

CHAPTER 509—H.F.No. 2369

An act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating certain redundant, conflicting and super-seeded provisions; reenacting a law; amending Minnesota Statutes 1978, Sections 15.052, Subdivision 9; 16.851, Subdivision 1; 16A.26; 25.31; 25.32; 25.33, Subdivisions 1 and 5; 25.34, Subdivision 3; 25.36; 25.40; 25.41, Subdivisions 1 and 5; 25.42; 25.43; 25.44; 28A.15, Subdivision 4; 89.35; 89.36, Subdivision 1; 89.39; 93.45, Subdivision 2; 111.21, Subdivision 1; 112.46; 116.02, Subdivision 2; 116.16, Subdivision 2; 116C.65; 116H.06; 120.17, Subdivision 9; 122.531, Subdivision 2; 123.42; 124.212, Subdivision 8a; 124.46, Subdivision 3; 125.12, Subdivision 4; 126.41, Subdivision 2; 128A.04; 136.148; 136.501; 136.503, Subdivision 1; 136.506; 144.225, Subdivision 1; 144A.01, Subdivision 5; 144A.10, Subdivision 1; 144A.24; 145.22; 147.073, Subdivision 1; 161.171, Subdivision 5; 161.173; 162.02, Subdivision 11; 168B.02, Subdivisions 1 and 2; 168B.05; 168B.07, Subdivision 2; 168B.08, Subdivision 3; 169.751; 169.99, Subdivision 3; 179.61; 179.62; 179.63, Subdivisions 1 and 4; 179.65, Subdivision 1; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivision 1; 179.68; 179.71, Subdivisions 2, 4 and 5; 179.74, Subdivision 2; 181.12; 197.17; 202A.61; 238.01; 238.02, Subdivisions 1 and 4; 238.03; 238.04, Subdivision 9; 238.06, Subdivision 2; 238.08, Subdivision 4; 238.10; 238.16, Subdivision 2; 241.08, Subdivision 2; 241.44, Subdivision 1a; 242.37; 243.07; 243.12; 245.813, Subdivision 9; 256.09; 256.736, Subdivision 3; 256.76, Subdivision 2; 256.78; 256D.10; 256D.13; 260.251, Subdivision 3; 268.013, Subdivision 6; 296.01, Subdivision 1; 296.11; 296.15, Subdivision 2; 296.17, Subdivisions 1 and 5; 296.19; 296.20; 296.24; 301.511, Subdivision 2; 325.01, Subdivision 1; 325.907, Subdivision 1; 326.33, Subdivision 1; 333.055, Subdivision 2; 340.07, Subdivision 11; 340.11, Subdivision 9; 340.12; 340.14, Subdivision 5; 352.116; 352.1191; 352E.01, Subdivision 1; 352E.04; 352E.045; 354.44, Subdivision 5; 359.07, Subdivision 2; 360.018, Subdivisions 7 and 9; 363.02, Subdivision 3; 365.22; 367.33, Subdivision 3; 387.45; 390.23; 394.24, Subdivision 3; 394.25, Subdivision 5a; 401.02, Subdivision 1; 412.251; 419.07; 419.075, Subdivision 2; 422A.06, Subdivision 2; 422A.11, Subdivision 1; 429.061, Subdivision 1; 435.191; 440.40; 459.14, Subdivision 7; 462.352, Subdivision 10; 462.36, Subdivision 1; 465.56, Subdivision 2; 471.591, Subdivision 1; 473.163, Subdivision 3; 473.223; 473F.02, Subdivision 21; 474.02, Subdivision 1b; 485.018, Subdivision 4; 485.021; 505.178, Subdivision 2; 525.72; 546.10; 626.556, Subdivision 11; 628.41, Subdivision 6; Chapter 390, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 10A.01, Subdivision 11; 62A.02, Subdivision 3; 69.771, Subdivision 1; 179.74, Subdivision 4; 256B.06, Subdivision 1; 273.73, Subdivision 6; 273.76, Subdivision 2; 273.77; 273.86, Subdivision 4; 275.125, Subdivision 9; 290.06, Subdivisions 3g and 14; 326.211, Subdivision 9; 354A.094, Subdivisions 2, 3, 8, and by adding a subdivision; 354A.38, Subdivision 3; 402.01, Subdivision 1; 424A.06, Subdivision 2; 462A.22, Subdivision 1a; 519.11, Subdivision 1; 549.09, Subdivision 1; 626.556, Subdivision 2; Laws 1979, Chapters 134, Section 2; 333, Sections 26, and 31, Subdivision 3; 335, Section 3, Subdivision 20; and reenacting Laws 1979, Chapter 303, Article 1, Section 14; repealing Minnesota Statutes 1978, Sections 239.27; 325.01, Subdivisions 8, 9, 10, 11 and 12; 354A.22, as amended by Laws 1979, Chapter 334, Article VII, Sections 23 to 26; 390.33, Subdivision 7; Laws 1976, Chapters 155, Section 1; 222, Sections 30 and 31; 348, Section 15; Laws 1977, Chapter 323, Section 1; Laws 1979, Chapters 31, Section 2; 217, Section 11; and 316, Section 11.

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REVISOR'S BILL
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
MINNESOTA:

Section. 1. Minnesota Statutes, 1979 Supplement, Section 10A.01, Subdivision 11, is amended to read:

Subd. 11. "Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony;

(f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over \$250, excluding his own travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Sec. 2. Minnesota Statutes 1978, Section 15.052, Subdivision 9, is amended to read:

Subd. 9. In consultation and agreement with the chief hearing examiner, the commissioner of administration shall pursuant to authority vested in him by

section ~~46.43~~ 16.125, transfer from state agencies, such employees as he deems necessary to the state office of hearing examiners. Such action shall include the transfer of any state employee currently employed as a hearing examiner, if the employee qualifies under this section.

Sec. 3. Minnesota Statutes 1978, Section 16.851, Subdivision 1, is amended to read:

16.851 STATE BUILDING CODE; APPLICATION. Subdivision 1. The state building code shall apply state-wide and supersede the building code of any municipality. The state building code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 104.05, 326.244 and 116H.12, subdivision 4. Effective July 1, 1977, or as soon thereafter as possible, but in no event later than July 1, 1978, all municipalities shall adopt and enforce the state building code with respect to new construction *within their respective jurisdictions. If a city has adopted or is enforcing the state building code on the effective date of Laws 1977, Chapter 381, June 3, 1977* or determines by ordinance thereafter to undertake enforcement, it shall be charged with enforcement of the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within *its corporate limits. A city which, on the effective date of Laws 1977, Chapter 381, June 3, 1977* has not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

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Sec. 4. Minnesota Statutes 1978, Section 16A.26, is amended to read:

16A.26 DEPOSIT OF TAX RECEIPTS IN SINGLE DEPOSITORY ACCOUNT FOR EACH TAX. Notwithstanding the provisions of sections 290.361, 291.33, 297.13, 298.17, ~~298.281~~, 298.282, 298.39, 298.396, 298.51, 298.64, 298.65, 340.60 and similar laws to the contrary relating to the depositing, disposition, or apportionment of tax receipts, the commissioner of finance may provide for a single depository account for each tax or kind of taxes providing adequate information is available to determine the source and disposition or apportionment of the tax to meet statutory requirements. The commissioner shall request such transfers and certifications as are necessary to meet such statutory requirements. The commissioner of finance may issue directives to implement the provisions of this section.

Sec. 5. Minnesota Statutes 1978, Section 25.31, is amended to read:

25.31 CITATION, COMMERCIAL FEED LAW. Sections 25.31 to ~~25.45~~ 25.44 shall be known and cited as the Minnesota commercial feed law.

Sec. 6. Minnesota Statutes 1978, Section 25.32, is amended to read:

25.32 ENFORCING OFFICIAL. Sections 25.31 to ~~25.45~~ 25.44 shall be administered by the commissioner of the department of agriculture, hereinafter referred to as the "commissioner".

Sec. 7. Minnesota Statutes 1978, Section 25.33, Subdivision 1, is amended to read:

25.33 DEFINITIONS. Subdivision 1. When used in sections 25.31 to ~~25.45~~ 25.44, the terms defined in this section have the meanings given them.

Sec. 8. Minnesota Statutes 1978, Section 25.33, Subdivision 5, is amended to read:

Subd. 5. "Commercial feed" means all materials except unmixed seed, whole or processed, when not adulterated within the meaning of section 25.37, paragraphs (A), (B), (C), or (D) which are distributed for use as feed or for mixing in feed. The commissioner by regulation may exempt from this definition, or from specific provisions of sections 25.31 to ~~25.45~~ 25.44, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed with other materials, and are not adulterated within the meaning of section 25.37, paragraphs (A), (B), (C), or (D).

Sec. 9. Minnesota Statutes 1978, Section 25.34, Subdivision 3, is amended to read:

Subd. 3. The commissioner may refuse registration of any commercial feed not in compliance with the provisions of sections 25.31 to ~~25.45~~ 25.44 and may cancel any registration subsequently found not to be in compliance with any provision of sections 25.31 to ~~25.45~~ 25.44. No registration shall be refused or cancelled unless the registrant shall have been given an opportunity to be heard

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before the commissioner and to amend his application in order to comply with the requirements of sections 25.31 to ~~25.45~~ 25.44.

Sec. 10. Minnesota Statutes 1978, Section 25.36, is amended to read:

25.36 **MISBRANDING.** A commercial feed shall be deemed to be misbranded:

- (A) If its labeling is false or misleading in any particular.
- (B) If it is distributed under the name of another commercial feed.
- (C) If it is not labeled as required in section 25.35.

(D) If it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a commercial feed ingredient unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by regulation by the commissioner.

(E) If any word, statement, or other information required by or under authority of sections 25.31 to ~~25.45~~ 25.44 to appear on the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Sec. 11. Minnesota Statutes 1978, Section 25.40, is amended to read:

25.40 **RULES AND REGULATIONS.** Subdivision 1. The commissioner may promulgate such rules and regulations for commercial feeds and pet foods as are authorized in sections 25.31 to ~~25.45~~ 25.44 and such other reasonable rules and regulations as may be necessary for the efficient enforcement of sections 25.31 to ~~25.45~~ 25.44. In the interest of uniformity the commissioner shall by regulation adopt, unless he determines that they are inconsistent with the provisions of sections 25.31 to ~~25.45~~ 25.44 or are not appropriate to conditions which exist in this state, the following:

(A) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, and

(B) Any regulation promulgated pursuant to the authority of the federal food, drug, and cosmetic act, provided, that the commissioner would have the authority under sections 25.31 to ~~25.45~~ 25.44 to promulgate such regulations.

Subd. 2. Before the issuance, amendment, or repeal of any rule or regulation authorized by sections 25.31 to ~~25.45~~ 25.44, the commissioner shall publish the proposed regulation, amendment, or notice to repeal an existing regulation in a manner reasonably calculated to give interested parties, including all current registrants, adequate notice and shall afford all interested persons an opportunity to present their views thereon, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the

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commissioner shall take appropriate action to issue the proposed rule or regulation or to amend or repeal an existing rule or regulation. The provisions of this subdivision notwithstanding, if the commissioner, pursuant to the authority of sections 25.31 to ~~25.45~~ 25.44, adopts the official definitions of feed ingredients or official feed terms as adopted by the Association of American Feed Control Officials, or regulations promulgated pursuant to the authority of the federal food, drug, and cosmetic act, any amendment or modification adopted by said association or by the secretary of health, education and welfare in the case of regulations promulgated pursuant to the federal food, drug, and cosmetic act, shall be adopted automatically under sections 25.31 to ~~25.45~~ 25.44 without regard to the publication of the notice required by this subdivision unless the commissioner, by order specifically determines that said amendment or modification shall not be adopted.

