

Sections 1 to 15 are effective the day following final enactment. Section 16 is effective July 1, 1984.

Approved May 23, 1983

CHAPTER 216 — H.F.No. 1124

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erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and errors of a noncontroversial nature in the 1983 regular session; 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; 18.041; 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; 116J.89, subdivision 1b, as added; 120.80, subdivision 1; 120.81, subdivision 1; 121.904, subdivision 11b; 124.2137, subdivision 1, as amended; 168.021, subdivision 2; 169.451; 169.974, subdivision 2; 169.974, subdivision 6; 169.99, subdivision 1; 171.131, subdivision 2; 179.63, subdivision 7, as amended; 179.70, subdivision 1; 204D.11, subdivision 1, as amended; 238.04, subdivision 2; 244.09, subdivision 1; 252A.13, subdivision 2; 253B.19, subdivision 5; 256.482, subdivision 1, as amended; 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; 290.06, subdivision 2dd, as added; 297.02, subdivision 5; 298.28, subdivision 1; 32G.30,

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subdivision 3, as amended; 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; 586.11, as amended; 609.75, subdivision 3, as amended; amending Laws 1983, chapters 13, section 4; 25, section 3; 62, section 12; 136, by adding a section; 149, section 2, subdivision 4; Laws 1982, chapter 581, section 18, subdivision 4; and Laws 1982, Third Special Session chapter 1, article II, section 7; Laws enacted at the 1983 regular session styled as S.F. Nos. 682, section 2, subdivision 1; 695, section 17, subdivision 5; 1233, section 2, subdivision 1; 1234, article 8, section 13; H.F. Nos. 77, sections 9, subdivision 1, and 25, subdivision 1; 1259, article 1, section 45; 1283, section 2, subdivision 4; 1290, sections 1, 16, and 37; 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; 642, section 8; a law enacted at the 1983 regular session styled as H.F. No. 300, section 75.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

REVISOR'S BILL

Section 1. Minnesota Statutes 1982, section 10A.275, is amended to read:

10A.275 MULTICANDIDATE POLITICAL PARTY EXPENDITURES.

Notwithstanding any other provisions of ~~Laws 1978, Chapter 463~~ chapter 10A, the following expenditures by a state political party or a substate unit of a state political party as described in section 10A.27, subdivision 4, shall not be considered contributions to or expenditures on behalf of any candidate for the purposes of section 10A.25 or 10A.27, and shall not be allocated to any candidates pursuant to section 10A.22, subdivision 5:

(a) expenditures on behalf of candidates of that party generally without referring to any of them specifically in any advertisement published, posted or broadcast;

(b) expenditures for the preparation, display, mailing or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;

(c) expenditures for any telephone conversation including the names of three or more individuals whose names are to appear on the ballot; or

(d) expenditures for any political party fundraising effort on behalf of three or more candidates.

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Sec. 2. Minnesota Statutes 1982, section 10A.31, subdivision 2, is amended to read:

Subd. 2. The taxpayer may designate that the ~~\$1~~ \$2 be paid into the account of a political party or into the general account.

Sec. 3. Minnesota Statutes 1982, section 10A.335, is amended to read:
10A.335 LEGISLATIVE MONITORING OF TAX CHECK-OFF.

For the purpose of determining whether the distribution formula provided in section 10A.31, subdivision 5, (a) assures that moneys will be returned to the counties from which they were collected, and (b) continues to have a rational relation to the support for particular parties or particular candidates within legislative districts, it is the intention of this section that future legislatures monitor, using statistical data provided by the department of revenue, income tax returns and renter and homeowner property tax refund returns on which ~~\$1~~ \$2, or in the case of a joint return, ~~\$2~~ \$4, is designated for a political party.

Sec. 4. Minnesota Statutes 1982, section 10A.32, subdivision 3b, is amended to read:

Subd. 3b. 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 his principal campaign committee a candidate shall agree by stating in writing to the board at any time beginning with the registration of his principal campaign committee that his expenditures and approved expenditures shall not exceed the expenditure limits as set forth in section 10A.25. The agreement shall remain effective until the dissolution of the principal campaign committee of the candidate or the opening of filing for the next succeeding election for the office held or sought at the time of agreement, whichever occurs first. An agreement signed under this subdivision may not be rescinded. The commissioner of revenue shall not allow any individual or married couple filing jointly to take a credit against any tax due, pursuant to section 290.06, subdivision 11, for any contribution to a candidate for legislative or statewide office who has not signed the agreement provided in this subdivision. Nothing in this subdivision shall be construed to limit the campaign expenditure of any candidate who does not sign an agreement under this subdivision but accepts a contribution for which the contributor claims a credit against tax due. The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue. The board shall make available to any candidate signing an agreement a supply of Official Tax Credit Receipt forms which state in bold face type that (a) a contributor who is given a receipt form is eligible to receive a credit against his tax due in an amount equal to 50 percent of his contribution but not more than ~~\$25~~ \$50 for an individual, or not more than ~~\$50~~ \$100 for a married couple filing jointly, and (b) that the candidate to whom he has contributed has voluntarily agreed to abide by campaign expenditure limits. If a candidate does not sign an

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agreement under this subdivision he may not issue an Official Tax Credit Receipt form, or any facsimile thereof, to any of his contributors. Any candidate who does not voluntarily agree to abide by the expenditure limits imposed in section 10A.25 and who willfully issues Official Tax Credit Receipt forms, or any facsimile thereof, to any contributor is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1982, section 11A.24, subdivision 6, is amended to read:

Subd. 6. **OTHER INVESTMENTS.** (a) In addition to the investments authorized in subdivisions 1 to 5, and subject to the provisions in clauses clause (b) and (e), the state board may invest funds in:

(1) Venture capital investment businesses through participation in limited partnerships and corporations;

(2) Real estate ownership interests or loans secured by mortgages or deeds of trust through investment in limited partnerships, bank sponsored collective funds, trusts, and insurance company commingled accounts, including separate accounts;

(3) Regional funds through bank sponsored collective funds and open-end investment companies registered under the Federal Investment Company Act of 1940; and

(4) Resource investments through limited partnerships, private placements and corporations.

(b) The investments authorized in clause (a) may only be made if they conform to the following provisions:

(1) The aggregate value of all investments made pursuant to clause (a) shall not exceed 20 percent of the market value of the fund for which the state board is investing;

(2) There shall be at least four unrelated owners of the investment other than the state board;

(3) State board participation in an investment vehicle shall be limited to 20 percent thereof; and

(4) State board participation in a limited partnership does not include a general partnership interest or other interest involving general liability. The state board shall not engage in any activity as a limited partner which creates general liability.

Sec. 6. 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, correc-

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tions, ~~economic development~~, economic security, education, employee relations, energy, planning and development, finance, health, human rights, labor and industry, natural resources, ~~personnel~~, public safety, public welfare, revenue, transportation, and veterans affairs; the banking, insurance, and securities and real estate 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 departments or agencies are referred to in this section as "commissioners."

Sec. 7. Minnesota Statutes 1982, section 16.861, subdivision 3, is amended to read:

Subd. 3. **CERTIFICATION.** The ~~personnel~~ department of employee relations of the state of Minnesota, with the approval of the commissioner, shall either:

(a) Prepare and conduct oral, written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official or

(b) Accept documentation of successful completion of programs of training developed by public agencies, as proof of qualification pursuant to subdivision 2.

Upon a determination of qualification under either clause (a) or (b) of this section the commissioner shall issue or cause to be issued a certificate to the building official stating that he is so certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$20. The ~~personnel~~ department of employee relations and the commissioner or his designee may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subdivision 2, no person shall act as a building official for any municipality unless the ~~personnel~~ department of employee relations and the commissioner determine that he is so qualified. The ~~personnel~~ department of employee relations may, with approval of the commissioner, prepare and conduct educational programs designed to train and assist building officials in carrying out their responsibilities and may institute any such program after July 1, 1972. The commissioner shall reimburse the ~~personnel~~ department of employee relations for costs of any services performed by them pursuant to Laws 1971, chapter 561.

Sec. 8. Minnesota Statutes 1982, section 17A.06, subdivision 3, is amended to read:

Subd. 3. **LEGAL NOTICE.** Prior to a hearing, the commissioner shall notify by certified mail all known potential claimants and publish a notice setting forth the default of the licensee and requiring all claimants to file proof of claim

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with the commissioner within three months of the date such notice is published or be barred from participating in the proceeds of the bond. Such publication shall be made for three consecutive weeks in a newspaper published at the county seat of the county in which the licensee has his principal place of business. The commissioner shall also fulfill any notice requirements prescribed by chapter 14 and rules of the hearing examiner office of administrative hearings. No claim shall be allowed unless it is filed with the commissioner within one year of the date of the transaction. If a livestock market agency or livestock dealer has on file a Packers and Stockyards Act bond and is registered with the Packers and Stockyards Administration, the terms of the bond or that federal agency's regulations will control in determining the time for filing claims.

Sec. 9. Minnesota Statutes 1982, section 32.212, is amended to read:

32.212 MILK HOUSES FOR BULK TANKS.

Any producer using a bulk tank for cooling and storage of milk to be used for manufacturing purposes shall have an enclosed milk room which shall conform to the standards provided by sections 32.212 and 32.213. The floor shall be constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage. The walls and ceilings of the room shall be sealed and constructed of smooth easily cleaned material. All windows shall be screened and doors shall be self-closing. It shall be well ventilated and must meet the following requirements:

- (1) The bulk tank shall not be located over a drain or under a ventilator.
- (2) The hose port shall be located in an exterior wall and fitted with a tight self-closing door.
- (3) Each milk room shall have an adequate supply of water readily accessible with facilities for heating the water, to insure the cleaning and sanitizing of the bulk tank, utensils and equipment and the keeping of the milk room clean.
- (4) No lights shall be placed directly over the bulk tank.
- (5) The bulk tank shall be properly located in the milk room for easy access to all areas for cleaning and servicing.
- (6) The milkhouse shall be used only for storage of milk, milk utensils, and supplies incidental to the production of milk.
- (7) Sections 32.212 and 32.213 ~~shall become~~ are effective July 1, 1965, for all subsequent installations of bulk tanks for milk produced for manufacturing purposes.
- (8) ~~On and after October 1, 1969, sections 32.212 and 32.213 apply to all bulk tank installations existing prior to July 1, 1965.~~

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~~(9)~~ After October 1, 1969, No milk processor shall buy milk from any producer of milk using a bulk tank to be used for manufacturing purposes unless such producer has complied with the provisions of section 32.212.

~~(10)~~ (9) After July 1, 1965, no person shall install a bulk tank except in a milk room or milkhouse which complies with the provisions of sections 32.212 and 32.213.

~~(11)~~ (10) The enforcement of sections 32.212 and 32.213 shall be administered by the Minnesota department of agriculture.

~~(12)~~ (11) Any person violating any provisions of sections 32.212 and 32.213 shall be punished by a fine of not more than \$50.

Sec. 10. Minnesota Statutes 1982, section 32.213, is amended to read:

32.213 INFORMATION ON SALE OF BULK TANKS.

No bulk tank designed for the cooling and storage of milk shall be sold to anyone other than a wholesaler or dealer in such bulk tanks ~~after July 1, 1965,~~ without the seller delivering to the buyer an exact copy of sections 32.212 and 32.213 at or prior to the time of delivery of such bulk tank to the buyer.

Sec. 11. Minnesota Statutes 1982, section 35.251, is amended to read:

35.251 ANAPLASMOSIS TESTING.

~~Subdivision 1.~~ All breeding cattle entering Minnesota shall have a health certificate evidencing a negative test for anaplasmosis conducted at a state or federal laboratory within 30 days of entry. Cattle not so certified shall be immediately quarantined and tested for anaplasmosis at the expense of the cattle owner. Cattle having a positive reaction to the anaplasmosis test shall remain quarantined until testing free of anaplasmosis or be slaughtered. An anaplasmosis test shall not be required of steers, cattle shipped directly to a slaughtering establishment, cattle sent to a quarantine feed lot, and other cattle excepted by rule of the livestock sanitary board of animal health. The ~~livestock sanitary board~~ is authorized to adopt rules to implement the provisions of this section.

~~Subd. 2.~~ This section is effective January 1, 1981 except that the provision authorizing the livestock sanitary board to adopt rules is effective April 4, 1980.

Sec. 12. Minnesota Statutes 1982, section 43A.18, subdivision 5, is amended to read:

Subd. 5. **GOVERNOR TO SET CERTAIN SALARIES.** The governor shall, on or before January 31 of each odd numbered year, submit to the legislative commission on employee relations recommendations for salaries for the positions listed in sections 15A.081 and 15A.083. The governor may also propose additions or deletions of positions from those listed.