Sec. 12. Minnesota Statutes 1978, Section 25.41, Subdivision 1, is amended to read:

25.41 INSPECTION, SAMPLING, AND ANALYSIS. Subdivision 1. For the purpose of enforcement of sections 25.31 to ~~25.45~~ 25.44, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the commissioner, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, during normal business hours, any factory, warehouse, or establishment within the state in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold such feeds; and (2) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under section 25.37(H).

Sec. 13. Minnesota Statutes 1978, Section 25.41, Subdivision 5, is amended to read:

Subd. 5. For the purpose of the enforcement of sections 25.31 to ~~25.45~~ 25.44, the commissioner or his duly designated agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

Sec. 14. Minnesota Statutes 1978, Section 25.42, is amended to read:

25.42 DETAINED COMMERCIAL FEEDS. Subdivision 1. When the commissioner or his authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of sections 25.31 to ~~25.45~~ 25.44 or of any of the prescribed regulations under sections 25.31 to ~~25.45~~ 25.44, he may issue and enforce a written or printed

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"withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the commissioner or the court. The commissioner shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within 30 days, the commissioner may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

Subd. 2. Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the commissioner to the district court of the county in which said commercial feed is located. In the event the court finds the commercial feed to be in violation of sections 25.31 to ~~25.45~~ 25.44 and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state; provided, that in no instance, shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with sections 25.31 to ~~25.45~~ 25.44.

Sec. 15. Minnesota Statutes 1978, Section 25.43, is amended to read:

25.43 **PENALTIES.** Subdivision 1. Any person convicted of violating any of the provisions of sections 25.31 to ~~25.45~~ 25.44 or who shall impede, hinder, or otherwise prevent, or attempt to prevent, said commissioner or his duly authorized agent in performance of his duty in connection with the provisions of sections 25.31 to ~~25.45~~ 25.44, shall be guilty of a misdemeanor.

Subd. 2. Nothing in sections 25.31 to ~~25.45~~ 25.44 shall be construed as requiring the commissioner or his representative to: (1) report for prosecution, or (2) institute seizure proceedings, or (3) issue a withdrawal from distribution order, as a result of minor violations of sections 25.31 to ~~25.45~~ 25.44, or when he believes the public interest will best be served by suitable notice of warning in writing.

Subd. 3. Each county attorney to whom any violation is reported shall cause appropriate proceedings to be instituted and prosecuted in the district court or other court of competent jurisdiction without delay. Before the commissioner reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the commissioner.

Subd. 4. The commissioner may apply to the district court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of sections 25.31 to ~~25.45~~ 25.44 or any rule or regulation promulgated under the act notwithstanding the existence of other remedies at law.

Subd. 5. Any person adversely affected by an act, order, or ruling made pursuant to the provisions of sections 25.31 to ~~25.45~~ 25.44 may bring action in the district court for judicial review of such actions in accordance with sections 15.0424 to 15.0426.

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Sec. 16. Minnesota Statutes 1978, Section 25.44, is amended to read:

25.44 **AGREEMENTS FOR COOPERATION.** The commissioner may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of sections 25.31 to ~~25.45~~ 25.44.

Sec. 17. Minnesota Statutes 1978, Section 28A.15, Subdivision 4, is amended to read:

Subd. 4. Any persons required to be licensed under the provisions of sections ~~19.01~~ 19.18 to 19.40 or trucks operating under a certificate or permit issued pursuant to chapter 221 or warehousemen, other than cold storage warehousemen, offering storage or warehouse facilities for compensation.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 62A.02, Subdivision 3, is amended to read:

Subd. 3. **DISAPPROVAL.** The commissioner shall, within 30 days after the filing of any form, disapprove the form:

- (1) if the benefits provided therein are unreasonable in relation to the premium charged;
- (2) if it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the policy; or
- (3) if the proposed premium rate is excessive because the insurer has failed to exercise reasonable cost control.

For the purposes of clause (1), the commissioner shall establish by rule a schedule of minimum anticipated loss ratios which shall be based on (i) the type or types of coverage provided, (ii) whether the policy is for group or individual coverage, and (iii) the size of the group for group policies. Except for individual policies of disability or income protection insurance, the minimum anticipated loss ratio shall not be less than 50 percent after the first year that a policy is in force. All applicants for a policy shall be informed in writing at the time of application of the anticipated loss ratio of the policy. For the purposes of this subdivision, "anticipated loss ratio" means the ratio at the time of form filing or at the time of subsequent rate revision of the present value of all expected future benefits, excluding dividends, to the present value of all expected future premiums. Nothing in this paragraph shall prohibit the commissioner from disapproving a form which meets the requirements of this paragraph but which the commissioner determines still provides benefits which are unreasonable in relation to the ~~benefits~~ premium charged. The commissioner may until December 31, 1978, exercise emergency power for the purpose of implementing the minimum anticipated loss ratio requirement, and for this purpose may adopt emergency rules as provided in section 15.0412, subdivision 5. Notwithstanding the expiration of the commissioner's emergency power, any emergency rule adopted by him prior to the expiration of his emergency power may remain effective for the periods authorized in section 15.0412, subdivision 5.

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If the commissioner notifies an insurer which has filed any form that the form does not comply with the provisions of this section or sections 62A.03 to 62A.05 and section 72A.20, it shall be unlawful thereafter for the insurer to issue the form or use it in connection with any policy. In the notice the commissioner shall specify the reasons for his disapproval and state that a hearing will be granted within 20 days after request in writing by the insurer.

Sec. 19. Minnesota Statutes, 1979 Supplement, Section 69.771, Subdivision 1, is amended to read:

69.771 VOLUNTEER FIREFIGHTER'S RELIEF ASSOCIATION FINANCING GUIDELINES ACT; APPLICATION. Subdivision 1. **COVERED RELIEF ASSOCIATIONS.** The applicable provisions of sections 69.771 to 69.776 shall apply to any firefighter's relief association other than a relief association enumerated in section 69.77, subdivision 1a, which is organized under any laws of this state, which is composed of volunteer firefighters or composed partially of volunteer firefighters and partially of salaried firefighters with retirement coverage provided by the public employees police and fire fund and which operates subject to the service pension minimum requirements for entitlement and maximums contained in ~~Laws 1979, Chapter 201, Section 33~~ section 424A.02, or a special law modifying those requirements or maximums.

Sec. 20. Minnesota Statutes 1978, Section 89.35, is amended to read:

89.35 TREE PLANTING. Subdivision 1. **TREES DEFINED.** The term "tree" or "trees" as used in sections 89.35 to ~~89.40~~ 89.39 shall include any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of natural resources for the purposes herein authorized except such cultivated varieties as are capable of producing fruit for human consumption.

Subd. 2. **PURPOSE OF PLANTING.** The purposes for which trees may be produced, procured, distributed, and planted under sections 89.35 to ~~89.40~~ 89.39 shall include auxiliary forests, woodlots, windbreaks, shelter-belts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, environmental education, and afforestation and reforestation on public or private lands of any kind, but shall not include the raising of fruit for human consumption or planting for purely ornamental purposes other than in connection with an environmental education program as provided in section 126.111. It is hereby declared that all such authorized purposes are in furtherance of the public health, safety, and welfare.

Sec. 21. Minnesota Statutes 1978, Section 89.36, Subdivision 1, is amended to read:

89.36 PRODUCING AND PROCURING PLANTING STOCK. Subdivision 1. **PRODUCTION AT STATE NURSERIES.** The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to ~~89.40~~ 89.39 upon any lands under his control which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law.

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Sec. 22. Minnesota Statutes 1978, Section 89.39, is amended to read:

89.39 PURCHASE AGREEMENTS AND PENALTIES. Every individual, partnership, or private corporation to whom any planting stock is supplied for planting on private land hereunder shall execute an agreement, upon a form approved by the attorney general, to comply with all the requirements of sections 89.35 to ~~89.40~~ 89.39 and all conditions prescribed by the commissioner hereunder. Any party to such an agreement who shall violate any provision thereof shall, in addition to any other penalties that may be applicable, be liable to the state in a sum equal to three times the reasonable value of the trees affected by the violation at the time the same were shipped for planting; provided, that if such trees are sold or offered for sale for any purpose not herein authorized, such penalty shall be equal to three times the sale price. Such penalties shall be recoverable in a civil action brought in the name of the state by the attorney general.

Sec. 23. Minnesota Statutes 1978, Section 93.45, Subdivision 2, is amended to read:

Subd. 2. The commissioner may acquire by gift or purchase necessary trail easements and related interest in and across lands not under his jurisdiction and control. The commissioner also may enter into contracts, leases, or other agreements with the operator or the owner of active or inactive mine areas and with the person having the right of possession thereof for the use and development of these areas for iron range trail purposes. The commissioner may develop, maintain, and operate such areas or may enter into contracts with third parties for the development, maintenance, or operation of the areas. If the commissioner enters into such a contract with a third party, the contract shall provide that the operator, owner and any person entitled to possession or control of the area shall be held harmless and indemnified by the third party from and against any and all claims for injuries or damage to person or property, from such use or development. Nothing in this section prohibits a person from asserting any claim for alleged damages ~~which may be presented to the legislative commission on claims~~ pursuant to sections ~~3.66~~ 3.732 to 3.84.

Sec. 24. Minnesota Statutes 1978, Section 111.21, Subdivision 1, is amended to read:

111.21 CONTRACTS. Subdivision 1. **WITH UNITED STATES, INDIVIDUALS.** The board of directors may enter into contracts or other arrangements with the United States government, or any department thereof, with persons, railroads, or other corporations, with public corporations and the state government of this state or other states, with drainage, conservation, conservancy, or other improvement districts, in this state or other states, for cooperation or assistance in constructing, maintaining, and operating the works of the district, or for the control of the waters thereof, or for making surveys and investigations or reports thereon; and may purchase, lease, or acquire land or other property in adjoining states in order to secure outlets to construct and maintain dikes or dams, or for other purposes of sections 111.02 to 111.42, and may let contracts or spend money for securing such outlets or other works in adjoining states. The board may exercise all the authorities granted the ~~board of drainage and flood control~~

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~~managers of watershed districts by sections 112.29 to 112.31 section 112.67, so far as relate it relates to cooperation with adjoining states, or drainage authorities thereof; and, in the event that for any reason it may be deemed advisable to include in any drainage or conservancy district organized under the provisions of sections 111.02 to 111.42 a drainage and flood control district organized under chapter 112, the district board organized under the provisions of sections 111.02 to 111.42 is hereby authorized to enter into any contract or arrangement necessary to take over and control and maintain any works or improvements constructed, including surveys made and expenses incurred by any board under chapter 112, and adopt or assume and carry out or modify any plans or works completed or partially completed by such board and make the same a part of the system to be developed under the provisions of sections 111.02 to 111.42.~~

Sec. 25. Minnesota Statutes 1978, Section 112.46, is amended to read:

112.46 **OVERALL PLAN.** The managers shall, within a reasonable time after qualifying, adopt an overall plan for any or all of the purposes for which a district may be established. The overall plan shall be composed of narrative statements of existing water and water related problems within the district, possible solutions thereto and the general objectives of the district. The overall plan may also include as a separate section any proposed work or projects. The separate statement of proposed work or projects or petitions for projects to be undertaken pursuant to the overall plan shall be considered as a comprehensive plan of the district for all purposes of review by the metropolitan council under section ~~473B.06, subdivision 6~~ 473.165, if the district is within the metropolitan area. A copy of such plan shall forthwith be transmitted to the county auditor of each county affected, the secretary of the board, the commissioner, the director, the governing bodies of all municipalities, any soil and water conservation district *having territory within the district and the metropolitan council if the district is within the metropolitan area.* Upon receipt of such copy the commissioner, the director and the council shall examine the same and within 60 days thereafter, unless such time is extended by the board, the director and the council shall transmit to the board recommendations in connection therewith, a copy of which shall be transmitted to the managers, the county auditor of each county affected, the governing bodies of all affected municipalities and any affected soil and water conservation districts. Within 45 days from receipt of the director's and the council's recommendations the board shall have a hearing on the proposed overall plan, the provisions of this chapter relating to notice, time, and place of hearing upon a nominating petition governing. After such public hearing the board shall, by its order, prescribe an overall plan for the district. A copy thereof shall be transmitted to the managers, the county board of each county affected, the commissioner, the director, the governing bodies of all municipalities affected, any affected soil and water conservation districts and the council whereupon said plan shall become the overall plan for the district. Said plan may be amended upon a petition submitted by the managers therefor, and the board shall have a hearing thereon, in the same manner as in the original overall plan proceeding. The managers and the board shall review the overall plan for the district at least once every two years after the board originally prescribes the overall plan and shall make such amendments thereto as may be deemed advisable.