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(a) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations. Before submitting recommendations for an employee in the office of a constitutional officer, the governor shall consult with the constitutional officer concerning the recommendations and shall give due consideration to the advice of the officer;

(b) Except for positions for which salary ranges have been established, the recommendations shall contain a specific salary for each position listed in sections 15A.081 and 15A.083. The governor shall determine only a fixed salary for the positions of the constitutional officers, the judges of the workers' compensation court of appeals and the commissioner of public service;

(c) In making recommendations, the governor shall consider only those criteria established in subdivision 7 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

(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. 13. Minnesota Statutes 1982, section 45.16, subdivision 2, is amended to read:

Subd. 2. (a) Act as the representative of the governor in all matters affecting consumer affairs;

(b) Enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in sections 325F.68 and 325F.69, and the attorney general shall act for the division in pursuing the remedies set forth in section 325F.70;

(c) Make recommendations to the chairman of the commerce commission for transmission to the governor and the legislature for such statutory needs as may exist in adequately protecting the consumer;

~~(d) Receive registration statements and annual reports of persons soliciting charitable funds in accordance with the requirements of sections 309.50 to 309.61, in lieu of the duties of the secretary of state in connection therewith. The duties of the secretary of state under such sections are hereby abolished and the activity assigned to the department of commerce, division of licensing and consumer services as provided herein;~~

Adopt, pursuant to the Administrative Procedures Act, rules and regulations to implement the provisions of this section.

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Sec. 14. Minnesota Statutes 1982, section 48.605, subdivision 1, is amended to read:

Subdivision 1. Any state bank may grant options to purchase, sell, or enter into agreements to sell shares of its capital stock to its employees, for a consideration of not less than 100 percent of the fair market value of the shares on the date the option is granted or, if pursuant to a stock purchase plan, 85 percent of the fair market value on the date the purchase price is fixed, pursuant to the terms of an employee restricted stock option plan or employee stock purchase plan which has been adopted by the board of directors of the bank and approved by the holders of at least three-fourths of the outstanding shares of the bank entitled to vote and by the commissioner of banks. Stock options issued hereunder shall not extend beyond a period of ten years from date of issuance and shall otherwise qualify as restricted stock options under the Internal Revenue Code, and acts amendatory thereof, and Minnesota Statutes, Section 290.0781.

Sec. 15. Minnesota Statutes 1982, section 60A.07, subdivision 8, is amended to read:

Subd. 8. **SPECIAL PROVISIONS AS TO MUTUAL COMPANIES.**
(1) AMENDMENT OF ARTICLES OR CERTIFICATE OF INCORPORATION. The certificate of incorporation or articles of association of any domestic insurance company without capital stock, now or hereafter organized and existing under the laws of this state, may be amended in respect to any matter which an original certificate of incorporation or articles of association of a corporation of the same kind might lawfully have contained by the adoption of a resolution specifying the proposed amendment, at a regular meeting of the members thereof or at a special meeting called for that expressly stated purpose, by the affirmative vote of a majority of the members present, in person or by proxy, at the meeting, and by causing the resolution to be embraced in a certificate duly executed by its president and secretary or other presiding and recording officers, under its corporate seal, and approved, filed, recorded, and published in the manner prescribed by law for the execution, approval, filing, recording, and publishing of a like original certificate of incorporation or articles of association.

(2) RENEWAL OF CORPORATE EXISTENCE. Any domestic insurance company or corporation having no capital stock, heretofore or hereafter organized and existing under the laws of this state, whose period of duration has expired or is about to expire, may, on or before the date of the expiration, or within six months after the date of expiration, renew its corporate existence from the date of such expiration for any period permitted by the laws of this state, by the adoption of a resolution to that effect by the affirmative vote of three-fourths of the members present, in person or by proxy, at a regular meeting of the members, or at any special meeting called for that expressly stated purpose, and by causing the resolution to be embraced in a certificate duly executed by its president and secretary or other presiding and recording officers, under its

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corporate seal, and approved, filed, recorded, and published in the manner prescribed by law for the execution, approval, filing, recording, and publishing of an original certificate of incorporation or articles of association.

(3) **BYLAWS.** The bylaws of any domestic insurance corporation without capital stock, in cases where the bylaws must be adopted or approved by the members thereof, may be adopted, altered, or amended at a regular meeting of the members thereof, or at a special meeting called for that expressly stated purpose, by the affirmative vote of a majority of the members present, in person or by proxy, at the meeting.

(4) **CONVERSION OF A DOMESTIC MUTUAL INTO A STOCK INSURANCE CORPORATION.** A domestic mutual corporation may be converted into a stock insurance corporation as follows:

(a) **ACTION BY BOARD OF DIRECTORS.** The board of directors shall adopt a plan of conversion.

(b) **PLAN OF CONVERSION.** (i) The plan of conversion shall provide that, upon consummation of the conversion, each policyholder at the date of the passage of the resolution by the board of directors shall be entitled to such shares of stock of the new company as his equitable share of the surplus of the company will purchase. This equitable share shall be determined by independent certified auditors or consulting actuaries and shall be subject to approval by the commissioner. If a policyholder's equitable share of the surplus of the company produces a fractional share, the policyholder shall be given the option of either receiving the value of the fractional share in cash or of purchasing the fractional part of a share that will entitle him to a full share.

(ii) No shares of the corporation being organized shall be issued or subscribed for, formally or informally, directly or indirectly during the conversion except as authorized under subparagraph (i).

(iii) The corporation shall not pay compensation or remuneration of any kind to any person in connection with the proposed conversion, except at reasonable rates for printing costs, and for legal and other professional fees for services actually rendered.

(iv) The plan of conversion shall include a copy of the proposed articles of incorporation which shall comply with the requirements of chapter 300. Except as otherwise specifically provided, the corporation resulting from conversion under this section shall be deemed to have been organized as of the date of issuance of the initial certificate of authority to the mutual corporation being converted.

(c) **APPROVAL BY POLICYHOLDERS.** Within 30 days after its adoption by the board of directors, the plan of conversion shall be submitted to the policyholders for approval by the affirmative vote of a majority of the

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policyholders entitled to vote, in the manner prescribed by subparagraph (1). Every policyholder as of the date of the adoption under subparagraph (a) shall be entitled to one vote for each policy held by him. Only such policyholders shall be entitled to vote.

(d) **APPROVAL BY THE COMMISSIONER.** (i) Within 30 days after its adoption by the policyholders, the plan of conversion shall be submitted to the commissioner with an application for his approval.

(ii) The commissioner shall not approve if the value of single shares is set at a figure that substantially burdens policyholders who wish to purchase a fractional share under subparagraph (b)(i).

(iii) If the commissioner finds that the plan of conversion has been duly approved by the policyholders, that the conversion would not violate any law and would not be contrary to the interests of the policyholders, he shall approve the plan of conversion and shall issue a new certificate of authority to the corporation.

(e) **CONVERSION.** After filing an amendment of the articles of incorporation as provided by chapter 300, the corporation shall become a stock corporation and shall no longer be a mutual corporation, and the board of directors shall execute the plan of conversion.

(f) **SECURITIES REGULATION.** The filing with the department of securities of a certified copy of the plan of conversion as adopted by the policyholders and approved by the commissioner shall constitute registration under chapter ~~80~~ 80A, of the securities authorized to be issued to policyholders thereunder.

Sec. 16. Minnesota Statutes 1982, section 60A.17, subdivision 7a, is amended to read:

Subd. 7a. **SURRENDER, LOSS, OR DESTRUCTION OF LICENSE.**

(a) The commissioner shall promptly notify the licensee and all appointing insurers, where applicable, of any suspension, revocation, or termination of the licensee's agent's license by the commissioner. Upon receipt of the notice of suspension or revocation of a license, the licensee shall immediately deliver it to the commissioner.

(b) An agent whose resident or nonresident license is terminated as provided in subdivision ~~6b~~ 6c, shall deliver the terminated license to the commissioner by personal delivery or by mail within 30 days after the date of termination.

(c) The commissioner may issue a duplicate license for any lost, stolen, or destroyed license issued pursuant to this section upon an affidavit of the licensee concerning the facts of the loss, theft, or destruction, and the payment of a fee of \$3 by money order or cashier's check payable to the state treasurer.

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(d) An insurance agent shall notify the commissioner within 30 days of any fine imposed on that agent by another state or of a suspension or revocation of license by the commissioner of insurance of this or any other state.

Sec. 17. Minnesota Statutes 1982, section 93.20, subdivision 9, is amended to read:

Subd. 9. (1) The royalties to be paid by the part..... of the second part to the party of the first part on ore removed in each calendar year that this lease remains in force as hereinafter specified shall be increased or decreased for that calendar year in the same proportion that the market value of standard grade Mesabi Non-Bessemer iron ore containing 51.50 percent iron, natural analysis, at lower lake ports, as of April first of that year, is increased or decreased above or below the corresponding market value of such standard ore that prevailed at the time of submission of the application for a prospecting permit on the mining unit covered by this lease; provided, that, in no case shall such royalties be less than the minimum royalties prescribed by law. For the purposes hereof, the market value of such standard ore as of the date of application for a prospecting permit on the mining unit covered by this lease, as determined by the commissioner of natural resources, was Dollars (\$.....). As soon as practicable after April first of each year, the commissioner of natural resources shall determine the market value of such standard grade of Mesabi Non-Bessemer ore as of said date, shall file his order thereon in his office, shall file certified copies thereof in the offices of the state treasurer and commissioner of finance, and shall mail a certified copy thereof to the part..... of the second part. The market value so determined shall govern for the purpose of computing royalties due under this lease on ore removed during such calendar year. If such determination is not made in time for use in computing any such royalty, such royalty shall be computed and paid when due at the last rate theretofore in force under the provisions hereof, subject to adjustment as hereinafter provided. Upon the determination by the commissioner of the applicable market value of ore, if it appears that the amount theretofore paid for any royalty subject to such determination was less or greater than the correct amount based on such determination, any deficiency in such payment shall be added to and paid together with the rental or royalty due at the next following quarterly payment date hereunder, and any excess in such payment shall be applied as a credit upon rentals or royalties subsequently due hereunder as the case may be.

(2) If the part..... of the second part shall dispute any determination by the commissioner of the market value of such standard ore, the royalties affected thereby shall nevertheless be paid when due at the rates based on such determination; provided, that upon making any such payment when due, the part..... of the second part may file with the commissioner a protest against such determination, specifying the amount alleged to be the true market value of such standard ore for the purpose of computing such royalty. If the dispute involves the determination of the market value of such standard ore as of the date of application for a

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prospecting permit, as set forth in subdivision 9 (1) above, such protest shall be filed once only and then within 30 days after the first royalty payments are due. Within 30 days after filing such protest, the part.... of the second part may bring an action against the commissioner in the district court for Ramsey county for a declaratory judgment determining the market value of the ore in dispute as stated in the protest. Upon the taking effect of final judgment in such action, the value determined thereby shall supersede the value determined by the commissioner for the purposes hereof, and adjustment of the amounts paid or payable for royalties shall be made accordingly in like manner as hereinbefore provided upon determination of market value by the commissioner. If such action is not brought within the time aforesaid, the commissioner's determination of market value shall be final. In case the part.... of the second part shall be entitled to any adjustment on account of overpayment of royalties hereunder, and the rentals or royalties subsequently due on or before the termination of this lease are not sufficient to make such adjustment as hereinbefore provided, the excess of such royalties paid above the amount adjustable against subsequent rentals or royalties shall be refunded to the part.... of the second part as provided by Minnesota Statutes 1949, section 6.136 16A.48.

Sec. 18. Minnesota Statutes 1982, section 98.46, subdivision 16, is amended to read:

Subd. 16. Fees for the following licenses, to be issued to nonresidents, shall be:

To buy or sell raw furs, \$500, except that a license shall not be required to buy from those licensed under subdivision 4, clause ~~(2)~~ (3).

To guide bear hunters, \$400.

Sec. 19. Minnesota Statutes 1982, section 100.27, subdivision 9, is amended to read:

Subd. 9. In addition to the season prescribed in subdivision 2, clause ~~(6)~~ (1), bear may be taken in such areas of the state, under such restrictions, and on such dates as the commissioner may, by order, provide. Nothing in this subdivision shall prevent a person from taking a bear to protect his property. Such taking shall be reported to a conservation officer within 48 hours. Bear so taken may thereafter be disposed of in the same manner as provided in section 97.50, subdivision 5, for the disposition of wild animals unlawfully taken.

Sec. 20. Minnesota Statutes 1982, section 112.85, subdivision 2, is amended to read:

Subd. 2. Upon the hearing if it appears to the board that the territory as described in the petition has ~~been~~ not and will not receive any benefit from the operation of the district and that the district can perform the functions for which it was established without the inclusion of said territory, and that said territory is

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not, in fact, a part of the watershed, the board may issue an order releasing the territory, or any part of said territory, as described in the petition. No lands shall be released which have been determined subject to any benefits or damages for any improvement previously constructed. The territory so released shall remain liable for its proportionate share of any indebtedness existing at the time of the order. Levies on the lands shall continue in force until fully paid. If the board shall determine that the order prescribing the distribution of managers should be amended following the withdrawal of any territory it may so direct in the order authorizing the withdrawal.

Sec. 21. Minnesota Statutes 1982, section 116D.05, is amended to read:

116D.05 REVIEW OF AUTHORITY, REPORT.

All agencies of the state government shall review their present statutory authority, administrative ~~regulations~~ rules, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein that prohibit full compliance with the purposes and provisions of sections 116D.01 to 116D.06, and shall propose to the governor not later than July 1, 1974, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in Laws 1973, chapter 412.

Sec. 22. Minnesota Statutes 1982, section 116G.03, subdivision 5, is amended to read:

Subd. 5. "Regional development commission" means any regional development commission created pursuant to ~~Minnesota Statutes 1971, sections 462.381 to 462.396, inclusive~~ and the metropolitan council created by ~~Minnesota Statutes 1971, chapter 473B~~ 473.

Sec. 23. 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 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;

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- (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~~ 155A;
- (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~~ 155A;
- (n) Dentists 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;

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- (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;
- (4) Any driver's license required pursuant to chapter 171;
- (5) Any aircraft license required pursuant to chapter 360;
- (6) Any watercraft license required pursuant to chapter 361;
- (7) Any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air or water, which is required to be obtained from a state agency or instrumentality; and
- (8) Any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health.

Sec. 24. Minnesota Statutes 1982, section 120.80, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law to the contrary, any secondary school student who has completed all required courses may, with the approval of the student, his parent or guardian, and local school officials, graduate prior to the completion of the school year. All aid which such student, had he not graduated, would have earned for the district pursuant to ~~section 124.212~~ sections 124.2121 to 124.2128, plus that portion of the amount raised by the local tax levy

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which results from such transitional year students shall continue to be earned by the district.

Sec. 25. Minnesota Statutes 1982, section 120.81, subdivision 1, is amended to read:

Subdivision 1. Effective October 1, 1977, no funds appropriated by the state shall be transferred to or expended with or by the Minnesota educational computing consortium unless the consortium adheres to the provisions of chapters 15, 16, excepting sections 16.90 and 16.94 thereof, 16A and ~~43~~ 43A.

Sec. 26. Minnesota Statutes 1982, section 121.904, subdivision 11b, is amended to read:

Subd. 11b. (1) Each district affected by the provisions of subdivision 11a shall account for and expend according to the provisions of this subdivision the total amount by which its 1976 payable 1977 and its 1977 payable 1978 permissible levies pursuant to section 275.125 were reduced on account of payments pursuant to sections 294.21 or 294.28; 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; 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. Notwithstanding the provisions of section ~~124.212~~, ~~subdivision 8a~~, ~~clause (2)~~ 124.2132, subdivision 5, clause (2) and the provisions of section 275.125, subdivision 9, clause (2) or any other law to the contrary, this total amount shall not be applied to reduce the foundation aid which the district is entitled to receive pursuant to ~~section 124.212~~ sections 124.2121 to 124.2128 or again be applied to reduce the permissible levies of the district.

(2) The lesser of the amount in (1) or an amount equal to \$200 times the pupil units in the district computed pursuant to section 124.17 for the 1977-1978 school year shall be reflected in an "appropriated fund balance reserve account for current use of taconite payments" which shall be established in the general fund. Each school year, beginning in 1978-1979, each affected district shall transfer an amount equal to \$20 times the number of pupil units in the district in 1977-1978 out of this account into other operating accounts in the general fund, until the amount transferred equals the amount originally reflected in the reserve account; provided that in the last year in which the district is required to make this transfer, it shall transfer the balance of the reserve account, not to exceed an amount equal to \$20 times the number of pupil units in the district in 1977-1978. Notwithstanding the provisions of section 121.917, each affected district may use the amount so transferred each year to increase its expenditures above the amount it would otherwise be authorized to expend in that school year.

(3) Of the amount in (1), any amount not reflected in the account established pursuant to clause (2) shall be reflected in the district's appropriated fund balance reserve account for purposes of reducing statutory operating debt, if

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the district has established this account pursuant to section 275.125, subdivision 9a. The June 30, 1977 statutory operating debt of the district shall be reduced by the amount so reflected and shall be recertified accordingly by the commissioner.

(4) Notwithstanding the provisions of section 121.912, any portion of the amount in (1) remaining after the application of clauses (2) and (3) shall be transferred to the district's capital expenditure fund; provided that before July 1, 1979 not exceeding \$75,000 of the amount transferred to the capital expenditure fund pursuant to this clause may be transferred to the district's general fund.

Sec. 27. Minnesota Statutes 1982, section 168.021, subdivision 2, is amended to read:

Subd. 2. **DESIGN OF PLATES; FURNISHING BY REGISTRAR.** The registrar of motor vehicles shall design and furnish two license number plates with attached emblems to each such owner. The emblem shall bear the internationally accepted wheelchair symbol, as designated in Minnesota Statutes 1974, Section 299G.12 section 16.8632, approximately three inches square. The emblem shall be of such size as to be visible plainly from a distance of 50 feet. Applicants eligible for these special plates shall pay the motor vehicle registration fee authorized by law less a credit of \$1 for each month registered.

Sec. 28. Minnesota Statutes 1982, section 169.451, is amended to read:

169.451 **SCHOOL BUS INSPECTION.**

Subdivision 1. The Minnesota state patrol shall inspect every school bus annually to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

Subd. 2. No person shall drive, or no owner shall knowingly permit or cause to be driven, any school bus unless there is displayed thereon a certificate issued by the commissioner of public safety stating that on a certain date, which shall be within 13 months of the date of operation, a member of the Minnesota state patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The commissioner of public safety shall provide by rule ~~or regulation~~ for the issuance and display of distinctive inspection certificates.

Subd. 3. ~~Not later than January 1, 1975~~ The commissioner of public safety shall provide by rule ~~and regulation~~ a point system for evaluating the effect on safety operation of any variance from law detected during school bus inspections conducted pursuant to subdivision 1.

Sec. 29. Minnesota Statutes 1982, section 169.974, subdivision 2, is amended to read:

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Subd. 2. **LICENSE REQUIREMENTS.** No person shall operate a motorcycle on any street or highway unless he has a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with rules promulgated by the state board of education for courses offered through the public schools, or rules promulgated by the commissioner of public safety for courses offered by a private or commercial school or institute. The commissioner of public safety may waive the road test for any applicant if he determines that the applicant possesses a valid license to operate a two-wheeled vehicle issued by a jurisdiction that requires a comparable road test for license issuance. A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, who is enrolled in an approved two-wheeled vehicle driver's safety course, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be effective for 45 days, and may be renewed under rules to be prescribed by the commissioner of public safety.

No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

- (a) Carry any passengers on the streets and highways of this state on the motorcycle which he is operating;
- (b) Drive the motorcycle at night time;
- (c) Drive the motorcycle on any highway marked by the commissioner as an interstate highway pursuant to title 23 of the United States Code.
- (d) Drive the motorcycle without wearing protective headgear of a type approved by the commissioner of public safety.

Notwithstanding the provisions of this subdivision, the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as he shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

Sec. 30. Minnesota Statutes 1982, section 169.974, subdivision 6, is amended to read:

Subd. 6. **NEGLIGENCE; DAMAGES WITHOUT PROTECTIVE HEADGEAR.** In an action to recover damages for negligence resulting in any head injury to an operator or passenger of a motorcycle, evidence of whether or

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not the injured person was wearing protective headgear of a type approved by the commissioner of public safety shall be admissible only with respect to the question of damages for head injuries. Damages for head injuries of any person who was not wearing protective headgear shall be reduced to the extent that those injuries could have been avoided by wearing protective headgear of a type approved by the commissioner of public safety. For the purposes of this subdivision "operator or passenger" means any operator or passenger regardless of whether that operator or passenger was required by law to wear protective headgear approved by the commissioner of public safety.

Sec. 31. Minnesota Statutes 1982, section 169.99, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of ~~the highway traffic regulations, which are Minnesota Statutes 1957, Chapter 169 and acts amendatory thereof, this chapter~~ and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint. There shall also be included on the uniform ticket a receipt in lieu of bail which, when signed by the defendant, shall be a guarantee by him of his appearance in the court having jurisdiction over the matter. The uniform traffic ticket shall consist of four parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows:

(1) the complaint, with reverse side for officer's notes for testifying in court, driver's past record, and court's action, printed on white paper;

(2) the abstract of court record for the department of public safety, which shall be a copy of the complaint with the certificate of conviction on the reverse side, printed on yellow paper;

(3) the police record, which shall be a copy of the complaint and of the reverse side of copy (1), printed on pink paper;

(4) the summons, with, on the reverse side, such information as the court may wish to give concerning the traffic violations bureau, and a plea of guilty and waiver, printed on off-white tag stock.

Sec. 32. Minnesota Statutes 1982, section 171.131, subdivision 2, is amended to read:

Subd. 2. Any physician reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his actions pursuant to ~~the~~ this section. No cause of action may be brought against any physician for not making a report pursuant to this section.

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Sec. 33. Minnesota Statutes 1982, section 179.70, subdivision 1, is amended to read:

Subdivision 1. A written contract or memorandum of contract containing the agreed upon terms and conditions of employment and such other matters as may be agreed upon by the employer and exclusive representative shall be executed by the parties. The duration of the contract shall be negotiable except in no event shall contracts be for a term exceeding three years. Any contract between employer school board and an exclusive representative of teachers shall in every instance be for a term of two years beginning on July 1 of each odd-numbered year. For contracts effective July 1, 1979 or thereafter, the written contract executed by an employer school board and an exclusive representative of teachers shall contain the teachers' compensation including fringe benefits for the entire two-year term and shall not contain a wage reopening clause or any other provision for the renegotiation of the teachers' compensation for the second year of the contract. All contracts shall include a grievance procedure which shall provide compulsory binding arbitration of grievances including all disciplinary actions. In the event that the parties cannot reach agreement on the grievance procedure, they shall be subject to the grievance procedure promulgated by the director pursuant to section 179.71, subdivision 5, clause ~~(j)~~ (h). Employees covered by civil service systems created pursuant to chapters ~~43~~ 43A, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, chapter 423, may pursue a redress of their grievances through the grievance procedure established pursuant to this section. When the resolution of a grievance is also within the jurisdiction of appeals boards or appeals procedures created by chapters ~~43~~ 43A, 44, 375, 387, 419 or 420, or by provision of a home rule charter pursuant to chapter 410, or by Laws 1941, chapter 423, the aggrieved employee shall have the option of pursuing redress through the grievance procedure or the civil service appeals procedure, but once a written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with his consent the employee's right to pursue redress in the alternative manner is terminated. This section does not require employers or employee organizations to negotiate on matters other than terms and conditions of employment as defined in section 179.63, subdivision 18.

Sec. 34. Minnesota Statutes 1982, section 238.04, subdivision 2, is amended to read:

Subd. 2. Members shall be appointed by the governor with the advice and consent of the senate. ~~Each member shall be appointed by the governor, by and with the advice and consent of the senate.~~ No more than four members shall be from the same political party.

Sec. 35. Minnesota Statutes 1982, section 244.09, subdivision 1, is amended to read:

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Subdivision 1. **COMMISSION; ESTABLISHMENT.** There is hereby established the Minnesota sentencing guidelines commission which shall be comprised of ~~10~~ 11 members.

Sec. 36. Minnesota Statutes 1982, section 252A.13, subdivision 2, is amended to read:

Subd. 2. Consent for surgery for mentally deficient persons committed or voluntarily admitted to a state hospital shall be governed by section ~~253A.17~~, ~~subdivision 8~~ 253B.03, ~~subdivision 6~~, irrespective of whether such persons may be under the guardianship or conservatorship of the commissioner.

Sec. 37. 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 as other appeals in civil actions. 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. 38. Minnesota Statutes 1982, section 256.871, subdivision 7, is amended to read:

Subd. 7. **AUTHORITY OF THE COMMISSIONER.** The commissioner is ~~hereby~~ authorized, subject to the provisions of ~~Minnesota Statutes 1969~~, chapter ~~15~~ 14, to promulgate ~~regulations~~ rules not inconsistent with this section as necessary to qualify for maximum federal funds.

Sec. 39. Minnesota Statutes 1982, section 256.976, subdivision 4, is amended to read:

Subd. 4. The board is authorized, subject to the provisions of ~~Minnesota Statutes 1969~~, chapter ~~15~~ 14, to make rules and ~~regulations~~ necessary to the operation of the foster grandparent program and to employ assistance in performing its administrative duties. In adopting rules and ~~regulations~~ the board shall give consideration to applicable federal guidelines.

Sec. 40. Minnesota Statutes 1982, section 260.185, subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

- (a) Counsel the child or his parents, guardian, or custodian;
- (b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents,

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guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

- (1) A child placing agency; or
- (2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to ~~245.813~~ 245.812; or

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$500; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) 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;

(h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until his 18th birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of transportation

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that the child be authorized to apply for a new license, and the commissioner may so authorize.