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Sec. 26. Minnesota Statutes 1978, Section 116.02, Subdivision 2, is amended to read:

Subd. 2. The membership terms, compensation, removal of members, and filling of vacancies on the ~~board~~ agency shall be as provided in section 15.0575.

Sec. 27. Minnesota Statutes 1978, Section 116.16, Subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** In this section and section 116.17:

(1) Agency means the Minnesota pollution control agency created by this chapter;

(2) Municipality means any county, city, and town, the metropolitan ~~sewer board created by chapter 473C~~ waste control commission established in chapter 473 and the metropolitan council when acting under the provisions of that chapter or an Indian tribe or an authorized Indian tribal organization, and any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state;

(3) Pollution control fund means the Minnesota state water pollution control fund created by subdivision 1;

(4) Bond account means the Minnesota state water pollution control bond account created in the state bond fund by section 116.17, subdivision 4;

(5) Terms defined in section 115.01 have the meanings therein given them;

(6) The eligible cost of any municipal project, except as otherwise provided in clause (7), includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, sociological, project administrative costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension of disposal systems; (e) inspection and supervision of construction; and (f) all other expenses of the kinds enumerated in section 475.65.

(7) For state grant purposes hereunder, the eligible cost for grant applicants shall be the eligible cost as determined by the United States environmental protection agency under the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314, et seq.

Sec. 28. Minnesota Statutes 1978, Section 116C.65, is amended to read:

116C.65 **JUDICIAL REVIEW.** Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the board or a certification of continuing suitability filed by a utility with the board or by a final order in accordance with any rules promulgated by the board, may appeal therefrom to any district court

where such a site or route is to be located. The appeal shall be filed within 60 days after the publication in the state register of notice of the issuance of the certificate or permit by the board or certification filed with the board or the filing of any final order by the board. The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the board and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. The scope of judicial review shall be as prescribed in section ~~45.024~~ 15.0424.

Sec. 29. Minnesota Statutes 1978, Section 116H.06, is amended to read:

116H.06 JURISDICTION. The agency has sole authority and responsibility for the administration of sections 116H.01 to 116H.15. Other laws notwithstanding, the authority granted the agency shall supersede the authority given any other agency whenever overlapping, duplication or additional administrative or legal procedures might occur in the administration of sections 116H.01 to 116H.15. The director shall consult with other state departments or agencies in matters related to energy and shall contract with them to provide appropriate services to effectuate the purposes of sections 116H.01 to 116H.15. Any other department, agency or official of this state or political subdivision thereof which would in any way affect the administration or enforcement of sections 116H.01 to 116H.15 shall cooperate and coordinate all such activities with the agency to assure orderly and efficient administration and enforcement of sections 116H.01 to 116H.15.

The director shall designate a liaison officer from the agency whose duty shall be to insure the maximum possible consistency in procedures and to eliminate duplication between the ~~division~~ agency and the other agencies that may be involved in energy. The commissioner of administration shall, if and to the extent he deems it efficient and beneficial, transfer to the agency, pursuant to sections 16.125, ~~46.43~~ and 16.135, the functions, employees or work of any agency of the state if such functions or work relate to or if such employees are engaged in matters which fall within the jurisdiction of the agency pursuant to sections 116H.01 to 116H.15.

Sec. 30. Minnesota Statutes 1978, Section 120.17, Subdivision 9, is amended to read:

Subd. 9. SPECIAL INSTRUCTION. No resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service on a shared time basis because of attendance at a nonpublic school defined in section 123.932, subdivision 3. If a resident handicapped pupil attends a nonpublic school located within his district of residence, the district shall provide necessary transportation for that pupil within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident handicapped pupil attends a nonpublic school located in a district contiguous to his district of residence and if no agreement exists pursuant to section 124.212, subdivision 9 9a, clause (c) or (d), for the provision of special instruction and

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services on a shared time basis to that pupil by the district of attendance, the district of residence shall provide necessary transportation for that pupil between the boundary of the district of residence and the educational facility where the special instruction and services are provided within the district of residence. The district of residence may provide necessary transportation for that pupil between its boundary and the nonpublic school attended, but the nonpublic school shall pay the cost of transportation provided outside the district boundary.

Sec. 31. Minnesota Statutes 1978, Section 122.531, Subdivision 2, is amended to read:

Subd. 2. As of the effective date of a consolidation pursuant to section 122.23 or the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section ~~423.22~~ 122.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2a, clause (4), or its predecessor or successor provision, is cancelled. However, if all of the territory of any independent district is included in the newly created district, and if the adjusted assessed valuation of taxable property in that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in a newly created or enlarged district, the board of the newly created or enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the newly created or enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire newly created or enlarged district in an election pursuant to section 275.125, subdivision 2a, clause (4), or its successor referendum provision.

Sec. 32. Minnesota Statutes 1978, Section 123.42, is amended to read:

123.42 **LIMITATION OF SECTIONS.** Material contained in sections ~~123.31~~ 123.32 to 123.41, unless expressly stated otherwise, relates only to independent school districts.

Sec. 33. Minnesota Statutes 1978, Section 124.212, Subdivision 8a, is amended to read:

Subd. 8a. (1) Notwithstanding any provisions of any other law to the contrary, the adjusted assessed valuation used in calculating foundation aid shall include only that property which is currently taxable in the district. For districts which received payments under sections ~~124.215, subdivision 2a; 124.25; section 124.28; 124.30; 473.633 and 473.635;~~ the foundation aid shall be reduced by: The previous year's payment to the district pursuant to said sections times the ratio of the maximum levy allowed the district under section 275.125, subdivision 2a, to the total levy allowed by section 275.125, but not to exceed 50 percent of the previous year's payment.

(2) For districts which received payments under sections ~~294.21 to 294.28~~ 294.26; 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

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any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; the foundation aid shall be reduced in the October adjustment payment by the difference between the dollar amount of the payments received pursuant to those sections in the fiscal year to which the October adjustment is attributable and the amount which was calculated, pursuant to section 275.125, subdivision 9, as a reduction of the levy attributable to the fiscal year to which the October adjustment is attributable. If the October adjustment of a district's foundation aid for a fiscal year is a negative amount because of this clause, the next fiscal year's foundation aid to that district shall be reduced by this *negative amount in the following manner: there shall be withheld from each monthly scheduled foundation aid payment due the district in such fiscal year, 15 percent of the total negative amount, until the total negative amount has been withheld.* The amount reduced from foundation aid pursuant to this clause shall be recognized as revenue in the fiscal year to which the October adjustment payment is attributable.

Sec. 34. Minnesota Statutes 1978, Section 124.46, Subdivision 3, is amended to read:

Subd. 3. The commissioner of finance shall maintain a separate school loan bond account in the state bond fund, showing all moneys transferred to that fund for the payment of school loan bonds and all income received from the investment of such moneys. Upon the issuance of each series of school loan bonds the commissioner of finance shall deduct from the proceeds thereof and credit to said bond account a sum sufficient, with the balance then on hand in said account, to pay all interest to become due on such bonds on and before July 1 in the second ensuing year. On the first day of November in each year there shall be transferred to the bond account all or so much of the moneys then on hand in the loan repayment account in the general maximum effort school loan fund as will be sufficient, with the balance then on hand in said bond account, to pay all principal and interest then and theretofore due and to become due within the next ensuing year and to and including July 1 in the second ensuing year on school loan bonds issued and sold pursuant to this section. In the event that moneys are not available for such transfer in the full amount required, the state auditor shall levy on all taxable property within the state a tax sufficient to meet the deficiency. Such tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be and remain subject to no limitation of rate or amount until all school loan bonds and all interest thereon are fully paid. The proceeds of this tax are hereby irrevocably appropriated and shall be credited to the state bond fund, but the school loan bond account is appropriated as the primary source of payment of such bonds and interest, and only so much of said tax as may be necessary is appropriated for this purpose. If any principal or interest on school loan bonds should become due at any time when there is not on hand a sufficient amount from any of the sources herein appropriated for the payment thereof, it shall nevertheless be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated; but any such payments shall be reimbursed from the proceeds of taxes levied as required

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herein, and any such payments made from taxes shall be reimbursed from the loan repayment account in the maximum effort school loan fund, when the balance therein is sufficient.

Sec. 35. Minnesota Statutes 1978, Section 125.12, Subdivision 4, is amended to read:

Subd. 4. **TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.** A teacher who has completed his probationary period in any school district, and who has not been discharged or advised of a refusal to renew his contract pursuant to subdivision 3, shall have a continuing contract with such district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board prior to April 1 upon one of the grounds specified in subdivision 6 or prior to June 1 upon one of the grounds specified in subdivisions 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April 1; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179.61 to ~~179.77~~ 179.76 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of said contract in compliance with section 179.70, subdivision 2. Such written resignation by the teacher shall be effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board shall notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section shall not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

Sec. 36. Minnesota Statutes 1978, Section 136.148, is amended to read:

136.148 **RULE SUSPENSION.** The state university board may identify those rules it has promulgated pursuant to chapter 15, which it deems are inconsistent with the provisions of a collective bargaining contract negotiated in accordance with sections 179.61 to ~~179.77~~ 179.76 and, notwithstanding the provisions of chapter 15, the board may suspend those rules for a period not exceeding 180 days during which time the board shall repeal, suspend or modify the temporarily suspended rules in accordance with chapter 15.

Sec. 37. Minnesota Statutes 1978, Section 126.41, Subdivision 2, is amended to read:

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Subd. 2. **PLANS.** Each school district submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 126.31 to 126.42;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 126.31 to 126.42 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section ~~126.34~~ 126.35, subdivision 6;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 126.31 to 126.42.

Sec. 38. Minnesota Statutes 1978, Section 128A.04, is amended to read:

128A.04 **GIFTS AND CONVEYANCES.** The state board of education shall take and hold in trust all lands or other property granted, given, devised, or conveyed to the schools, or to either of them. All moneys and securities so received and all income from this property shall be deposited in the state treasury in compliance with section ~~46.48~~ 16A.275, subject to the order of the state board.

Sec. 39. Minnesota Statutes 1978, Section 136.501, is amended to read:

136.501 **EMPLOYMENT OF STUDENTS; FEDERAL AID.** The purpose of sections 136.501 to ~~436.508~~ 136.507 is to stimulate and promote the part time employment of students in state universities who are from low income families and are in need of the earnings from such employment to pursue courses of study at such state universities.

Sec. 40. Minnesota Statutes 1978, Section 136.503, Subdivision 1, is amended to read:

136.503 **AUTHORITY OF BOARD.** Subdivision 1. **BOARD DESIGNATED STATE AGENCY.** The state university board, hereinafter referred to as the board, is hereby designated as a state agency to apply for, receive, and disburse moneys from the United States of America under said federal act. The board shall deposit all moneys so received in the state treasury and such moneys are appropriated to the board for the purposes of sections 136.501 to ~~436.508~~ 136.507. The board has the power to enter into agreements with the director of the office of economic opportunity, hereinafter referred to as the director, authorized by sections 123 and 124 of the federal act, subject to applicable provisions of the laws of this state, hereinafter referred to as state laws. The board has the power, subject to applicable state laws, to do all things necessary to comply with the requirements of said federal act and any rules or regulations promulgated thereunder.

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Sec. 41. Minnesota Statutes 1978, Section 136.506, is amended to read:

136.506 FUNDS, TREASURER'S DUTIES. The state treasurer is appointed custodian of all funds received from the federal government under sections ~~136.501 to 136.508~~ 136.507 and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of money paid to the state and the appropriations made for such purpose.

Sec. 42. Minnesota Statutes 1978, Section 144.225, Subdivision 1, is amended to read:

144.225 DISCLOSURE OF INFORMATION FROM VITAL RECORDS. Subdivision 1. Except as otherwise provided for in this section and section ~~144.176~~ 144.1761, information contained in vital records shall be public information. Physical access to vital records shall be subject to the supervision and regulation of state and local registrars and their employees pursuant to rules promulgated by the commissioner in order to protect vital records from loss, mutilation or destruction and to prevent improper disclosure of records which are confidential or private data on individuals, as defined in section 15.162, subdivisions 2a and 5a.

Sec. 43. Minnesota Statutes 1978, Section 144A.01, Subdivision 5, is amended to read:

Subd. 5. "Nursing home" means a facility or that part of a facility which provides nursing care to five or more persons. "Nursing home" does not include a facility or that part of a facility which is a hospital, clinic, doctor's office, diagnostic or treatment center, or a residential facility licensed pursuant to sections ~~245.78 to 245.821, 252.28, or 257.081 to 257.124~~ 245.781 to 245.821 or 252.28.

Sec. 44. Minnesota Statutes 1978, Section 144A.10, Subdivision 1, is amended to read:

144A.10 INSPECTION; COMMISSIONER OF HEALTH; FINES. Subdivision 1. **ENFORCEMENT AUTHORITY.** The commissioner of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under section 144A.02. The commissioner of health shall enforce the rules established pursuant to sections 144A.01 to 144A.17, subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in nursing homes and the responsibility of the commissioner of public welfare under sections ~~245.78 to 245.821, 252.28, or 257.081 to 257.124~~ 245.781 to 245.821 or 252.28.

Sec. 45. Minnesota Statutes 1978, Section 144A.24, is amended to read:

144A.24 DUTIES OF THE BOARD. The board of examiners shall:

(a) Develop and enforce standards for nursing home administrator licensing, which standards shall be designed to assure that nursing home administrators will be individuals of good character who, by training or experience, are suitably qualified to serve as nursing home administrators;

(b) Develop appropriate techniques, including examinations and investigations, for determining whether applicants and licensees meet the board's standards;

(c) Issue licenses to those individuals who are found to meet the board's standards;

(d) Establish and implement procedures designed to assure that individuals licensed as nursing home administrators will comply with the board's standards;

(e) Receive, investigate, and take appropriate action consistent with ~~section 144A.25~~ chapter 214, to revoke or suspend the license of a nursing home administrator who fails to comply with sections 144A.18 to 144A.27 or the board's standards;

(f) Conduct a continuing study and investigation of nursing homes, and the administrators of nursing homes within the state, with a view to the improvement of the standards imposed for the licensing of administrators and improvement of the procedures and methods used for enforcement of the board's standards; and

(g) Approve or conduct courses of instruction or training designed to prepare individuals for licensing in accordance with the board's standards. Courses designed to meet license renewal requirements shall be designed solely to improve professional skills and shall not include classroom attendance requirements exceeding 50 hours per year. The board may approve courses conducted within or without this state.

Sec. 46. Minnesota Statutes 1978, Section 145.22, is amended to read:

145.22 HEALTH OFFICER; DUTIES RELATIVE TO FILTH AND CAUSES OF SICKNESS. ~~Nuisance, source of filth, or cause of sickness; duty of health officer; notice; privy vaults.~~ When any nuisance, source of filth, or cause of sickness is found on any property, the health officer of the city or town shall order the owner or occupant thereof to remove the same, at his expense, within a time not to exceed ten days, the exact time to be specified in the notice. This notice shall be served by the sheriff, marshal, or other peace officer by delivering a copy thereof to the owner, occupant, or agent of the property. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the sheriff, marshal, or other peace officer shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance, source of filth, or cause of sickness is abated or removed within ten days, the sheriff, marshal, or other peace officer will abate or remove, or cause to be abated or removed, at the expense of the owner, the nuisance, source of filth, or cause of sickness complained of and found to exist. In carrying out the provisions of sections 145.22 and 145.23, no debt or claim against any individual owner, or any one piece of real property, shall exceed the sum of \$100. In all cities of the first class in this state, the collection and disposal of night soil from privy vaults and contents of cesspools shall be under the charge and supervision of, and shall be done by, the department of health of such cities.

Sec. 47. Minnesota Statutes 1978, Section 147.073, Subdivision 1, is amended to read:

147.073 PHYSICIAN ACCOUNTABILITY. Subdivision 1. **INVESTIGATION.** The board shall maintain and keep current a file containing the insurers reports and public complaints filed against physicians in the state, which shall be private information accessible, pursuant to sections 15.162 to ~~15.168~~ 15.1671, to the physician who is the subject of the data. Each complaint filed with the board pursuant to section 214.10, subdivision 1, shall be investigated according to section 214.10, subdivision 2.

Whenever the files maintained by the board show that a medical malpractice settlement or award to the plaintiff has been made against a physician as reported by insurers pursuant to section 147.072, the executive director of the board shall notify the board and the board may authorize a review of the physician's practice.

Sec. 48. Minnesota Statutes 1978, Section 241.44, Subdivision 1a, is amended to read:

Subd. 1a. **ACTIONS AGAINST OMBUDSMAN.** No proceeding or civil action except removal from office or a proceeding brought pursuant to sections 15.162 to ~~15.168~~ 15.1671 shall be commenced against the ombudsman for actions taken pursuant to the provisions of sections 241.41 to 241.45, unless the act or omission is actuated by malice or is grossly negligent.

Sec. 49. Minnesota Statutes 1978, Section 245.813, Subdivision 9, is amended to read:

Subd. 9. **RECORDS.** All records maintained by the commissioner or a local welfare agency under this section, including any written reports filed under subdivision 6, shall be private. The records shall be collected and maintained in accordance with the provisions of sections 15.162 to ~~15.168~~ 15.1671, and an individual subject of a record shall have access to the record in accordance with those sections except that the name of the reporter shall be disclosed only (a) by the commissioner or the local welfare agency if the report is unsubstantiated and (b) upon court order if the report is substantiated.

Records maintained by the commissioner or local welfare agencies under this section must be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be unsubstantiated shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated to the satisfaction of the commissioner or the local agency may be kept for a period of one year. If the commissioner or the local agency is unable to substantiate the report within that period, all records relating to the report shall be destroyed immediately.

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Sec. 50. Minnesota Statutes 1978, Section 626.556, Subdivision 11, is amended to read:

Subd. 11. **RECORDS.** All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except such reports shall be made available to the prosecuting authority. The welfare board shall make available to the prosecuting authority only those records which contain information relating to a specific incident of neglect or abuse which is under litigation. The records shall be collected and maintained in accordance with the provisions of sections 15.162 to ~~15.168~~ 15.1671, and an individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be disclosed only (a) by the local welfare agency if the report is found to be unsubstantiated or (b) by the local welfare agency upon court order if the report is found to be substantiated.

Records maintained by local welfare agencies, the police department or county sheriff under this section must be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be false shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report.

Sec. 51. Minnesota Statutes 1978, Section 161.171, Subdivision 5, is amended to read:

Subd. 5. "Metropolitan area" includes the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, presently under the jurisdiction, for metropolitan area planning and coordination purposes, of the metropolitan council established pursuant to chapter ~~473B~~ 473, which council is hereinafter referred to as "agency".

Sec. 52. Minnesota Statutes 1978, Section 161.173, is amended to read:

161.173 SUBMISSION OF CORRIDOR PROPOSAL. The commissioner shall submit to the governing body of each municipality wherein a trunk highway is proposed to be constructed or improved, and to the governing body of each municipality adjacent to any such municipality, a report containing: a statement of

the need for this proposed construction or improvement, a description of alternate routes which were considered by the commissioner and an explanation of the advantages and disadvantages in the selection of any route considered. The report shall also contain for each alternate, the following information: general alignment and profile, approximate points of access, highway classification, an approximate cost estimate, relation to existing and planned regional and local development and to other transportation routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. Where a state trunk highway is proposed to be constructed or improved within the metropolitan area, a copy of the report shall also be submitted to the metropolitan council established by ~~chapter 473B~~, and the metropolitan transit commission established by chapter ~~473A~~ 473. In all areas of the state a copy of the report shall be sent to established regional, county and municipal planning commissions in the area affected by the highway project. Not less than 45 nor more than 90 days, or as otherwise mutually agreed, after the report has been submitted, the commissioner shall hold a public hearing on the proposed highway construction or improvement at such time and place within any municipality wherein a portion of the proposed construction or improvement is located, as the commissioner shall determine. Not less than 30 days before the hearing the commissioner shall mail notice thereof to the governing body of each municipality or agency entitled to receive a copy of the report, and shall cause notice of the hearing to be published at least once each week for two successive weeks in a newspaper or newspapers having general circulation in such municipalities, the second publication to be not less than five days before the date of the hearing. The notice shall state the date, time, place and purpose of the hearing, shall describe the proposed or actual general location of the highway to be constructed or improved, and shall state where the report may be inspected prior to the hearing by any interested person. The hearing shall be conducted by the commissioner or his designee, and shall be transcribed and a record thereof mailed to each municipality or agency entitled to receive a copy of the report. All interested persons shall be permitted to present their views on the proposed highway construction or improvement. The hearing may be continued as often as necessary. Within 120 days after the hearing is completed, the governing body of each municipality or agency entitled to receive a copy of the report shall submit to the commissioner its approval or disapproval of the report. If all or any part of the report is disapproved, the municipality or agency shall state the reasons for such disapproval and suggested changes in the report. The commissioner shall, before preparing additional plans for the proposed highway construction or improvement, submit to the governing body of each municipality or agency disapproving the report, a statement accepting or rejecting any suggested changes and the reasons for his acceptance or rejection.

Sec. 53. Minnesota Statutes 1978, Section 162.02, Subdivision 11, is amended to read:

Subd. 11. **REVERTED TRUNK HIGHWAYS TO FORM PART OF SYSTEM.** The county state-aid highway system is hereby increased in extent ~~from the 30,000 miles authorized by Article 14, Section 3, of the Minnesota Constitution~~ by the addition thereto of the mileage of all trunk highways reverted or

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turned back to the jurisdiction of the counties pursuant to law on and after July 1, 1965.

Sec. 54. Minnesota Statutes 1978, Section 168B.02, Subdivision 1, is amended to read:

168B.02 **DEFINITIONS.** Subdivision 1. As used in sections 168B.01 to ~~168B.13~~ 168B.11 the terms defined in this section have the meanings given to them in this section.

Sec. 55. Minnesota Statutes 1978, Section 168B.02, Subdivision 2, is amended to read:

Subd. 2. "Abandoned motor vehicle" means a motor vehicle, as defined in section 169.01, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by a unit of government or its agent. A classic car or pioneer car, as defined in section 168.10, shall not be considered an abandoned motor vehicle within the meaning of sections 168B.01 to ~~168B.13~~ 168B.11. Vehicles on the premises of junk yards and automobile graveyards, which are defined, maintained and licensed in accordance with section 161.242, or which are licensed and maintained in accordance with local laws and zoning regulations, shall not be considered abandoned motor vehicles within the meaning of this definition.

Sec. 56. Minnesota Statutes 1978, Section 168B.05, is amended to read:

168B.05 **IMMEDIATE SALE.** When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction pursuant to section 168B.08, and shall not be subject to the notification, reclamation, or title provisions of sections 168B.01 to ~~168B.13~~ 168B.11.