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.

This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.

Sec. 41. Minnesota Statutes 1982, section 260.193, subdivision 6, is amended to read:

Subd. 6. Before making a disposition of any child found to be a juvenile major traffic offender, the court shall obtain from the department of ~~transportation~~ public safety information of any previous traffic violation by this juvenile. In the case of a juvenile water traffic offender, he shall obtain from the office where the information is now or hereafter may be kept information of any previous water traffic violation by the juvenile.

Sec. 42. Minnesota Statutes 1982, section 268.18, subdivision 2, is amended to read:

Subd. 2. **FRAUD.** Any claimant who files a claim for or receives benefits by knowingly and wilfully misrepresenting or misstating any material fact or by knowingly and willfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 is guilty of fraud. After the discovery of facts by the commissioner indicating fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that the claimant was ineligible for each week with reference to which benefits were claimed or obtained by fraud for the amount as was in excess of what the claimant would have been entitled to had he not made the fraudulent statements or failed to disclose any material facts. The commissioner also may disqualify an individual from benefits for one to 52 weeks in which the claimant is otherwise eligible for benefits following the week in which the fraud was determined. A disqualification imposed for fraud shall not be removed by subsequent insured work or the expiration of a benefit year but shall not apply to any week more than 104 weeks after the week in which the fraud was determined. Said claimant shall within 20 days from the date of mailing the notice of said determination to him repay in cash to the department of economic security any benefits so fraudulently obtained. Unless the claimant files a written

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appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant shall appeal from such determination within the time above specified said matter shall be referred to an appeal tribunal for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. The commissioner is hereby authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state.

Sec. 43. Minnesota Statutes 1982, section 273.13, subdivision 6, is amended to read:

Subd. 6. **CLASS 3B.** Agricultural land, except as provided by class 1 hereof, and which is used for the purposes of a homestead shall constitute class 3b and shall be valued and assessed for taxes payable in 1981 and thereafter as follows: the first \$50,000 of market value shall be valued and assessed at 14 percent; the remaining market value shall be valued and assessed at 19 percent. Effective for taxes payable in 1982 and thereafter, the maximum amount of the market value of the homestead bracket subject to the 14 percent rate shall be adjusted by the commissioner of revenue as provided in section 273.1311. The property tax to be paid on class 3b property as otherwise determined by law less any reduction received pursuant to sections ~~124.213~~ 124.2137 and 273.135 shall be reduced by 58 percent of the tax for taxes payable in 1981 and thereafter; provided that the amount of said reduction shall not exceed \$650. Valuation subject to relief shall be limited to 240 acres of land, most contiguous surrounding, bordering, or closest to the house occupied by the owner as his dwelling place, and such other structures as may be included thereon utilized by the owner in an agricultural pursuit, provided that noncontiguous land shall constitute class 3b only if the homestead is classified as class 3b and the detached land is located in the same township or city or not farther than two townships or cities or combination thereof from the homestead. The first \$12,000 market value of each tract of real estate which is rural in character and devoted or adaptable to rural but not necessarily agricultural use, used for the purpose of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law.

Agricultural land as used herein, and in section 124.2137, shall mean contiguous acreage of ten acres or more, primarily used during the preceding year

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for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land and land included in federal farm programs.

Real estate of less than ten acres used principally for raising poultry, livestock, fruit, vegetables or other agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Effective for the 1981 assessment and in subsequent years, the assessor shall determine and list separately on his records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

Sec. 44. Minnesota Statutes 1982, section 273.13, subdivision 7d, is amended to read:

Subd. 7d. **LEASED HOMESTEAD PROPERTY.** Class 3g consists of all buildings and appurtenances located upon land owned by the occupant and used for the purposes of a homestead together with the land upon which they are located. Class 3g property shall be valued and assessed as if ~~they~~ it were homestead property within the scope of class 3c or 3cc, whichever is applicable, if all of the following criteria are met:

- (a) the occupant is using such property as his permanent residence; and
- (b) the occupant is paying the ad valorem property taxes and any special assessments levied against such property; and
- (c) the occupant has signed a lease which has an option to purchase the buildings and appurtenances; and
- (d) the term of the lease is at least five years.

Any taxpayer meeting all the requirements herein must notify the county assessor, or the assessor who has the powers of the county assessor pursuant to section 273.063, in writing, prior to September 1, 1981 and in future years, as soon as possible after signing the lease agreement and occupying the buildings as his homestead.

Sec. 45. Minnesota Statutes 1982, section 275.125, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** Except as may otherwise be provided in this section, the words and phrases defined in sections 124.01, ~~124.212~~, 124.20, 124.2121 to ~~124.2125~~ 124.2128, 124.225, and section 124.201 when used in this section shall have the meanings ascribed to them in those sections.

Sec. 46. Minnesota Statutes 1982, section 282.38, subdivision 1, is amended to read:

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Subdivision 1. **DEVELOPMENT.** In any county where the county board by proper resolution sets aside funds for timber development pursuant to ~~Minnesota Statutes 1949~~, section 282.08, clause 4 (3)(a), or ~~Minnesota Statutes 1949~~, section 459.06, subdivision 2, the Commission of Iron Range Resources may upon request of the county board assist said county in carrying out any project for the long range development of its timber resources through matching of funds or otherwise, provided that any such project shall first be approved by the commissioner of natural resources.

Sec. 47. Minnesota Statutes 1982, section 282.38, subdivision 2, is amended to read:

Subd. 2. **TAX LEVY.** In any county where the county board shall determine that insufficient moneys will be available from tax-forfeited funds to carry out the intentions of this section as set forth in the statutes enumerated in subdivision 1, the county board may levy a tax upon the real and personal property of the county for that purpose, and the proceeds of said levy may be used in the same manner as funds set aside pursuant to ~~Minnesota Statutes 1949~~, section 282.08, clause 4 (3)(a), and ~~Minnesota Statutes 1949~~, section 459.06, subdivision 2.

Sec. 48. Minnesota Statutes 1982, section 290.012, subdivision 2, is amended to read:

Subd. 2. "Claimant" means the individual taxpayer whose income, together with that of his spouse, if any, brings him within the provisions of this section and section 290.06, subdivision 3d. No claimant and spouse whose federal adjusted gross income, including the modifications increasing federal adjusted gross income as computed under section 290.01, subdivision 20a, ~~exceed~~ exceeds \$20,000 may qualify under this section.

Sec. 49. Minnesota Statutes 1982, section 297.02, subdivision 5, is amended to read:

Subd. 5. **CONSTRUCTION.** The tax imposed by this section shall not be construed as a cost of doing business or an overhead expense under ~~Minnesota Statutes 1945~~, section ~~325.01~~ 325D.01, subdivision 7.

Sec. 50. Minnesota Statutes 1982, section 298.28, subdivision 1, is amended to read:

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

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton," to the city or town in which the lands from

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which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

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

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

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

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

(c) On July 15, 1982 and on July 15 in subsequent years, an amount equal to the increase derived by increasing the amount determined by clause (3)(b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3)(b) where a levy increase pursuant to section 275.125, subdivision 2d, is authorized by referendum, according to the following formula. Each district shall receive the product of:

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

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 275.125, subdivision 2d, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3)(c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3)(c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to ~~section 124.212~~ sections 124.2121 to 124.2128 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection trust fund as provided in section 298.28, subdivision 1, clause 10.

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

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

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

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

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

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(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

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

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

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

(8) .20 cent per taxable ton shall be paid in 1979 and each year thereafter, to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(9) the amounts determined under clauses (4)(a), (4)(c), and (5) shall be increased in 1979 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 as follows: In 1981 and each year thereafter, two-thirds to the taconite environmental protection fund and one-third to the

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northeast Minnesota economic protection trust fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977; provided, however, that the amount distributed in 1981 to the unorganized territory number 2 of Lake County and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company will be distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake County and the towns of Beaver Bay and Stony River based on the miles of track of Erie Mining Company in each taxing district.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district, city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in the next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy. Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such

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estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections 275.125 or 275.50 to 275.59 has been made, if the taxes distributable to any such county, city or school district are greater than the amount estimated to be paid to any such county, city or school district in such year, the excess of such distribution shall be held in a special fund by the county, city or school district and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.125 or 275.50 to 275.59, of such county, city or school district payable in such year. If the amounts distributable to any such county, city or school district, after final determination by the commissioner of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.125 or 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

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

Sec. 51. Minnesota Statutes 1982, section 326.241, subdivision 1, is amended to read:

Subdivision 1. **COMPOSITION.** The board of electricity shall consist of nine members, residents of the state, appointed by the governor of whom at least two shall be representatives of the electrical suppliers in the rural areas of the state, two shall be master electricians, who shall be contractors, two journeyman electricians, one registered consulting electrical engineer and two public members as defined by section 214.02. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating

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to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

Sec. 52. Minnesota Statutes 1982, section 327B.01, subdivision 11, is amended to read:

Subd. 11. **IN PARK SALE.** "In park sale" has the meaning specified in section 327C.01, subdivision 3 2.

Sec. 53. Minnesota Statutes 1982, section 327B.01, subdivision 14, is amended to read:

Subd. 14. **MANUFACTURED HOME PARK.** "Manufactured home park" has the meaning specified in section 327C.01, subdivision 6 5.

Sec. 54. Minnesota Statutes 1982, section 327B.04, subdivision 4, is amended to read:

Subd. 4. **LICENSE PREREQUISITES.** No application shall be granted nor license issued until the applicant proves to the commissioner that:

(a) the applicant has a permanent, established place of business at each licensed location. An "established place of business" means a permanent enclosed building other than a residence, or a commercial office space, either owned by the applicant or leased by the applicant for a term of at least one year, located in an area where zoning regulations allow commercial activity, and where the books, records and files necessary to conduct the business are kept and maintained. The owner of a licensed manufactured home park who resides in or adjacent to the park may use his residence as the established place of business required by this subdivision, unless prohibited by local zoning ordinance.

If a license is granted, the licensee may use unimproved lots and premises for sale, storage, and display of manufactured homes, if the licensee first notifies the commissioner in writing;

(b) if the applicant desires to sell, solicit or advertise the sale of new manufactured homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor of the new manufactured home it proposes to deal in;

(c) the applicant has secured a surety bond in the amount of \$20,000 for the protection of consumer customers, executed by the applicant as principal and issued by a surety company admitted to do business in this state. The bond shall be exclusively for the purpose of reimbursing consumer customers and shall be conditioned upon the faithful compliance by the applicant with all of the laws and rules of this state pertaining to the applicant's business as a dealer or manufacturer, including sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its legal obligations to consumer customers; and

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(d) the applicant has established a trust account as required by section ~~327B.09~~ 327B.08, subdivision 3, unless the applicant states in writing its intention to limit its business to selling, offering for sale, soliciting or advertising the sale of new manufactured homes.

Sec. 55. Minnesota Statutes 1982, section 327B.05, subdivision 1, is amended to read:

Subdivision 1. **GROUND**S. The commissioner may by order deny, suspend or revoke any license if he finds (1) that the order is in the public interest and (2) that the applicant or licensee or any of its directors, officers, limited or general partners, controlling shareholders or affiliates:

(a) has filed an application for a license or a license renewal which fails to disclose any material information or contains any statement which is false or misleading with respect to any material fact;

(b) has violated any of the provisions of sections 327B.01 to 327B.12 or any rule or order issued by the commissioner or any prior law providing for the licensing of manufactured home dealers or manufacturers;

(c) has had a previous manufacturer or dealer license revoked in this or any other state;

(d) has engaged in acts or omissions which have been adjudicated or amount to a violation of any of the provisions of section 325D.44, 325F.67 or 325F.69;

(e) has sold or brokered the sale of a home containing a material violation of sections 327.31 to 327.35 about which the dealer knew or which should have been obvious to a reasonably prudent dealer;

(f) has failed to make or provide to the commissioner all listings, notices and reports required by him;

(g) has failed to pay a civil penalty assessed under subdivision 6 5 within ten days after the assessment becomes final;

(h) has failed to pay to the commissioner or other responsible government agency all taxes, fees and arrearages due;

(i) has failed to duly apply for license renewal;

(j) has violated any applicable manufactured home building or safety code;

(k) has failed or refused to honor any express or implied warranty as provided in section 327B.03;

(l) has failed to continuously occupy a permanent, established place of business licensed under section 327B.04;

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(m) has, without first notifying the commissioner, sold a new and unused manufactured home other than the make of manufactured home described in a franchise or contract filed with the application for license or license renewal;

(n) has wrongfully failed to deliver a certificate of title to a person entitled to it;

(o) is insolvent or bankrupt;

(p) holds an impaired or canceled bond;

(q) has failed to notify the commissioner of bankruptcy proceedings within ten days after a petition in bankruptcy has been filed by or against the dealer or manufacturer;

(r) has, within the previous ten years, been convicted of a crime that either related directly to the business of the dealer or manufacturer or involved fraud, misrepresentation or misuse of funds;

(s) has suffered a judgment within the previous five years in a civil action involving fraud, misrepresentation or misuse of funds; or

(t) has failed to reasonably supervise any employee or agent of the dealer or manufacturer, resulting in injury or harm to the public.