Sec. 57. Minnesota Statutes 1978, Section 168B.07, Subdivision 2, is amended to read:

Subd. 2. Nothing in sections 168B.01 to ~~168B.13~~ 168B.11 shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. For the purposes of this section "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

Sec. 58. Minnesota Statutes 1978, Section 168B.08, Subdivision 3, is amended to read:

Subd. 3. From the proceeds of a sale under this section of an abandoned motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to sections 168B.01 to ~~168B.13~~ 168B.11. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the unit of government.

Sec. 59. Minnesota Statutes 1978, Section 169.751, is amended to read:

169.751 **DEFINITIONS.** For the purposes of sections 169.751 to 169.754 the following words shall have the meaning ascribed to them in this section:

(a) "First aid equipment" shall mean equipment for the purpose of rendering first aid to sick or injured persons as prescribed by the department of public safety for its highway patrol vehicles, such equipment to include materials for the application of splints to fractures.

(b) "Patrol motor vehicles" shall mean the highway patrol motor vehicles used in law enforcement of the ~~state highway~~ department of public safety, the county sheriffs, and the various city, town, and other local police departments.

Sec. 60. Minnesota Statutes 1978, Section 169.99, Subdivision 3, is amended to read:

Subd. 3. Any city of the first class, through its governing body, may alter by deletion or addition the uniform traffic ticket in such manner as it deems advisable for use in such city. In respect to any public corporation ~~created and operating organized and existing~~ pursuant to sections ~~360.101 to 360.133~~ 473.601 to 473.679, whose ordinances and regulations for the control of traffic are enforced through prosecution in the municipal court of one or the other of the cities of the first class included within such public corporation, the traffic ticket used in such enforcement shall conform to that used by the city of the first class in whose municipal court its ordinances and regulations are enforced, except as to color and as to information uniquely applying to such public corporation and to its ordinances and regulations.

Sec. 61. Minnesota Statutes 1978, Section 340.07, Subdivision 11, is amended to read:

Subd. 11. "Municipality" means any city, public corporation ~~created organized and existing~~ under sections ~~360.101 to 360.125, inclusive~~ 473.601 to 473.679, as to any major airport, as defined by section ~~360.127~~ 473.121, ~~subdivision 33,~~ operated by any such public corporation where the lands or any part thereof constituting such major airport have been detached from cities under and pursuant to sections ~~360.126 to 360.132~~ 473.625 to 473.631, inclusive, or a county which is specifically authorized by law to issue an on-sale license.

Sec. 62. Minnesota Statutes 1978, Section 340.11, Subdivision 9, is amended to read:

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Subd. 9. **ON-SALE LICENSES; CERTAIN AIRPORTS.** An on-sale license may be issued for the sale of intoxicating liquors in hotels, restaurants, and establishments for the sale of on-sale liquors in major airports operated by public corporations ~~created~~ organized and existing under sections ~~360.101 to 360.125~~ 473.601 to 473.679, which are operated by such public corporations as terminals for regular, scheduled air passenger service where the lands or any part thereof constituting the same have been detached from cities under and pursuant to sections ~~360.126 to 360.132~~ 473.625 to 473.631.

Sec. 63. Minnesota Statutes 1978, Section 340.12, is amended to read:

340.12 APPLICATION FOR LICENSE. Every person desiring a license from the commissioner of public safety, shall file with him a verified written application in the form to be prescribed by the commissioner. All applicants for manufacturer's and wholesaler's licenses to sell intoxicating liquor shall file with the commissioner of public safety a bond with corporate surety, to be approved by the commissioner of public safety, before granting such license, or, in lieu thereof, cash or United States government bonds in the sum of \$10,000, according to the character of the license, made payable to the state of Minnesota. All applicants for a license to sell intoxicating liquors on any railroad train or other common carrier, shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting such license, or, in lieu thereof, cash or United States government bonds in the sum of \$1,000. All manufacturers and wholesalers of wines containing not more than 25 percent of alcohol by weight and manufacturers and wholesalers of beer containing more than 3.2 percent of alcohol by weight, shall file with the commissioner of public safety, a bond with corporate surety to be approved by the commissioner of public safety before granting such license, or, in lieu thereof, cash or United States government bonds in the sum of \$5,000.

Every person desiring a license from a local governing body shall file with the clerk of the municipality, or in the case of a public corporation ~~created~~ organized and existing under sections ~~360.101 to 360.125~~ 473.601 to 473.679, with the executive director thereof, a verified written application in the form to be prescribed by the commissioner, with such additional information as the local governing body shall require. An applicant for an "off sale" license shall file with the clerk of the proper municipality a bond with corporate surety, or a liability insurance policy or, in lieu thereof, cash or United States government bonds in a sum, not less than \$1,000 and not more than \$3,000 as the local governing body of such municipality shall determine, which bond or policy shall be approved by such local governing body and the commissioner of public safety.

An applicant for an "on sale" license shall file with the clerk of the proper municipality, or in the case of a public corporation ~~created~~ organized and existing under sections ~~360.101 to 360.125~~ 473.601 to 473.679, with the executive director thereof, a bond with corporate surety, or a liability insurance policy or, in lieu thereof, cash or United States government bonds in a sum, not less than \$3,000, nor more than \$5,000, as the local governing body of such municipality shall determine, which bond shall be approved by such local governing body.

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In any municipality, when the local governing body thereof shall so provide, a liability insurance policy shall be filed in lieu of the bond or cash security, referred to above. Such liability insurance policy shall be in the amount of \$10,000 coverage for one person and \$20,000 coverage for more than one person, and shall specifically provide for the payment by the insurance company on behalf of the insured of all sums which the insured shall become obligated to pay by reason of liability imposed upon him by law for injuries or damage to persons, other than employees, including the liability imposed upon the insured by reason of section 340.95. Such liability insurance policy shall further provide that no cancellation of the same for any cause, can be made either by the insured or the insurance company without first giving ten days' notice to the municipality in writing of intention to cancel the same, addressed to the city clerk of the municipality, or in the case of a public corporation ~~created~~ organized and existing under sections ~~360.101 to 360.125~~ 473.601 to 473.679, to the executive director thereof. The operation of such "off sale" or "on sale" business without having on file at all times with the municipality the liability insurance policy herein referred to shall be grounds for immediate revocation of the license. No payment of any claim by the insurance company shall, in any manner, decrease the coverage provided for in respect to any other claim or claims brought against the insured or company thereafter. It shall not be necessary when the local governing body of any municipality provides for the filing of such liability insurance policy instead of the bond or cash deposit herein referred to, that such policy include as conditions therein the conditions required in bonds for such dealers and set out in paragraphs (a), (b), (c), and (d) hereinafter.

Bonds of manufacturers, wholesalers, and common carriers shall run to the state of Minnesota, of "on sale" and "off sale" retail dealers shall run to the municipality in which the license is issued. All such bonds shall be conditioned as follows:

As to manufacturers, wholesalers and common carriers:

(a) That the licensee will obey the law relating to such licensed business;

(b) That the licensee shall pay to the state when due all taxes, license fees, penalties and other charges payable by him under this act, or any other law relating to the manufacture, distribution or sale of intoxicating liquor;

(c) That in the event of any violation of the provisions of law, such bond shall be forfeited to the state of Minnesota as hereinafter provided.

As to "off sale" and "on sale" dealers:

(a) That the licensee will obey the law relating to such licensed business;

(b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law;

(c) That in the event of any violation of the provisions of any law relating to the retail "off sale" and retail "on sale" of intoxicating liquor, such bond or policy shall be forfeited to the municipality in which such license was issued;

(d) That the licensee, will pay to the extent of the principal amount of such bond or policy, any damages for death or injury caused by or resulting from the violation of any provisions of law relating thereto, and in such cases recovery under this paragraph may be had from the surety on this bond or policy. The amount specified in such bond or policy is declared to be a penalty, the amount recoverable to be measured by the actual damages; provided, however, that in no case shall such surety be liable for any amount in excess of the penal amount of the bond or policy.

All such bonds or policies shall be for the benefit of the obligee and all persons suffering damages by reason of the breach of the conditions thereof. In the event of the forfeiture of any such bond or policy for violation of law, the district court of the county wherein such licensed business was carried on may forfeit the penal sum of said bond or policy, or any part thereof, to the state or municipality named as obligee in such bond or policy.

Sec. 64. Minnesota Statutes 1978, Section 340.14, Subdivision 5, is amended to read:

Subd. 5. **SUNDAY SALES.** (a) Notwithstanding the provisions of subdivision 1, in any municipality establishments to which on sale licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants or clubs as defined in section 340.07, and which have facilities for serving not less than 30 guests at one time, may serve intoxicating liquors between the hours of 12 o'clock noon and 12 o'clock midnight on Sundays in conjunction with the serving of food.

(b) It is unlawful for any such establishment, directly or indirectly, to sell or serve such intoxicating liquors as provided in paragraph (a) above, without having first obtained a special license from the municipality therefor. Such special license may be issued by the governing body of the municipality for a period of one year and for such a fee as it shall determine, but not exceeding \$200. The special license may be revoked by the governing body, for cause. The provisions of section 340.112 shall apply to such license. Application for the special license shall be made to the governing body of the municipality in the same manner as application for other licenses to sell intoxicating liquor are made.

(c) This subdivision shall not apply to any municipality until authorized by the voters of the municipality voting on the question at a special election called for such purpose or at the general election in the municipality, the election to be conducted in accordance with the applicable provisions of the Minnesota election law. Provided, however, that municipal voter approval shall not be required in the case of major airports operated by public corporations ~~created~~ organized and existing under sections ~~360.101 to 360.125~~ 473.601 to 473.679, which are operated by such public corporations as terminals for regular, scheduled air passenger service where the lands or any part thereof constituting the same have been detached from cities under and pursuant to sections ~~360.126 to 360.132~~ 473.625 to 473.631, nor in the case of common carriers licensed under the provisions of sections 340.11, subdivision 3, and 340.12 and any license to sell intoxicating liquors on Sunday issued to a common carrier by the commissioner of public

safety shall, in addition to all other license fees, require the payment to the commissioner of public safety of a fee of \$50 per annum plus a fee of \$5 for each duplicate of said license required to be posted in each place where intoxicating liquor is sold by said common carrier.