The commissioner may establish rules pursuant to section 327B.10 further specifying, defining or establishing standards of conduct for manufactured home dealers and manufacturers.

Sec. 56. Minnesota Statutes 1982, section 327B.09, subdivision 1, is amended to read:

Subdivision 1. **LICENSE REQUIRED.** No person shall engage in the business, either exclusively or in addition to any other occupation of manufacturing, selling, offering to sell, soliciting or advertising the sale of manufactured homes, or act as a broker without being licensed as a manufacturer or a dealer as provided in section ~~327B.05~~ 327B.04. Any person who manufactures, sells, offers to sell, solicits or advertises the sale of manufactured homes, or acts as a broker in violation of this subdivision shall nevertheless be subject to the duties, prohibitions and penalties imposed by sections 327B.01 to 327B.12. This subdivision does not prohibit an individual from reselling, without a license, a manufactured home which is or has been his or her residence.

Sec. 57. Minnesota Statutes 1982, section 340.069, is amended to read:

340.069 CITATION.

Sections 340.07 to 340.353, 340.355 to 340.407, 340.493, and 340.51 may be cited as the "intoxicating liquor act", and is a part of Minnesota Statutes 1965, Chapter 340.

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Sec. 58. Minnesota Statutes 1982, section 354.532, subdivision 4, is amended to read:

Subd. 4. **TIME LIMITATION ON AUTHORITY TO MAKE PAYMENT.** For the provisions of ~~Laws 1982, Chapter 427, Section 3~~ this section, the authority to make a lump sum payment or the agreement to make payments in installments over a period of not to exceed three years shall expire on July 1, 1987.

Sec. 59. Minnesota Statutes 1982, section 363.03, subdivision 10, is amended to read:

Subd. 10. **DISCRIMINATION AGAINST BLIND OR DEAF PERSONS PROHIBITED.** (a) It is an unfair, discriminatory practice for an owner, operator or manager of a hotel, restaurant, public conveyance or other public place, to prohibit a blind or deaf person from taking a guide dog into the public place or conveyance if the guide dog can be properly identified as being from a recognized school for seeing eye, hearing ear or guide dogs, and if the dog is properly harnessed or leashed so that the blind or deaf person may maintain control of the dog.

(b) No person shall require a blind or deaf person to make an extra payment or pay an additional charge when taking a guide dog into any of the public places referred to in paragraph (a).

Sec. 60. Minnesota Statutes 1982, section 367.41, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any constable employed on or after ~~the effective date of Laws 1982, Chapter 595 March 23, 1982~~, by any political subdivision of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the Minnesota board of peace officer standards and training pursuant to section 626.8463, clauses (a) to (c).

Sec. 61. Minnesota Statutes 1982, section 367.41, subdivision 5, is amended to read:

Subd. 5. Any individual seeking employment as a peace officer pursuant to section 367.03 on or after ~~the effective date of Laws 1982, Chapter 595 March 23, 1982~~, shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.

Sec. 62. Minnesota Statutes 1982, section 367.42, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any deputy constable employed on or after ~~the effective date of~~

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Laws 1982, Chapter 595 March 23, 1982, by a political subdivision of the state of Minnesota shall have the following powers and duties:

- (a) to have the powers of arrest of a private person;
- (b) to perform the duties of a constable prescribed by law relative to election procedure;
- (c) to perform the following duties at the direction of the county sheriff or constable:
 - (i) to inspect communication wire and cable or records of such wire and cable pursuant to section 325E.21;
 - (ii) to conduct hotel lien sales pursuant to section 327.06; and
 - (iii) to conduct public auction sales of unclaimed property pursuant to sections 345.04 and 345.05.
- (d) to arrest any individual who, in the deputy constable's presence, commits a violation of the Intoxicating Liquor Act, chapter 340;
- (e) to provide general administrative or clerical assistance to county sheriffs, local police departments or constables; and
- (f) to provide traffic or crowd control assistance to county sheriffs, local police departments or constables.

Sec. 63. Minnesota Statutes 1982, section 375B.01, is amended to read:

375B.01 COUNTIES; SUBORDINATE GOVERNMENTAL SERVICE DISTRICTS; PURPOSE.

It is the purpose of Laws 1982, Chapter 507 this chapter to provide a means by which a county as a unit of general local government can effectively provide and finance various governmental services for its residents.

Sec. 64. Minnesota Statutes 1982, section 381.12, subdivision 2, is amended to read:

Subd. 2. **EXPENSE, TAX LEVY.** For the purpose of defraying the expense incurred, or to be incurred in the relocation and reestablishment of monuments pursuant to Minnesota Statutes 1949, Section 381.12 subdivision 1, the county board of any county may levy a tax upon all the taxable property in the county.

Sec. 65. Minnesota Statutes 1982, section 383A.35, is amended to read:

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383A.35 COURT COMMISSIONER.

The Ramsey county court commissioner may take acknowledgments of deeds and other written instruments and has the powers conferred upon a court commissioner by Minnesota Statutes 1969, section 253A.21 253B.23.

Except as provided above, the Ramsey county court commissioner shall not have any of the powers provided in Minnesota Statutes 1969, section 489.02.

Sec. 66. Minnesota Statutes 1982, section 398A.01, subdivision 8, is amended to read:

Subd. 8. "Regional Railroad Authorities Act" means Laws 1980, Chapter 616 sections 398A.01 to 398A.09.

Sec. 67. Minnesota Statutes 1982, section 462.355, subdivision 4, is amended to read:

Subd. 4. **INTERIM ORDINANCE.** If a municipality is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 462.352, subdivision ~~16~~ 15, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective, and may be extended for such additional periods as the municipality may deem appropriate, not exceeding a total additional period of 18 months. No interim ordinance may halt, delay, or impede a subdivision which has been given preliminary approval prior to the effective date of the interim ordinance.

Sec. 68. Minnesota Statutes 1982, section 462.36, subdivision 1, is amended to read:

Subdivision 1. **REQUIRED DOCUMENTS.** A certified copy of every ordinance, resolution, map, regulation adopted, or variance granted under the provisions of sections ~~368.01, subdivisions 1 and 1a and 462.357 to 462.359~~ 462.3595 shall be filed with the county recorder of the county or counties in which the municipality adopting it is located. Ordinances, resolutions, maps or regulations filed with the county recorder pursuant to this subdivision do not constitute encumbrances on real property. The order issued by the governing body or board of appeals and adjustments as the case may be, shall include the legal description of the property involved.

Sec. 69. Minnesota Statutes 1982, section 462.445, subdivision 14, is amended to read:

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Subd. 14. **AUTHORITIES CREATED PURSUANT TO SPECIAL LAW.** Except as expressly limited by the special law establishing the authority, an authority created pursuant to special law shall have as the powers granted by any statute to any authority created pursuant to this chapter.

Sec. 70. Minnesota Statutes 1982, section 462C.04, subdivision 2, is amended to read:

Subd. 2. A public hearing shall be held on each program after one publication of notice in a newspaper circulating generally in the city, at least 15 days before the hearing, after which the program may be adopted with or without amendment. Each program shall be submitted to the Minnesota housing finance agency for review and approval. The agency shall determine:

(a) whether the program furthers statewide housing policies;

(b) whether the program is capable of implementation without material adverse effect on financing programs of the agency, without subjecting the interest on future bonds of the agency to federal income tax under any limitations imposed at the time by federal law;

(c) whether the program provides for administrative and bond issuance costs that are reasonable; and

(d) whether the program complies with all other requirements of sections 462C.01 to 462C.08.

The agency shall complete its review and shall notify the city of its decision within 30 days. A failure to notify within 30 days constitutes approval. The agency may collect reasonable fees and charges in connection with its review of a city's housing program. The fees and charges shall be limited to the amounts required to pay the actual costs to the agency.

The Minnesota housing finance agency, in cooperation with the metropolitan council and the regional development ~~commission~~ commissions, shall report annually to the legislature on the number and amounts of bond issues and the number of housing programs established pursuant to sections 462C.01 to 462C.08.

Sec. 71. Minnesota Statutes 1982, section 474.03, is amended to read:
474.03 POWERS.

Any municipality or redevelopment agency, in addition to the powers prescribed elsewhere by the laws of this state, shall have the power to:

(1) Acquire, construct, and hold any lands, buildings, easements, water and air rights, improvements to lands and buildings, and capital equipment to be located permanently or used exclusively on a designated site and solid waste disposal and pollution control equipment, and alternative energy equipment and

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inventory, regardless of where located, which are deemed necessary in connection with a project to be situated within the state, whether wholly or partially within or without the municipality or redevelopment agency, and construct, reconstruct, improve, better, and extend the project;

(2) Issue revenue bonds, in anticipation of the collection of revenues of the project, to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension thereof and, in the case of an alternative energy project, in addition to the other powers granted by this chapter, to finance the acquisition and leasing or sale of equipment and products to others;

(3) Issue revenue bonds to pay, purchase or discharge all or any part of the outstanding indebtedness of a contracting party engaged primarily in the operation of one or more nonprofit hospitals or nursing homes, theretofore incurred in the acquisition or betterment of its existing hospital or nursing home facilities, including, to the extent deemed necessary by the governing body of the municipality or redevelopment agency, any unpaid interest on the indebtedness accrued or to accrue to the date on which such indebtedness is finally paid; and any premium the governing body of the municipality or redevelopment agency determines to be necessary to be paid to pay, purchase or defease the outstanding indebtedness; if revenue bonds are issued for this purpose, the refinancing and the existing properties of the contracting party shall be deemed to constitute a project under section 474.02, subdivision 1c. Industrial revenue bonds shall only be available under this provision if the commissioner of energy, planning and development has been shown that a reduction in debt service charges to patients and third party payors will occur. All reductions in debt service charges pursuant to this program shall be passed on to patients and third party payors. These industrial revenue bonds may not be used for any purpose not consistent with the provisions of chapter 256B;

Nothing in this subdivision is intended to prohibit the use of revenue bond proceeds to pay outstanding indebtedness of a contracting party to the extent now permitted by law;

(4) Enter into a revenue agreement with any person, firm, or public or private corporation or federal or state governmental subdivision or agency in such manner that payments required thereby to be made by the contracting party shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of principal of and interest on all bonds issued hereunder when due, and the revenue agreement shall also provide that the contracting party shall be required to pay all expenses of the operation and maintenance of the project including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the project and payable during the term of

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the revenue agreement, during which term a tax shall be imposed and collected pursuant to the provisions of section 272.01, subdivision 2, for the privilege of using and possessing the project, in the same amount and to the same extent as though the contracting party were the owner of all real and personal property comprising the project;

(5) Pledge and assign to the holders of the bonds or a trustee therefor all or any part of the revenues of one or more projects and define and segregate the revenues or provide for the payment thereof to a trustee, whether or not the trustee is in possession of the project under a mortgage or otherwise;

(6) Mortgage or otherwise encumber the projects in favor of the municipality or redevelopment agency, the holders of the bonds, or a trustee therefor, provided that in creating ~~any the mortgages or encumbrances~~ mortgage or encumbrance a municipality or redevelopment agency shall not have the power to obligate itself except with respect to the project;

(7) Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payment of its bonds; including, but without limitation, a contract entered into prior to the construction of the project authorizing the contracting party, subject to such terms and conditions as the municipality or redevelopment agency shall find necessary or desirable and proper, to provide for the construction, acquisition, and installation of the buildings, improvements, and equipment to be included in the project by any means available to the contracting party and in the manner determined by the contracting party and without advertisement for bids as may be required for the construction or acquisition of other municipal facilities;

(8) Enter into and perform such contracts and agreements with other municipalities, political subdivisions, and state agencies, authorities, and institutions as the respective governing bodies of the same may deem proper and feasible for or concerning the planning, construction, lease, purchase, mortgaging or other acquisition, and the financing of a project, and the maintenance thereof, including an agreement whereby one municipality issues its revenue bonds in behalf of one or more other municipalities pursuant to revenue agreements with the same or different contracting parties, which contracts and agreements may establish a board, commission, or such other body as may be deemed proper for the supervision and general management of the facilities of the project; provided, no municipality or redevelopment agency shall enter into or perform any contract or agreement with any school district under which the municipality or redevelopment agency issues its revenue bonds or otherwise provides for the construction of school facilities and the school leases or otherwise acquires these facilities;

(9) Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing, purchase, or other

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provision of any project, and enter into agreements with the agency respecting the loans or grants;