Sec. 65. Minnesota Statutes 1978, Section 360.018, Subdivision 7, is amended to read:

Subd. 7. **HEARINGS ON APPLICATION FOR CERTIFICATES AND LICENSES.** Whenever the commissioner makes an order granting or denying a certificate of approval of an airport or a restricted landing area, or an original license to use or operate an airport, restricted landing area, or other air navigation facility, and the applicant or any interested municipality, within 15 days after notice of such order has been sent the applicant by certified mail, demands a public hearing, or whenever the commissioner desires to hold a public hearing before making an order, such a public hearing in relation thereto shall be held in the municipality applying for the certificate of approval or license or, in case the application was made by anyone other than a municipality, at the county seat of the county in which the proposed airport, restricted landing area, or other air navigation facility is proposed to be situated, at which hearing parties in interest and other persons shall have an opportunity to be heard. Notice of the hearing shall be published by the commissioner in a legal newspaper of general circulation in the county in which the hearing is to be held, at least 15 days prior to the date of hearing. After a proper and timely demand has been made, the order shall be stayed until after the hearing, when the commissioner may affirm, modify, or reverse it, or make a new order. If no hearing is demanded as herein provided, the order shall become effective upon the expiration of the time permitted for making a demand. Where a certificate of approval of an airport or restricted landing area has been issued by the commissioner, he may grant a license for operation and use, and no hearing may be demanded thereon; provided, however, and subject to the provisions of section ~~360.44~~ 473.622, as amended, should the airport for which a license is applied lie within the area under the jurisdiction of any corporation organized ~~under Laws 1943, Chapter 500, as amended and existing under sections 473.601 to 473.679~~, the commissioner, before issuing the first license for the operation of said airport, shall forthwith serve notice in writing of the application, together with a copy thereof to the said corporation. Within 15 days after service of such notice said corporation shall serve written notice upon the commissioner whether or not it regards the acquisition and/or operation of said airport as constituting a hazard to the safe operation of an airport or airports owned or operated by it. If in the opinion of the corporation it does not constitute such a hazard, the commissioner may thereafter proceed in the matter of granting or refusing to grant a license in accordance with and pursuant to the provisions of this act. If the corporation, however, be of the opinion that the acquisition and/or operation of such airport would create such a hazard, then the commissioner shall set a time and place for a joint hearing upon the application for license and for consent to or approval by the corporation of the acquisition and/or operation of said airport, which hearing shall be held within 45 days after the service of such notice upon the applicant, the corporation and

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other interested parties, unless such time shall be extended by consent of all interested parties. At said hearing the corporation shall offer such evidence as it deems material to sustain its contention that the acquisition and/or operation of said airport would create such a hazard. Thereafter other interested parties supporting the view of the corporation shall be heard; and thereafter the applicant and other interested parties supporting applicant's view or their independent views shall be heard, and shall offer such evidence as they deem material to sustain their respective views and contentions. Each party shall have an opportunity of offering rebuttal testimony or rebuttal evidence. Within ten days after the close of the hearing the corporation shall make its order in writing approving or refusing to approve the acquisition and/or operation of said airport, provided that if the order is one disapproving, it must be based solely upon the grounds that the acquisition and/or operation of said airport would constitute a hazard to the safe operation of an airport or airports owned or operated by it or presently to be constructed or being constructed to be operated by it, and its order shall set forth its findings of fact and its reasons for the conclusion reached.

The provisions of this proviso shall apply only to securing the first approval or disapproval of the establishment and operation of said airport or restricted landing area and once the same shall have been approved by the corporation renewal licenses may be issued therefor by the commissioner of transportation without notice to the corporation.

Sec. 66. Minnesota Statutes 1978, Section 360.018, Subdivision 9, is amended to read:

Subd. 9. **EXCEPTIONS; FEDERAL USE.** The provisions of subdivisions 6, 7, and 8 shall not apply to any airport, restricted landing area, or other air navigation facility owned or operated by the federal government within this state, or by any public corporation created in and for contiguous cities of the first class of this state. No airport, restricted landing area or other air navigation facility shall be acquired or operated within 25 miles of the city hall of either of two contiguous cities of the first class for which a public corporation ~~has been created pursuant to Laws 1943, Chapter 500~~ is organized and existing under sections 473.601 to 473.679, without the consent of such corporation, as provided in and limited by section ~~360.111, as amended~~ 473.622.

Sec. 67. Minnesota Statutes 1978, Section 179.61, is amended to read:

179.61 **PUBLIC POLICY.** It is the public policy of this state and the purpose of sections 179.61 to ~~179.77~~ 179.76 to promote orderly and constructive relationships between all public employers and their employees, subject however, to the paramount right of the citizens of this state to keep inviolate the guarantees for their health, education, safety and welfare.

The relationships between the public, the public employees, and their employer governing bodies imply degrees of responsibility to the people served, need of cooperation and employment protection which are different from employment in the private sector. So also the essentiality and public desire for some public services tend to create imbalances in relative bargaining power or the reso-

lution with which either party to a disagreement presses its position, so that unique approaches to negotiations and resolutions of disputes between public employees and employers are necessary.

Unresolved disputes between the public employer and its employees are injurious to the public as well as to the parties; adequate means must therefore be established for minimizing them and providing for their resolution. Within the foregoing limitations and considerations the legislature has determined that overall policy may best be accomplished by:

(1) granting to public employees certain rights to organize and choose freely their representatives;

(2) requiring public employers to meet and negotiate with public employees in an appropriate bargaining unit and providing for written agreements evidencing the result of such bargaining; and

(3) establishing special rights, responsibilities, procedures and limitations regarding public employment relationships which will provide for the protection of the rights of the public employee, the public employer and the public at large.

Sec. 68. Minnesota Statutes 1978, Section 179.62, is amended to read:

179.62 **CITATION.** Sections 179.61 to ~~479.77~~ 179.76 shall be known and may be cited as the public employment labor relations act of 1971.

Sec. 69. Minnesota Statutes 1978, Section 179.63, Subdivision 1, is amended to read:

179.63 **DEFINITIONS.** Subdivision 1. For the purposes of sections 179.61 to ~~479.77~~ 179.76 the terms defined in this section have the meanings given them.

Sec. 70. Minnesota Statutes 1978, Section 179.63, Subdivision 4, is amended to read:

Subd. 4. "Public employer" or "employer" means (a) the state of Minnesota in respect to employees of the state not otherwise provided for in this subdivision or section 179.74 for executive branch employees; (b) the board of regents of the university of Minnesota, in respect to employees thereof; and (c) the governing body of a political subdivision or agency or instrumentality thereof which has final budgetary approval authority, in respect to employees of that subdivision, agency or instrumentality. When two or more units of government subject to the provisions of sections 179.61 to ~~479.77~~ 179.76 undertake a project or form a new agency of government under chapter 402, or section 471.59, or other law authorizing common or joint action, the employer for purposes of sections 179.61 to ~~479.77~~ 179.76 shall be the governing person or board of the created agency and the governing official or body of the cooperating governmental units shall be bound by an agreement entered into by the created agency pursuant to the procedures of sections 179.61 to ~~479.77~~ 179.76. The term does not include a "charitable hospital" as defined in section 179.35, subdivision 2. Nothing in this subdivision shall be construed to diminish the authority granted pursuant to law to an appointing authority in respect to the selection, direction,

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discipline or discharge of an individual employee insofar as such action is consistent with general procedures and standards relating to selection, direction, discipline or discharge which are the subject of an agreement entered into pursuant to sections 179.61 to ~~179.77~~ 179.76.

Sec. 71. Minnesota Statutes 1978, Section 179.65, Subdivision 1, is amended to read:

179.65 RIGHTS AND OBLIGATIONS OF EMPLOYEES. Subdivision 1. Nothing contained in sections 179.61 to ~~179.77~~ 179.76 shall be construed to limit, impair or affect the right of any public employee or his representative to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full faithful and proper performance of the duties of employment or circumvent the rights of the exclusive representative if there be one; nor shall it be construed to require any public employee to perform labor or services against his will. If no exclusive representative has been certified, any public employee individually, or group of employees through their representative, shall have the right of expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, by meeting with their public employer or his representative so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment.

Sec. 72. Minnesota Statutes 1978, Section 179.66, Subdivision 6, is amended to read:

Subd. 6. Nothing in sections 179.61 to ~~179.77~~ 179.76 shall be construed to impair, modify or otherwise alter, or indicate a policy contrary to the authority of the legislature of the state of Minnesota to establish by law schedules of rates of pay for its employees or the retirement or other fringe benefits related to the compensation of such employees.

Sec. 73. Minnesota Statutes 1978, Section 179.66, Subdivision 9, is amended to read:

Subd. 9. An employer may hire and pay for arbitrators desired or required by the provisions of sections 179.61 to ~~179.77~~ 179.76.

Sec. 74. Minnesota Statutes 1978, Section 179.67, Subdivision 1, is amended to read:

179.67 EXCLUSIVE REPRESENTATION; ELECTIONS; DECERTIFICATION. Subdivision 1. Any employee organization holding formal recognition by order of the director or by employer voluntary recognition on the effective date of Extra Session Laws 1971, Chapter 33 under any law that is repealed by Extra Session Laws 1971, Chapter 33 is hereby certified as the exclusive representative until such time as it is decertified or another representative is certified in its place pursuant to ~~Extra Session Laws 1971, Chapter 33~~ sections 179.61 to 179.76. Any teacher organization as defined by section 125.20,

subdivision 3 who on the effective date of Extra Session Laws 1971, Chapter 33 has a majority of its members on a teacher's council in a school district as provided in section 125.22 is hereby certified as the exclusive representative of all teachers of that school district until such time as the organization is decertified or another organization is certified in its place pursuant to sections 179.61 to ~~179.77~~ 179.76.

Sec. 75. Minnesota Statutes 1978, Section 179.68, is amended to read:

179.68 UNFAIR PRACTICES. Subdivision 1. The practices specified in this section are unfair practices. Any employee, employer, employee or employer organization, exclusive representative, or any other person or organization aggrieved by an unfair labor practice as defined in sections 179.61 to ~~179.77~~ 179.76 may bring an action in district court of the county wherein the practice is alleged to have occurred for injunctive relief and for damages caused by such unfair labor practice.

Subd. 2. Public employers, their agents or representatives are prohibited from:

(1) interfering, restraining or coercing employees in the exercise of the rights guaranteed in sections 179.61 to ~~179.77~~ 179.76;

(2) dominating or interfering with the formation, existence or administration of any employee organization or contributing other support to it;

(3) discriminating in regard to hire or tenure to encourage or discourage membership in an employee organization;

(4) discharging or otherwise discriminating against an employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under sections 179.61 to ~~179.77~~ 179.76;

(5) refusing to meet and negotiate in good faith with the exclusive representative of its employees in an appropriate unit;

(6) refusing to comply with grievance procedures contained in an agreement as required by section 179.70;

(7) distributing or circulating any blacklist of individuals exercising any legal right or of members of a labor organization for the purpose of preventing individuals so blacklisted from obtaining or retaining employment;

(8) violating any of the rules and regulations established by the director regulating the conduct of representation elections or

(9) refusing to comply with the provisions of a valid decision of a binding arbitration panel or arbitrator acting pursuant to sections 179.61 to ~~179.77~~ 179.76;

(10) violating or refusing to comply with any lawful order or decision issued by the director or the board;

(11) refusing to provide upon the request of the exclusive representative all information pertaining to the public employer's budget both present and proposed, revenues and other financing information. In the executive branch of state government, the provisions of this clause shall not be considered contrary to the budgetary requirements set forth in sections 16.14, 16.15 and 16.155.

Subd. 3. Employee organizations, their agents or representatives, and public employees are prohibited from:

(1) restraining or coercing employees in the exercise of their rights as provided in sections 179.61 to ~~179.77~~ 179.76;

(2) restraining or coercing a public employer in the election of his representatives to be employed for the purposes of meeting and negotiating or the adjustment of grievances;

(3) refusing to meet and negotiate in good faith with a public employer, if they have been designated in accordance with the provisions of sections 179.61 to ~~179.77~~ 179.76 as the exclusive representative of employees in an appropriate unit;

(4) violating any of the rules and regulations established by the director regulating the conduct of representation elections;

(5) refusing to comply with the provisions of a valid decision of an arbitration panel or arbitrator acting pursuant to sections 179.61 to ~~179.77~~ 179.76;

(6) calling, instituting, maintaining or conducting a strike or boycott against any public employer on account of any jurisdictional controversy;

(7) coercing or restraining any person with the effect to:

(a) force or require any public employer to cease dealing or doing business with any other person or;

(b) force or require a public employer to recognize for representation purposes an employee organization not certified by the director;

(c) refuse to handle goods or perform services;

(d) preventing an employee from providing services to the employer;

(8) committing any act designed to damage or actually damaging physical property or endangering the safety of persons while engaging in a strike;

(9) forcing or requiring any employer to assign particular work to employees in a particular employee organization or in a particular trade, craft, or class rather than to employees in another employee organization or in another trade, craft or class;

(10) causing or attempting to cause a public employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

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(11) engaging in an unlawful strike;

(12) picketing which has an unlawful purpose such as secondary boycott;

(13) picketing which unreasonably interferes with the ingress and egress to facilities of the public employer;

(14) seizing or occupying or destroying property of the employer;

(15) violating or refusing to comply with any lawful order or decision issued by the director of the board as authorized by sections 179.61 to ~~179.77~~ 179.76.

Sec. 76. Minnesota Statutes 1978, Section 179.71, Subdivision 2, is amended to read:

Subd. 2. The director shall accept and investigate all petitions for:

(a) certification or decertification as the exclusive representative of an appropriate unit;

(b) mediation services;

(c) any election or other voting procedures provided for in sections 179.61 to ~~179.77~~ 179.76;

(d) certification to the board of arbitration;

(e) to hear and decide all issues in a fair share fee challenge.

Sec. 77. Minnesota Statutes 1978, Section 179.71, Subdivision 4, is amended to read:

Subd. 4. Public employers and exclusive representatives of employees may voluntarily participate in joint negotiations in similar or identical appropriate units. It is the policy of sections 179.61 to ~~179.77~~ 179.76 to encourage such areawide negotiations and the director shall encourage it whenever possible.

Sec. 78. Minnesota Statutes 1978, Section 179.71, Subdivision 5, is amended to read:

Subd. 5. In addition to all other duties imposed by this section, the director shall:

(a) retain mediation jurisdiction over the parties for purposes of this subdivision until such time as the parties reach agreement; provided, however, he may continue to assist parties after the parties have submitted their final positions as provided or required under section 179.72, subdivision 6; or section 179.69, subdivision 6;

(b) issue notices, subpoenas and orders as may be required by law to carry out his duties under sections 179.61 to ~~179.77~~ 179.76. Issuance of orders shall include those orders of the Minnesota public employment relations board;

(c) certify to the Minnesota public employment relations board those items of dispute between parties to be subject to the action of the Minnesota public employment relations board under section 179.69, subdivision 3;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted pursuant to sections 179.61 to ~~179.77~~ 179.76;

(f) furnish clerical and administrative services to the Minnesota public employment relations board as may be required;

(g) adopt reasonable and proper rules and regulations relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections subject to final approval of the Minnesota public employment relations board. Such rules and regulations shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that every such rule or regulation shall be filed with the secretary of state, and any change therein or additions thereto shall not take effect until 20 days after such filing;

(h) receive, catalogue and file in a logical manner all orders and decisions of the Minnesota public employment relations board and all arbitration panels authorized by sections 179.61 to ~~179.77~~ 179.76 as well as all grievance arbitration decisions and the director's own orders and decisions. All orders and decisions catalogued and filed shall be made readily available to the public;

(i) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. Such grievance procedures shall not provide for the services of the bureau of mediation services. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15; said grievance procedure to be available to any public employee employed in a unit not covered by a negotiated grievance procedure as contained in section 179.70, subdivision 1;

(j) conduct elections.

Sec. 79. Minnesota Statutes 1978, Section 179.74, Subdivision 2, is amended to read:

Subd. 2. The employer of state employees shall be, for purposes of sections 179.61 to ~~179.77~~ 179.76, the commissioner of personnel or his representative.

Sec. 80. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of personnel shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to ~~179.77~~ 179.76; provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. The positions and classes of positions in the clas-

sified and unclassified services defined as managerial by the commissioner of personnel in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, all positions in the bureau of mediation services, all hearing examiners in the office of hearing examiners, employees who work in the personnel offices of an appointing authority in the executive branch and who have access to information subject to use by the appointing authority in meeting and negotiating or who actively participate in the meeting and negotiating on behalf of the state, shall be excluded from any appropriate unit. Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

Sec. 81. Minnesota Statutes 1978, Section 179.66, Subdivision 5, is amended to read:

Subd. 5. Any provision of any contract required by section 179.70, which of itself or in its implementation would be in violation of or in conflict with any statute of the state of Minnesota or rule or regulation promulgated thereunder or provision of a municipal home rule charter or ordinance or resolution adopted pursuant thereto, or rule of any state board or agency governing licensure or registration of an employee, provided such rule, regulation, home rule charter, ordinance, or resolution is not in conflict with sections 179.61 to 179.66 ~~and~~ shall be returned to the arbitrator for an amendment to make the provision consistent with the statute, rule, regulation, charter, ordinance or resolution.

Sec. 82. Minnesota Statutes 1978, Section 181.12, is amended to read:

181.12 RAILROAD PAY CHECKS TO SHOW AMOUNT OF DEDUCTION. Every railroad corporation doing business within this state shall state clearly on a statement accompanying each check, issued to an employee for services rendered to such corporation in this state, the amount of any deduction made from the regular wage of such employee, the reason therefor, and the date or period covered by such deduction. Deductions authorized by the employee may be designated as miscellaneous on the statement accompanying such check. ~~To take effect January 1, 1946.~~

Sec. 83. Minnesota Statutes 1978, Section 197.17, is amended to read:

197.17 WHO ARE ENTITLED TO BENEFITS. All disabled American veterans of the world war and other wars, who are residents of the state, shall be entitled to the advantages and privileges of such recreation and recuperation camp. The term "disabled American veterans," as used in sections 197.13 to 197.17, means and includes all veterans having a disability recognized as such by the United States government. ~~The board of governors~~ commissioner of veterans affairs may extend the advantages and privileges of such recreation and recuperation camp to such classes of sick, ailing, or unfortunate ex-service men as it deems advisable from time to time.

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Sec. 84. Minnesota Statutes 1978, Section 202A.61, is amended to read:

202A.61 VACANCY, CONGRESS, LEGISLATURE, SPECIAL ELECTION. Every vacancy in the office of representative in congress or member of the state legislature shall be filled for the unexpired term by election upon the writ of the governor as provided by sections 202A.61 to ~~202A.72~~ 202A.71. If there will not be any session of the congress or the legislature before the expiration of the term in which the vacancy exists, it shall not be necessary to fill the office.

Sec. 85. Minnesota Statutes 1978, Section 238.01, is amended to read:

238.01 DECLARATION OF LEGISLATIVE FINDINGS AND INTENT. Upon investigation of the public interest associated with cable communications, the legislature of the state of Minnesota has determined that while cable communications serve in part as an extension of interstate broadcasting, that their operations also involve public rights-of-way, municipal franchising, and vital business and community service, which are of state concern; that while said operations must be subject to state oversight, they also must be protected from undue restraint and regulation so as to assure development of cable systems with optimum technology and maximum penetration in this state as rapidly as economically and technically feasible; that the municipalities and the state would benefit from valuable educational and public services through cable communications systems; that the cable communications industry must provide the opportunity for minority participation and benefit which its diversity promises; that the public and the business community would benefit if served by cable channels sufficient to meet the needs of producers and distributors of program and other communication content services; that the cable communications industry is in a period of rapid growth and corporate consolidation and should proceed in accord with regional and statewide service objectives; that these objectives should encourage area-wide service where consistent with the public interest and discourage concentration of control and ownership when not in the public interest; and that many municipalities lack the necessary resources and expertise to plan for and secure these benefits and to protect subscribers and other parties to the public interest in franchise negotiations.

There is, therefore, a need for a state agency to develop a state cable communications policy; to promote the rapid development of the cable communications industry responsive to community and public interest and consonant with policies, regulations and statutes of the federal government; to assure that cable communications companies provide adequate, economical and efficient service to their subscribers, the municipalities within which they are franchised and other parties to the public interest; to encourage the endeavors of public and private institutions, municipalities, associations and organizations in developing programming for public interest; and to provide minorities with the fullest opportunity to make effective use of the medium.

It is the intent of the legislature in the provisions of Laws 1973, Chapter 568 sections 238.01 to 238.17 to vest authority in a board to oversee development of the cable communications industry in Minnesota in accordance with the statewide service plan; to review the suitability to practices for franchising cable

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communications companies to protect the public interest; to set standards for cable communications systems and franchise practices; to assure channel availability for municipal services, educational television, program diversity, local expression and other program and communications content services; to assure that municipal franchising results in communication across metropolitan areas and in neighborhood communities in larger municipalities; to provide consultant services to community organizations and municipalities in franchise negotiations; and, to stimulate the development of diverse instructional, educational, community interest and public affairs programming with full access thereto by cable communications companies, educational broadcasters and public and private institutions operating closed circuit television systems and instructional television fixed services.

Sec. 86. Minnesota Statutes 1978, Section 238.02, Subdivision 1, is amended to read:

238.02 **DEFINITIONS.** Subdivision 1. The words and phrases used in the provisions of ~~Laws 1973, Chapter 568~~ shall sections 238.01 to 238.17 have the following meanings unless a different meaning clearly appears in the text.

Sec. 87. Minnesota Statutes 1978, Section 238.02, Subdivision 4, is amended to read:

Subd. 4. "Board" shall mean the cable communications board created by the provisions of ~~Laws 1973, Chapter 568~~ section 238.04.

Sec. 88. Minnesota Statutes 1978, Section 238.03, is amended to read:

238.03 **APPLICATION.** The provisions of ~~Laws 1973, Chapter 568~~ sections 238.01 to 238.17 shall apply to every cable communications system and every cable communications company as defined in section 238.02, operating within the state, including a cable communications company which constructs, operates and maintains a cable communications system in whole or in part through the facilities of a person franchised to offer common or contract carrier services. Persons possessing franchises for any of the purposes contemplated by the provisions of ~~Laws 1973, Chapter 568~~ sections 238.01 to 238.17 shall be deemed to be subject to the provisions of ~~Laws 1973, Chapter 568~~ sections 238.01 to 238.17 although no property may have been acquired, business transacted or franchises exercised.

Sec. 89. Minnesota Statutes 1978, Section 238.04, Subdivision 9, is amended to read:

Subd. 9. The board shall be established within three months of May 24, 1973. The board shall adopt the regulations required by ~~Laws 1973, Chapter 568~~ sections 238.01 to 238.17 necessary for franchising and certification no later than April 1, 1975.

Sec. 90. Minnesota Statutes 1978, Section 238.06, Subdivision 2, is amended to read:

Subd. 2. The board or other aggrieved party shall have the right to institute or to intervene as a party in any action in any court of competent juris-

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diction seeking mandamus, injunctive or other relief to compel compliance with any provision of ~~Laws 1973, Chapter 568 sections 238.01 to 238.17~~ or any rules, regulations or orders issued ~~hereunder~~ thereunder.

Sec. 91. Minnesota Statutes 1978, Section 238.08, Subdivision 4, is amended to read:

Subd. 4. Nothing in ~~Laws 1973, Chapter 568 sections 238.01 to 238.17~~ shall be construed to limit the power of any municipality to impose upon any cable communications company a fee, tax or charge.

Sec. 92. Minnesota Statutes 1978, Section 238.10, is amended to read:

238.10 REGIONAL DEVELOPMENT COMMISSIONS. For the purposes of assisting in the implementation of ~~Laws 1973, Chapter 568 sections 238.01 to 238.17~~, the metropolitan council and regional development commissions of the state may engage in a program of research and study concerning interconnection, cable territories, regional use of cable communications and all other aspects which may be of regional concern.

Sec. 93. Minnesota Statutes 1978, Section 238.16, Subdivision 2, is amended to read:

Subd. 2. Any person violating the provisions of ~~Laws 1973, Chapter 568 sections 238.01 to 238.17~~ or any rules or regulations made pursuant thereto, is guilty of a gross misdemeanor. Any term of imprisonment imposed for any violation by a corporation shall be served by the senior resident officer of the corporation.

Sec. 94. Minnesota Statutes 1978, Section 239.27, is repealed.

Sec. 95. Minnesota Statutes 1978, Section 241.08, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1 ~~and section 242.38~~ or other law to the contrary, the commissioner of corrections may permit the inmates of the institutions under his control to deposit money in a bank or other financial institution. The commissioner shall establish rules governing the deposits and shall require each inmate to maintain at the institution in which confined an amount adequate for his needs during the period of his confinement and to assist him upon his release therefrom on parole or by discharge.