(10) Sell and convey all properties acquired in connection with the projects, including without limitation the sale and conveyance thereof subject to the mortgage as herein provided, and the sale and conveyance thereof under an option granted to the lessee of the project, for such price, and at such time as the governing body of the municipality or redevelopment agency may determine, provided, however, that no sale or conveyance of the properties shall ever be made in such manner as to impair the rights or interests of the holder, or holders, of any bonds issued under the authority of this chapter;

(11) Issue revenue bonds to refund, in whole or in part, bonds previously issued by the municipality or redevelopment agency under authority of this chapter;

(12) If so provided in the revenue agreement, terminate the agreement and re-enter or repossess the project upon the default of the contracting party, and operate, lease, or sell the project in such manner as may be authorized or required by the provisions of the revenue agreement or of the resolution or indenture securing the bonds issued for the project; any revenue agreement which includes provision for a conveyance of real estate to the contracting party may be terminated in accordance with the revenue agreement, notwithstanding that the revenue agreement may constitute an equitable mortgage provided that no municipality or redevelopment agency shall have power otherwise to operate any project referred to in this chapter as a business or in any manner whatsoever, and nothing herein authorizes any municipality or redevelopment agency to expend any funds on any project herein described, other than the revenues of the projects, or the proceeds of revenue bonds and notes issued hereunder, or other funds granted to the municipality or redevelopment agency for the purposes herein contemplated, except as may be otherwise permitted by law and except to enforce any right or remedy under any revenue agreement or related agreement for the benefit of the bondholders or for the protection of any security given in connection with a revenue agreement, provided that the public cost of redevelopment of land paid by a city or its redevelopment agency shall not be deemed part of the cost of any project situated on the land;

(13) Invest or deposit, or authorize a trustee to invest or deposit, any money on hand in funds or accounts established in connection with a project or payment of bonds issued therefor, to the extent they are not presently needed for the purposes for which such funds or accounts were created, in accordance with section 471.56, as amended;

(14) Waive or require the furnishing of a contractors payment and performance bond of the kind described in section 574.26 and if the bond shall be required, then the provisions of chapter 514 relating to liens for labor and materials, shall not be applicable in respect of any work done or labor or

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materials supplied for the project, and if the bond be waived then the said provisions of chapter 514 shall apply in respect of work done or labor or materials supplied for the project; and

(15) Exempt from property taxes on a nonresidential building constructed for sale or rent in a project until the building is first sold, occupied or rented, whichever occurs first, up to a maximum of four years, provided that the exemption must be provided before October 10 of the levy year.

Sec. 72. Minnesota Statutes 1982, section 508A.46, is amended to read:

508A.46 PLATS OF REGISTERED LAND.

The owner of land registered under sections 508A.01 to 508A.85 may plat it and subdivide it into lots and blocks in like manner as in the case of unregistered land. All laws with reference to the subdivision and platting of unregistered land shall apply with like force and effect to registered land excepting only that the surveyor's plat of it shall be filed with the registrar.

Sec. 73. Minnesota Statutes 1982, section 515A.1-102, is amended to read:

515A.1-102 APPLICABILITY.

(a) Sections 515A.1-105 (Separate Titles and Taxation; Homestead), 515A.1-106 (Applicability of Local Ordinances, Regulations, and Building Codes), 515A.1-107 (Eminent Domain), 515A.2-103 (Construction and Validity of Declaration and Bylaws), 515A.2-104 (Description of Units), 515A.3-102 (a) (1) to (5) and (9) to (12) (Powers of Unit Owners Association), 515A.3-111 (Tort and Contract Liability), 515A.3-112 (Insurance), 515A.3-115 (Lien for Assessments), 515A.3-116 (Association Records), 515A.4-107 (Resales of Units), and 515A.1-103 (Definitions) to the extent necessary in construing any of those sections, apply to all condominiums created in this state prior to the effective date of Laws 1980, Chapter 582, Sections 515.1-101 to 515.4-117 August 1, 1980; provided, however, that these sections apply only with respect to events and circumstances occurring after the effective date of Laws 1980, Chapter 582, Sections 515.1-101 to 515.4-117 July 31, 1980, and do not invalidate existing provisions of the declaration, bylaws, or floor plans of those condominiums.

(b) Sections 515A.1-101 to 515A.4-117 apply to all condominiums created within this state after August 1, 1980. The provisions of sections 515.01 to 515.29 do not apply to condominiums created after August 1, 1980 and do not invalidate any amendment to the declaration, bylaws, or floor plans of any condominium created before August 1, 1980 if the amendment would be permitted by sections 515A.1-101 to 515A.4-117. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by sections 515.01 to 515.29. If the amendment grants to any person any rights, powers or privileges permitted by sections 515A.1-101 to 515A.4-117, all

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correlative obligations, liabilities, and restrictions in sections 515A.1-101 to 515A.4-117 also apply to that person.

Sec. 74. Minnesota Statutes 1982, section 518.24, is amended to read:

518.24 SECURITY; SEQUESTRATION; CONTEMPT.

In all cases when maintenance or support payments are ordered, the court may require sufficient security to be given for the payment of them according to the terms of the order. Upon neglect or refusal to give security, or upon failure to pay the maintenance or support, the court may sequester the obligor's personal estate and the rents and profits of real estate of the obligor, and appoint a receiver of them. The court may cause the personal estate and the rents and profits of the real estate to be applied according to the terms of the order. If the obligor has an income from a source sufficient to enable him to pay the maintenance or support and he fails to pay the same, the court shall order him to pay it. If a person or party disobeys the order, he may be punished by the court as for contempt.

Sec. 75. Minnesota Statutes 1982, section 525.619, is amended to read:

525.619 POWERS AND DUTIES OF GUARDIAN OF MINOR.

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of his minor and unemancipated child, except that a guardian is not legally obligated to provide from his own funds for the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:

(a) He must take reasonable care of his ward's personal effects and commence protective proceedings if necessary to protect other property of the ward.

(b) He may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship. He also may receive money or property of the ward paid or delivered by virtue of section 525.6196. Any sums so received shall be applied to the ward's current needs for support, care and education. He must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case the excess shall be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.

(c) The guardian is empowered to facilitate the ward's education, social, or other activities and to authorize medical or other professional care, treatment or

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advice. A ward may not be committed to any state institution except pursuant to ~~sections 253A.01 to 253A.21~~ chapter 253B and no guardian may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by the order of the court, after a hearing as prescribed by section 525.56, subdivision 2.

A guardian is not liable by reason of his consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented, or unless he fails to comply with the requirements of this section which provide that a court order is necessary for commitment and for certain types of medical procedures. A guardian may consent to the marriage or adoption of his ward.

(d) A guardian must report the condition of his ward and of the ward's estate which has been subject to his possession or control, as ordered by the court on its own motion or on petition of any person interested in the minor's welfare and as required by court rule.

Sec. 76. Minnesota Statutes 1982, section 609.01, subdivision 2, is repealed.

Sec. 77. Laws 1976, chapter 2, section 62, is repealed.

Sec. 78. Laws 1976, chapter 173, section 53, is repealed.

Sec. 79. Laws 1981, chapter 224, section 18, is repealed.

Sec. 80. Laws 1982, chapter 416, section 1, is repealed.

Sec. 81. Laws 1982, chapter 424, section 3, is repealed.

Sec. 82. Laws 1982, chapter 424, section 8, is repealed.

Sec. 83. Laws 1982, chapter 581, section 18, subdivision 4, is amended to read:

Subd. 4. **SPECIAL REVIEW BOARD.** The commissioner shall establish a special review board for persons committed as mentally ill and dangerous to the public. The board shall consist of three members experienced in the field of mental illness. One member of the special review board shall be a physician and one member shall be an attorney. ~~No member shall be affiliated with the department of public welfare.~~ The special review board shall meet at least every six months and at the call of the commissioner. It shall hear and consider all petitions for transfer out of the Minnesota Security Hospital, all petitions relative to discharge, provisional discharge and revocation of provisional discharge, and make recommendations to the commissioner concerning them.

Members of the special review board shall receive compensation and reimbursement for expenses as established by the commissioner.

Sec. 84. Laws 1982, chapter 642, section 8, is repealed.

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Sec. 85. Laws 1982, Third Special Session chapter 1, article 2, section 7, is amended to read:

Sec. 7. [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. 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 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.

Sec. 86. INSTRUCTION TO THE REVISOR.

In Minnesota Statutes the revisor shall substitute the phrase "sections 367.30 to 367.36" for the phrase "Laws 1975, Chapter 274" wherever it appears in sections 367.30 to 367.36.

Sec. 87. INSTRUCTION TO THE REVISOR.

In Minnesota Statutes the revisor shall substitute the words "economic security" for "employment services" to identify a fund, building, law, account, or

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other term that now relates to the department of economic security but still refers to the former department of employment services.

Sec. 88. INSTRUCTION TO THE REVISOR.

In Minnesota Statutes, chapter 182, the revisor shall change all references to "Laws 1973, chapter 732," to "sections 182.65 to 182.674."

Article 2

Section 1. EFFECT OF AMENDMENTS AND REPEALS.

Subdivision 1. CONFLICTS; PREVAILING LAW. Regardless of the order of final enactment of this article and the acts it amends, the amendments or repeals in this article shall be given effect. Notwithstanding Minnesota Statutes, sections 645.26, subdivision 3, 645.33, or other law, an amendment in this act shall prevail over any other act amending the same provisions of law in an irreconcilable manner.

Subd. 2. EFFECTIVE DATE. Subdivision 1 is effective the day following its final enactment.

Sec. 2. CORRECTION. Subdivision 1. **MISNAMING.** Minnesota Statutes 1982, section 116J.89, subdivision 1b, if added by H.F. No. 300 at the 1983 regular session, is amended to read:

[116J.89] Subd. 1b. PREFERENCES. (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;

(6) businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4; and

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(7) business located in federally designated economically distressed areas.

(b) Except in the issuance of agency authority bonds or notes, the agency authority may not invest the fund in a program that does not have financial participation from the private sector, as determined by the authority.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 3. **CORRECTION.** Subdivision 1. **CLARIFICATION.** Minnesota Statutes 1982, section 124.2137, subdivision 1, if amended at the 1983 regular session by a law styled as H.F. No. 1259, article 2, section 1, is amended to read:

Subdivision 1. **TAX REDUCTIONS.** The county auditor shall reduce the tax for school purposes on all property receiving the homestead credit pursuant to section 273.13, subdivision 6, by an amount equal to 29 percent of the tax levy imposed on up to 320 acres of land including the buildings and structures thereon but excluding the homestead dwelling and surrounding one acre of land. The county auditor shall reduce the tax for school purposes on the next 320 acres classified pursuant to section 273.13, subdivision 6 by an amount equal to 13 percent of the tax levy imposed on the property. The tax on all other agricultural lands classified pursuant to section 273.13, subdivision 6 shall be reduced by an amount equal to ten percent of the tax levy imposed on the property. The tax on the first 320 acres of agricultural land classified pursuant to section 273.13, subdivision 4 and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, shall be reduced by an amount equal to 13 percent of the tax imposed on the property. The tax on timber land classified pursuant to section 273.13, subdivision 8a and agricultural land in excess of 320 acres classified pursuant to section 273.13, subdivision 4 shall be reduced by an amount equal to ten percent of the tax levy imposed on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner of revenue shall review the certifications to determine their accuracy. He may make changes in the certification as he may deem necessary or return a certification to the county auditor for corrections. The amount of the reduction provided under this subdivision which any taxpayer can receive on all qualifying property which he owns shall not exceed \$2,000 in the case of agricultural property and shall not exceed \$100 in the case of seasonal residential recreational property. In the case of property owned by more than one person, the maximum amount of the reduction shall apply to the total of all the owners. For purposes of computing the credit pursuant to this subdivision, the "tax levy" shall be the tax levy reduced by the credits provided by sections 273.115, 273.116, 273.123, 273.42, subdivision 2, and 473H.10.

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Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective the day following its final enactment.

Sec. 4. **CORRECTION.** Subdivision 1. **PUNCTUATION ERROR.** Minnesota Statutes 1982, section 179.63, subdivision 7, if amended by a law styled as H.F. No. 537, at the 1983 regular session, 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 working days in any calendar year;

The exclusions of clauses (e) and (f) shall not apply to:

(1) an employee hired by a school district, the community college board, or the state university board, except at the university established in section 136.017, or for community services or community education instruction offered on a noncredit basis, to replace an absent teacher or faculty member 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 or faculty member; and

(2) an employee hired by a school district, the community college board, or the state university board, except at the university established in section 136.017, or for community services or community education instruction offered on a noncredit basis, 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.

The provisions of paragraphs (1) and (2) above do not apply to an individual hired to teach one course for up to four credits for one quarter in a year.

Community college and state university faculty members included pursuant to clauses (1) and (2) shall be included under master contracts commencing on or after July 1, 1983;

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(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 or technical services contract as defined in section 16.098;

(h) graduate assistants employed by the school in which they are enrolled in a graduate degree program;

(i) employees of charitable hospitals as defined by section 179.35, subdivision 3;

(j) 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;

(k) 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.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 5. **CORRECTION.** Subdivision 1. **COUNCIL FOR HANDICAPPED; INACCURATE REPEALER.** Minnesota Statutes 1982, section 256.482, subdivision 1, if amended by S.F. No. 616, at the 1983 regular session, is amended to read:

256.482 COUNCIL FOR THE HANDICAPPED.

Subdivision 1. **ESTABLISHMENT; MEMBERS.** There is hereby established the council for the handicapped which shall consist of 21 members appointed by the governor. Members shall be appointed from the general public and from organizations which provide services for handicapped persons. A majority of council members shall be handicapped persons or parents or guardians of handicapped persons. There shall be at least one member of the council appointed from each of the state development regions. The commissioners of the departments of education, public welfare, health, economic security, and human rights and the directors of the division of vocational rehabilitation and state services for the blind or their designees shall serve as ex officio members of the council without vote. In addition, there may be ex officio members from other bureaus, divisions, or sections of state departments which are directly concerned with the provision of services to handicapped persons.

The terms of members serving as of December 31, 1983, shall expire on that date. Thereafter, notwithstanding the provisions of section 15.059, each member of the council appointed by the governor shall serve a three-year term and until his or her successor is appointed and qualified, provided that of the members initially appointed to serve starting in 1984, one-third shall be appointed for one year, one-third for two years, and one-third for three years as designated by the governor. The compensation and removal of all members shall be as provided in section 15.059. The governor shall appoint a chair of the council from among the members appointed from the general public or handicapped

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persons or their parents or guardians. Vacancies shall be filled by the appointing authority for the remainder of the unexpired term. The council shall not expire and as provided in section 15.059.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective the day following final enactment of S.F. No. 616.

Sec. 6. **CORRECTION.** Subdivision 1. **OMITTED FIGURE.** Minnesota Statutes 1982, section 290.06, subdivision 2f, added by H.F. No. 1259, if enacted by the 1983 regular session, is amended to read:

[290.06] Subd. 2f. **SUSPENSION OF INFLATION ADJUSTMENTS.**
(a) The taxable net income brackets, the personal credit amounts established pursuant to subdivision 3f and 3g, and the maximum standard deduction provided under section 16, subdivision 3, shall not be adjusted for inflation pursuant to subdivision 2d, for taxable years beginning during a calendar year if the following conditions occur:

(1) The legislature and the governor have enacted a budget providing for an appropriation to the budget reserve account of at least \$250,000,000 for the biennium during which the calendar year began or, in the second half of an odd-numbered year, for the biennium which began during the calendar year; and

(2) The commissioner of finance estimated at the time the budget is enacted that the state would receive sufficient general fund receipts during the biennium to fund the full appropriation to the budget reserve account; and

(3) On or before September 15 of the calendar year it is estimated by the commissioner of finance that the probable general fund receipts from taxes and other sources will be less than estimated and consequently the amount available for the remainder of the biennium after transferring any available funds in the budget reserve account will be less than the amount estimated or allotted to be expended or incurred from the general fund; and

(4) The additional receipts resulting from the suspension of the inflation adjustments, together with all other general fund revenues, are not estimated to exceed the sum of the amounts necessary to fund in full all appropriations, including the appropriation to the budget reserve account, in which case the commissioner of revenue shall provide for partial inflation adjustments sufficient to fund in full the appropriations.

(b) The suspension of inflation adjustments shall apply only during the biennium in which the conditions specified in paragraph (a) have been satisfied.

(c) For taxable years beginning during a calendar year in which the inflation adjustments of the brackets, credits, and maximum standard deduction are not made pursuant to this subdivision, the taxable net income adjustment factor, as defined in section 290.18, subdivision 4, shall be the adjustment factor applicable to taxable years beginning during the preceding calendar year. For

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taxable years beginning during a calendar year in which the inflation adjustments are suspended for one-half of the taxable year as a result of paragraph (b), the taxable net income adjustment factor shall be determined by multiplying the factor for the previous year by an amount equal to the current year factor minus one, divided by two, plus one.

(d) For taxable years beginning during a calendar year in which the inflation adjustments are suspended pursuant to this subdivision and for which paragraph (b) will result in the inflation adjustments being suspended for only one-half of the taxable year, the commissioner of revenue shall adjust the withholding tables, notwithstanding section 290.92, subdivision 2a, so that the additional tax imposed is withheld and remitted by employers during the first six months of the taxable year as if the suspension were in effect for the entire year.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective the day following its final enactment.

Sec. 7. **CORRECTION; UNINTENDED RESULT.** Subdivision 1. **PLAIN LANGUAGE AMENDMENT.** Minnesota Statutes 1982, section 325G.30, subdivision 3, if amended by H.F. No. 558, section 4, at the 1983 regular session, is amended to read:

Subd. 3. **CONSUMER CONTRACT.** "Consumer contract" means any written contract with a consumer except: (1) a contract where the price, excluding interest or finance charges, is more than \$50,000; (2) a contract mortgaging through which a consumer mortgages an interest in realty or obtains money or credit to be used to purchase or refinance an interest in realty; (3) a contract in which the sale of personal property is merely incidental to the sale of an interest in realty.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective the day following final enactment of H.F. No. 558.

Sec. 8. **CORRECTION.** Subdivision 1. **TYPOGRAPHICAL ERROR.** Minnesota Statutes 1982, section 586.11, if H.F. No. 330, section 196, is enacted at the 1983 regular session, is amended to read:

586.11 JURISDICTION OF DISTRICT AND APPELLATE COURTS.

The district court has exclusive original jurisdiction in all cases of mandamus, except where the writ is to be directed to a district court or a judge thereof in his official capacity, in which case the 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. If the writ is to be directed to the court of appeals or a judge thereof in his official capacity, the supreme court of or a judge thereof has original jurisdiction. The rules of civil appellate procedure shall apply in all proceedings on the writ.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 1983.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 9. **CORRECTION.** Subdivision 1. **INCORRECT SECTION REFERENCE.** Laws 1983, chapter 13, section 4, is amended to read:

Sec. 4. **[357.242] PARENTS OF JUVENILES.**

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not himself a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under sections 357.22, ~~257.24~~ 357.24, or section 3, and may be compensated at the discretion of the judge when the minor is a witness on behalf of a defendant in a criminal case or on behalf of a juvenile in a juvenile court proceeding. The court shall award no more than a combined total of \$40 to the parent or guardian and the minor witness.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 1983.

Sec. 10. **CORRECTION.** Subdivision 1. **INCORRECT TERMINOLOGY.** Laws 1983, chapter 25, section 3, is amended to read:

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.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 1983.

Sec. 11. **CORRECTION.** Subdivision 1. **INCORRECT REFERENCE.** Laws 1983, chapter 62, section 12, is amended to read:

Sec. 12. **REPEALER.**

Minnesota Statutes 1982, sections 205.03; 205.04; 205.11; 205.14; 205.15; 205.19; and ~~205.24~~ 205.021 are repealed.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 1983.

Sec. 12. **CORRECTION.** Subdivision 1. **COURT COMMISSIONER MARRIAGES; OMITTED EFFECTIVE DATE.** Laws 1983, chapter 136, is amended by adding a section to read:

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective retroactively to May 13, 1983.

Sec. 13. **CORRECTION.** Subdivision 1. **UNINTENDED RESULT.** Laws 1983, chapter 149, section 2, subdivision 4, is amended to read:

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[306.242] Subd. 4. **REINVESTMENT.** If, for ~~30~~ 60 days after the ~~first day of May~~ following the service or publication of the board's resolution, the owner or person with a legal interest in the cemetery plot fails to state a valid interest in the use of the cemetery plot for burial purposes, the owner's rights are terminated and that portion of the cemetery once again belongs to the cemetery association.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 1983.

Sec. 14. **CORRECTION.** Subdivision 1. **REFERENCE TO NON-EXISTENT PROVISION REMOVED ON FLOOR.** A law styled as S.F. No. 682, section 2, subdivision 1, if enacted at the 1983 regular session, is amended to read:

[346.36] Subdivision 1. **SCOPE.** Sections 1 to 10 shall only apply to veterinarians, animal boarding facilities, and commercial animal facilities, ~~excepting section 4, subdivision 9.~~ As used in sections 1 to 10 the terms defined in this section have the meanings given them.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 1983.

Sec. 15. **CORRECTION.** Subdivision 1. **INADVERTENT FAILURE TO DELETE.** A law styled as S.F. No. 695, section 17, subdivision 5, if enacted at the 1983 regular session, is amended to read:

Subd. 5. The commission shall make use of existing legislative facilities and staff of the house and senate research department 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. ~~The commission, by a two-thirds vote of its members, may request the issuance of subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and giving of relevant testimony.~~

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective the day following final enactment of S.F. No. 695.

Sec. 16. **CORRECTION.** Subdivision 1. **NUMERICAL ERROR.** A law styled as S.F. No. 1233, section 2, subdivision 1, if enacted at the 1983 regular session, is amended to read:

Subdivision 1. Total Department

Appropriation \$798,913,700 \$804,853,200

Approved Complement - 4425

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

General - ~~46~~ 45

State Airports - 37

Trunk Highway - ~~4371~~ 4342

Federal - 1

The appropriations in this section are from the trunk highway fund, except where another fund is designated.

Of this appropriation, \$24,862,800 the first year and \$23,933,800 the second year is from the general fund; \$9,311,900 the first year and \$10,310,400 the second year is from the state airports fund; \$51,500,000 the first year and \$54,100,000 the second year is from the municipal state aid street fund; \$154,900,000 the first year and \$163,400,000 the second year is from the county state aid highway fund; \$558,339,000 the first year and \$553,109,000 the second year is from the trunk highway fund.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 17. **CORRECTION; HORSE RACING BILL.** Subdivision 1. **OMISSION.** A law styled as H.F. No. 77, section 9, subdivision 1, if enacted at the 1983 regular session, is amended to read:

[240.09] Subdivision 1. **APPLICATION.** The commission may issue class D licenses to county agricultural societies or associations incorporated under chapter 38 or nonprofit corporations organized under chapter 317 in existence and operating fairs on April 21, 1951 ~~and operating fairs~~, 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 the commission prescribes 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. **OMISSION.** A law styled as H.F. No. 77, section 25, subdivision 1, if enacted at the 1983 regular session, is amended to read:

[240.25] Subdivision 1. **ILLEGAL BETS.** No person may place or 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. 3. **OMISSION.** Minnesota Statutes 1982, section 609.75, subdivision 3, if H.F. No. 77, section 35, is enacted at the 1983 regular session, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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 the betting is conducted under chapter 240.

Subd. 4. **EFFECTIVE DATE.** Subdivisions 1 to 3 are effective the day following final enactment of H.F. No. 77 at the 1983 regular session.

Sec. 18. **CORRECTION.** Subdivision 1. **SECTION AMENDED BUT REPEALED BY ANOTHER ACT.** A law styled as H.F. No. 300, section 75, if enacted at the 1983 regular session, is repealed.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 19. **CORRECTION.** Subdivision 1. **EFFECTIVE DATE OMISSION.** A law styled as H.F. No. 1259, article 1, section 45, if enacted at the 1983 regular session, is amended to read:

Sec. 45. **EFFECTIVE DATE.**

Sections 1 to 44 are effective for taxable years beginning after December 31, 1982, except as otherwise specifically provided by this section or section 2. For any carryback to a taxable year beginning before January 1, 1983, "\$15,000" shall be substituted for "\$30,000" each place it appears in the second paragraph of Minnesota Statutes, section 290.09, subdivision 29, clause (c), the modifications to the rate of phase-out of the deduction provided by section 22 do not apply to such carryback, and section 22 is effective for carryover amounts from taxable years beginning before January 1, 1983. The amendments striking Minnesota Statutes 1982, section 290.01, subdivision 20a, clause (22) and subdivision 20b, clause (23) are effective for taxable years beginning after December 31, 1983.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The amendment to Minnesota Statutes 1982, section 290.01, subdivision 20a, striking clause (5) is effective for medical expenses deducted in taxable years after December 31, 1981. The amendments to Minnesota Statutes 1982, section 290.01, subdivision 20a, striking clause (6) is effective for federal income tax refunds received for taxable years beginning after December 31, 1980. The amendment to Minnesota Statutes 1982, section 290.01, subdivision 20a, striking clause (20) and subdivision 20b, striking clause (20) is effective for taxable years beginning after December 31, 1980. The carryover provisions of sections 290.06, subdivisions 9 and 9a continue to apply to credit amounts attributable to a taxable year beginning before January 1, 1983. Section 40 is effective for claims based on rent paid in 1983 and thereafter and for property taxes paid in 1984 and thereafter. Sections 14, 24, and 32 are effective for taxable years beginning after June 30, 1981. The amendment to Minnesota Statutes 1982, section 290.01, subdivision 20a, striking clause (2) is effective for taxable years beginning after December 31, 1983. The casualty loss deduction contained in section 16 shall also apply to the taxpayer's last taxable year beginning before January 1, 1983, solely for purposes of determining the amount allowable as a deduction with respect to any loss allowed as a deduction for that year by reason of section 165(i) of the Internal Revenue Code of 1954, as amended through January 15, 1983.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective the day following its final enactment.

Sec. 20. **CORRECTION.** Subdivision 1. **OMISSION.** H.F. No. 1283, section 2, subdivision 4, if enacted by the 1983 regular session, is amended to read:

Subd. 4. Vocational Technical

Instruction

\$5,590,300 \$4,892,200

Of this appropriation \$1,999,100 in the first year and \$1,440,100 for the second year is for post-secondary vocational repair and betterment aid. The appropriation for post-secondary repair and betterment aid for 1984 includes \$191,000 for aid for fiscal year 1983 payable in fiscal year 1984, and \$1,808,100 for aid for fiscal year 1984 payable in fiscal year 1984.

The appropriation for post-secondary repair and betterment aid for 1985 includes \$319,000 for aid for fiscal year 1984 payable in fiscal year 1985, and \$1,121,100 for aid for fiscal year 1985 payable in fiscal year 1985.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$525,000 the first year and \$500,000 the second year is for the Minnesota curriculum services center, the vocational student organization center, and vocational area agricultural coordinators. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. This appropriation shall be spent pursuant to agreements between the state board of education and the recipients. The agreements are not subject to the contract approval procedures of the commissioner of administration.

Until June 30, 1985, the Minnesota curriculum services center may charge fees to users of its services sufficient to cover the cost of duplication and distribution, plus 20 percent.

Until June 30, 1985, the Minnesota curriculum services center may sell to school districts and agencies in other states and to the general public its instructional material and media at commercial or market prices. The profit derived from the sale of materials and media will be used to offset the operating costs of the center. An accounting of costs, sales and receipts shall be provided to the commissioner of education on July 1, 1984 and July 1, 1985.

Funding for the Minnesota Curriculum Services Center during the biennium shall be allocated under the average cost funding methodology.

The state board for vocational education shall develop and implement a plan for the transfer of the area agricultural coordinator functions and positions into the area vocational-technical institute system effective July 1, 1984, for the biennium. During the biennium support for the positions shall be provided all or in part from the instructional funds under the average cost funding methodology.

\$300,000 in the first year and \$300,000 in the second year is for the acquisition of equipment for technology-related programs in the area vocational-technical institutes.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$150,000 in the first year is appropriated for the purpose of implementing sections 56, 57, 58, 59, 60, 61, 63, and 64.

Federal money received for state vocational education programs pursuant to the Vocational Education Act of 1963, Section 120, United States Code, title 20, section 2330 and required to be used for vocational education of the disadvantaged and handicapped shall be used during the biennium only for grants and not for state administrative costs. During the biennium the grant money may be used by a school district for its own administrative costs if otherwise permitted by federal law. The remainder of section 120 money not required to be used for eliminating sex bias, for displaced homemakers programs, and for matching requirements in vocational education shall be used during the biennium for grants for post-secondary vocational instructional aid allocations for support services.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 21. **CORRECTION.** Subdivision 1. **MATH ERROR.** A law styled as H.F. No. 1290, section 1, if enacted at the 1983 regular session, is amended to read:

Section 1. **STATE DEPARTMENTS; APPROPRIATIONS.**

The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1983," "1984," and "1985," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1984, or June 30, 1985, respectively.

SUMMARY BY FUND

	1984	1985	TOTAL
General	\$446,377,500	\$472,622,200	\$918,999,700
	<u>\$446,517,200</u>	<u>\$472,751,500</u>	<u>\$919,268,700</u>
Special	10,828,900	13,489,000	24,317,900
State Airports	70,000	140,000	210,000
Game and Fish	31,069,800	31,530,300	62,600,100
Trunk Highway	9,460,300	19,260,700	28,721,000
Highway User	1,267,700	1,502,600	2,770,300
Special Comp.	1,678,900	1,697,000	3,375,900

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

TOTAL	\$500,753,100	\$540,241,800	\$1,040,994,900
	<u>\$500,892,800</u>	<u>\$540,371,100</u>	<u>\$1,041,263,900</u>

APPROPRIATIONS
 Available for the Year
 Ending June 30
 1984 1985

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 22. **CORRECTION.** Subdivision 1. **MATH ERROR.** A law styled as H.F. No. 1290, section 16, if enacted at the 1983 regular session, is amended to read:

Sec. 16. **ADMINISTRATION**

General Operations and Management		20,514,100	20,424,200
		<u>20,679,100</u>	<u>20,669,200</u>
	1984	1985	
Approved Complement -	770	760	
General -	369.7	359.7	
Dedicated -	400.3	400.3	

The amounts that may be expended from this appropriation for each program are as follows:

Management Services

\$3,807,300	\$3,737,000
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By January 1, 1984, the commissioner of administration shall complete a review of the records retention and disposition schedules for state agencies in the executive branch previously approved by the records disposition panel and recommend to the agency and to the panel shortening the retention period for records whose cost of retention for that period is, in her opinion, excessive in relation to the benefit from retention for that period.

Real Property Management

\$8,956,300	\$9,087,600
<u>\$9,096,300</u>	<u>\$9,282,600</u>

\$140,000 the first year and \$195,000 the second year is for operation and maintenance of the Minnesota education association building at 55 Sherburne avenue, if acquired by the state.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

By January 1, 1984, the commissioner shall conduct a study of parking fees and parking policies in the capitol complex, the seven county metropolitan area, and outstate areas. The study shall include, but not be limited to, the review of free, subsidized, and full rate lots and whether rates charged should recover in total or in part the costs of improvements to the lots. The report shall be sent to the chairmen of the appropriations committee in the house and the finance committee in the senate.

The cost of energy audits performed on buildings housing activities of the department of natural resources and the transportation department shall be reimbursed to the general fund from the game and fish fund and the trunk highway fund respectively.

The department of administration shall designate adequate space on second floor of the capitol building to be retained for food distribution services pursuant to section 248.07, subdivision 7.

Repair and Betterment

\$ 642,200	\$ 384,500
<u>\$ 617,200</u>	

\$67,000 the first year shall be used to incorporate prairie landscaping in Cass Gilbert park and, if funds are available, install irrigation systems in the remainder of the park and other areas within the capitol complex.

\$58,000 each year is for tree and shrub replacement. This appropriation shall be used for native Minnesota trees and shrubs, primarily evergreens.

The commissioner and the capitol area architectural and planning board shall consult with and solicit the assistance of volunteers provided by the state horticultural society to improve and maintain the flowers, shrubs, and trees in the capitol area.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

State Agency Services

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$1,914,000	\$1,554,000
<u>\$1,964,000</u>	<u>\$1,604,000</u>

\$250,000 the first year and \$20,000 the second year is for automation of the procurement system.

During the biennium ending June 30, 1985, the commissioner of administration shall purchase goods under contracts held by the regents of the university of Minnesota and Hennepin and Ramsey counties whenever this will result in cost savings to the state. The commissioner shall study the consequences of doing this for all purchases.

During the biennium ending June 30, 1985, the commissioner of administration shall provide state agency guidebooks to members of the legislature.

Public Services

\$4,248,000	\$4,712,600
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\$211,800 each year is for block grants to public television stations.

\$373,500 each year is for matching grants to public television stations.

\$195,100 each year is for grants to public radio stations pursuant to Minnesota Statutes, section 139.19.

\$120,000 the first year is for emergency equipment replacement at the Austin public television station.

\$2,000 the first year and \$2,000 the second year is for the state employees' band.

Any unencumbered balance remaining in the first year for grants to public television or radio stations does not cancel but is available for the second year of the biennium.

General Support

\$ 946,300	\$ 948,500
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The commissioner of administration with the approval of the commissioner of finance may transfer unencumbered balances not

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specified for a particular purpose among the programs specified in this section. Transfers shall be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 23. **CORRECTION.** Subdivision 1. **MATH ERROR.** A law styled as H.F. No. 1290, section 37, if enacted at the 1983 regular session, is amended to read:

Sec. 37. **VETERANS AFFAIRS**

General Operations and Management	10,449,800	10,540,300
	<u>10,424,500</u>	<u>10,424,600</u>

Approved Complement - 314.5

The amounts that may be expended from this appropriation for each program are as follows:

Veterans Benefits and Services

\$2,277,200	\$2,256,400
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\$1,938,100 ~~\$1,038,100~~ each year is for emergency financial and medical needs of veterans. For the biennium ending June 30, 1985, the commissioner shall limit financial assistance to veterans and dependents to six months, unless recipients have been certified as ineligible for other benefit programs. Of this appropriation, \$50,000 each year shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Of this appropriation, \$37,800 the first year and \$38,500 the second year is for war veterans and war orphans education aid, to be expended pursuant to Minnesota Statutes, section 197.75.

Veterans Home - Minneapolis

\$6,116,200	\$6,217,200
<u>\$6,090,900</u>	<u>\$6,101,500</u>

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Of the appropriation in fiscal year 1984, \$10,000 is for a grant to the Vietnam veterans awareness council for the purposes of obtaining liability insurance and repairs and betterments on building #2 which currently provides emergency shelter for veterans and their families.

By January 15, 1984, the commissioner shall report to the legislature on the cost effectiveness of seeking certification of the Minneapolis nursing care building for medical assistance reimbursement.

Veterans Home - Hastings

\$2,047,800 \$2,066,700

Big Island Veterans Camp

\$ 8,600

This appropriation is for contract expenses associated with operating the Big Island veterans camp; the contract shall be for up to two years in length and shall specify that the contractor will cooperate with the Hennepin county park reserve district.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

The commissioner of veterans affairs with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the programs specified in this section. Transfers shall be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 24. **CORRECTION.** Subdivision 1. **MISASSIGNMENT OF APPROPRIATION.**

The sum of \$18,000 for fiscal year 1984 and \$22,000 for fiscal year 1985 appropriated by 1983 regular session H.F. No. 1290, section 28, to the financial management division of the department of energy and economic development for expenses of an intervention office shall be transferred to the department of public service.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 1983.

Sec. 25. **CORRECTION.** Subdivision 1. **BIG ISLAND VETERANS CAMP.** Designation under H.F. No. 1310, section 4, clause (d), does not constitute a direction to or authorization of any political subdivision to acquire any public land within the designated area, and such acquisition is subject to approval by the legislature.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective the day following its final enactment.

Sec. 26. **CORRECTION.**

Subdivision 1. **BALLOTS FOR COURT OF APPEALS JUDGES.** Minnesota Statutes 1982, section 204D.11, subdivision 1, if amended by H.F. No. 330, section 90, 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.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective August 1, 1983.

Sec. 27. A bill styled as S.F. No. 1234 enacted at the 1983 regular session, article 8, section 13, is amended to read:

Sec. 13. 268.81 **PAYMENT OF ALLOWANCE.**

A person accepted pursuant to section 12 for participation in the Minnesota emergency employment development jobs program and determined by the commissioner to satisfy the eligibility standards set forth in sections 256D.01 to 256D.21, shall be paid a cash allowance by the commissioner in an amount which is not less than the amount of the general assistance grant that the person would otherwise receive pursuant to sections 256D.01 to 256D.21. The commissioner shall adopt a permanent or temporary rule establishing the amounts of allowances to be paid pursuant to this section. The initial allowance shall be paid to the person as soon as administratively feasible. A person referred by a local agency pursuant to section 11 shall be paid the initial allowance upon the expiration of the period covered by the one-month grant received from the local agency. Thereafter, the allowance shall be paid at intervals as the commissioner shall prescribe by rule or temporary rule. Until June 30, 1985, a person receiving an allowance when the Minnesota emergency employment development jobs pro-

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

gram is terminated under article 8 7, section 44 15, shall continue to be paid an allowance under this section if he continues to meet the eligibility standards set forth in sections 256D.01 to 256D.21.

Sec. 28. Minnesota Statutes 1982, section 18.041, is amended to read:

18.041 DEFINITIONS.

In sections 18.041 to 18.161, unless the context otherwise indicates: (a) "governmental unit" means any city, county, or town; (b) "governing body" means a council, board, body or persons in which the powers of the governmental unit are vested; and (c) "mosquito abatement" means the control, abatement, or prevention of breeding of mosquitoes or such other insects or arachnids (ticks, mites, spiders) as provided in section 18.091.

Approved May 27, 1983

CHAPTER 217 — S.F.No. 50

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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 is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1982, section 609.255, is amended to read:

609.255 FALSE IMPRISONMENT.

Subdivision 1. DEFINITION. As used in this section, the following term has the meaning given it unless specific content indicates otherwise.

(a) "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a child.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.