Sec. 96. Minnesota Statutes 1978, Section 242.37, is amended to read:

242.37 CONSERVATION CAMPS. (1) The commissioner of corrections may establish and operate conservation camps in which persons committed to the corrections board or the commissioner of corrections may be placed. Such camps may be established independently or in cooperation with any other public agency or any governmental subdivision, subject to the approval of such agency or subdivision as to any camp or project to the extent that its premises or operations are affected.

(2) Every able-bodied person committed as provided in clause (1) may be confined to a conservation camp established pursuant to this section or to any other institution under the control of the commissioner, subject to the limitations of ~~sections 242.15 and section 242.19~~. Any person committed to a conservation camp as herein provided may be required by order of the commissioner to labor during the whole or some part of the time for which he is so committed and confined, but not more than eight hours per day. The commissioner is authorized and empowered to provide for the payment of such compensation as he may determine to persons so confined who perform labor as hereinabove provided. Any money arising hereunder shall be and remain under control of the commissioner and shall be for the sole benefit of the person performing the labor unless it shall be used for rendering assistance to his family or dependents or in making restitution to persons determined by the commissioner to be entitled thereto, in either event payments shall be made only in such amount, at such time and to such persons as the commissioner may order in writing.

Sec. 97. Minnesota Statutes 1978, Section 243.07, is amended to read:

243.07 DUTY OF BOARD; FINAL DISCHARGE. It shall be the duty of the corrections board to keep in communication, as far as possible, with all prisoners who are on parole and also with their employers, and when any person upon parole has kept the conditions thereof in such manner and for such period of time as shall satisfy the board that he is reliable and trustworthy, and that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, then the board shall have power in its discretion to grant to such prisoner a final discharge from confinement under any such sentence, and thereupon the board shall issue to such prisoner a certificate of such final discharge, and shall also cause a record of the acts of the prisoner to be made showing the date of his commitment, his record while in prison, the date of his parole, his record while on parole, and its reasons for determining his final discharge, together with any other facts which the board may deem proper. Nothing in sections ~~243.02 to 243.13~~ 243.05 to 243.12 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Sec. 98. Minnesota Statutes 1978, Section 243.12, is amended to read:

243.12 RULES GOVERNING PAROLES. The corrections board shall have power, from time to time, to make, alter, amend, and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and as to the conditions of parole and the conduct and employment of prisoners on parole, and such other matters touching the exercise of the powers and duties conferred upon the board by sections ~~243.02 to 243.13~~ 243.05 to 243.12 as to its agents and employees as the board may deem proper.

Sec. 99. Minnesota Statutes 1978, Section 256.09, is amended to read:

256.09 NO CIVIL OR CRIMINAL LIABILITY. Sterilization, as outlined in ~~sections 256.07 and section 256.08~~, shall be lawful and shall not render the commissioner of public welfare, or his employees, or other persons participating in the examination or operation, liable either civilly or criminally.

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Sec. 100. Minnesota Statutes 1978, Section 256.736, Subdivision 3, is amended to read:

Subd. 3. **OPERATION OF PROGRAM.** To determine who shall be designated as an appropriate individual for certification to the commissioner of economic security, the commissioner of public welfare shall provide standards for county welfare agencies and human services boards consistent with the standards promulgated by the secretary of health, education, and welfare. County welfare agencies shall certify appropriate individuals to the commissioner of economic security and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:

- (1) a child who is under age 16 or attending school full time;
- (2) a person who is ill, incapacitated or of advanced age;
- (3) a person so remote from a work incentive project that his effective participation is precluded;
- (4) a person whose presence in the home is required because of illness or incapacity of another member of the household;
- (5) a mother or other relative of a child under the age of six who is caring for the child; or
- (6) the mother or other female caretaker of a child if the father or another adult male relative is in the home and not excluded by clauses (1), (2), (3), or (4), unless he has failed to register as required by this subdivision or has been found by the commissioner of economic security to have refused without good cause to participate under a work incentive program or accept employment.

Any individual referred to in clause (5) shall be advised of her option to register for employment services, training, and employment if she so desires, and shall be informed of the child care services, if any, which will be available to her in the event she should decide to register.

If, after planning with a recipient, a decision is made that he must register for employment services, training, and employment, the county welfare department shall give notice in writing to the individual stating that he must register with the commissioner of economic security for participation in a work incentive program and that he has a right to a fair hearing under section ~~256.77~~ 256.045 with respect to the appropriateness of his registration.

Sec. 101. Minnesota Statutes 1978, Section 256.76, Subdivision 2, is amended to read:

Subd. 2. If upon the investigation the county agency decides that the application was not filed in the county from which the dependent child is entitled to receive assistance under section 256.73, subdivision 4, but that the applicant is otherwise eligible for assistance, it shall while providing assistance to the applicant in accordance with subdivision 1, transmit to the state agency and to the agency

of the county it believes responsible for payment of such assistance a copy of the application together with such information and records as the state agency shall require. The state agency shall make such investigation as it deems appropriate and shall, if necessary, make an order determining the county responsible for payment and referring the application to such county for appropriate action, including reimbursement by such county of any assistance which another county has provided to the applicant in accordance with this subdivision. A copy of the order of the state agency shall be mailed to the county found responsible and to the applicant. The order shall be binding and shall be complied with unless reversed on appeal and shall be complied with pending any appeal. Any order of the state agency hereunder may be appealed in the manner provided by section ~~256.77, subdivisions 3 to 6~~ 256.045, subdivisions 7 to 9.

Sec. 102. Minnesota Statutes 1978, Section 256.78, is amended to read:

256.78 ASSISTANCE GRANTS RECONSIDERED. All assistance granted under sections 256.72 to 256.87 shall be reconsidered as frequently as may be required by the rules of the state agency. After such further investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency find that the child's circumstances have altered sufficiently to warrant such action. The county agency may for cause at any time revoke, modify, or suspend any order for assistance previously made. When assistance is thus revoked, modified, or suspended the county agency shall at once report to the state agency such decision together with supporting evidence required by the rules of the state agency. All such decisions shall be subject to appeal and review by the state agency as provided in section ~~256.77~~ 256.045.

Sec. 103. Minnesota Statutes 1978, Section 256D.10, is amended to read:

256D.10 HEARINGS PRIOR TO REDUCTION; TERMINATION; SUSPENSION OF GENERAL ASSISTANCE GRANTS. No grant of general assistance except one made pursuant to sections 256D.06, subdivision 2 or 256D.08, subdivision 2, shall be reduced, terminated or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the local agency.

Nothing herein shall deprive a recipient of his right to full administrative and judicial review of an order or determination of a local agency as provided for in section ~~256D.12~~ 256.045 subsequent to any action taken by a local agency after a prior hearing.

Sec. 104. Minnesota Statutes 1978, Section 256D.13, is amended to read:

256D.13 MANDAMUS TO COMPEL PAYMENT OF GENERAL ASSISTANCE. Subdivision 1. Notwithstanding the provisions of section ~~256D.12~~ 256.045 providing for administrative and judicial review of local agency determinations, a person denied general assistance by the local agency may apply to the district court of the county in which his application was filed and the district court shall order the payment of general assistance if the person establishes:

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(1) The substantial likelihood that he is eligible for and entitled to general assistance, and

(2) The person or family will suffer irreparable injury if general assistance is not granted without delay.

Subd. 2. The denial by a district court of a writ of mandamus shall not affect the right or scope of administrative or judicial review as set forth in section ~~256D.16~~ 256.045.

Sec. 105. Minnesota Statutes 1978, Section 260.251, Subdivision 3, is amended to read:

Subd. 3. **LEGAL SETTLEMENT.** The county charged with the costs and expenses under subdivisions 1 and 2 may recover these costs and expenses from the county where the minor has legal settlement for general assistance purposes by filing verified claims which shall be payable as are other claims against the county. A detailed statement of the facts upon which the claim is based shall accompany the claim. If a dispute relating to general assistance settlement arises, the county welfare board of the county denying legal settlement shall send a detailed statement of the facts upon which the claim is denied together with a copy of the detailed statement of the facts upon which the claim is based to the commissioner of public welfare. The commissioner shall immediately investigate and determine the question of general assistance settlement and shall certify his findings to the county welfare board of each county. The decision of the commissioner is final and shall be complied with unless, within 30 days thereafter, action is taken in district court as provided in section ~~256D.12~~ 256.045.

Sec. 106. Minnesota Statutes, 1979 Supplement, Section 256B.06, Subdivision 1, is amended to read:

256B.06 ELIGIBILITY REQUIREMENTS. Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not own real property other than the homestead. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price; and

(8) Who, if single, does not have more than \$2,000 in cash or liquid assets, plus \$150 for each additional legal dependent or, if married, whose cash or liquid assets do not exceed \$10,000, except that the value of the homestead and one automobile shall be disregarded; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (man and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall, beginning in July 1979, disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

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Sec. 107. Minnesota Statutes 1978. Section 268.013. Subdivision 6. is amended to read:

Subd. 6. If the programs of the Federal Comprehensive Employment and Training Act, the Federal Economic Opportunity Act, and the Federal Community Services Act are transferred to the department of economic security, state employees involved in administration and implementation of these programs in the unclassified civil service of the state shall be transferred, except for the positions of executive director and deputy director of the programs, to the classified civil service of the state without competitive examination and shall be placed in the proper classification by the commissioner of personnel with such compensation as such classifications carry. Incumbents of positions placed in the classified civil service shall receive such status and length of service credit as would have accrued to them had they originally been appointed to the classified civil service; however, such length of service credit shall not include seniority under the provisions of a collective bargaining agreement negotiated pursuant to sections 179.61 to ~~479.77~~ 179.76, until effective date of classified civil service. Annual leave and sick leave shall be transferred and accrued in accordance with the provisions of section 43.222.

Sec. 108. Minnesota Statutes, 1979 Supplement, Section 273.73. Subdivision 6, is amended to read:

Subd. 6. **MUNICIPALITY.** "Municipality" means any city, however, organized, and with respect to a project undertaken pursuant to chapter 474, "municipality" has the meaning given in chapter 474, and with respect to a project undertaken pursuant to chapter 362A, or a county or multi-county project undertaken pursuant to sections 462.426 to 462.4291, "municipality" shall also include any county.

Sec. 109. Minnesota Statutes, 1979 Supplement, Section 273.76. Subdivision 2, is amended to read:

Subd. 2. **CAPTURED ASSESSED VALUE.** The county auditor shall certify the amount of the captured assessed value to the authority each year, together with the proportion that the captured assessed value bears to the total assessed value of the real property within the tax increment financing district for that year.

(a) An authority may choose to retain any part or all of the captured assessed value for purposes of tax increment financing according to one of the two following options:

(1) If the plan provides that all the captured assessed value is necessary to finance or otherwise make permissible expenditures under section 273.75, subdivision ~~§ 4~~, the authority may retain the full captured assessed value.

(2) If the plan provides that only a portion of the captured assessed value is necessary to finance or otherwise make permissible expenditures under section 273.75, subdivision ~~§ 4~~, only that portion shall be set aside and the remainder shall be distributed among the affected taxing districts by the county auditor.

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(b) The portion of captured assessed value that an authority intends to use for purposes of tax increment financing must be clearly stated in the tax increment financing plan.

Sec. 110. Minnesota Statutes, 1979 Supplement, Section 273.77, is amended to read:

273.77 TAX INCREMENT BONDING. Any other law, general or special, notwithstanding, after August 1, 1979 no bonds, payment for which tax increment is pledged, shall be issued in connection with any project for which tax increment financing has been undertaken other than as is authorized hereby and the proceeds therefrom shall be used only in accordance with section 273.75, subdivision 5 4 as if said proceeds were tax increment, except that a tax increment financing plan need not be adopted for any project for which tax increment financing has been undertaken prior to August 1, 1979, pursuant to statutes not requiring a tax increment financing plan. Such bonds shall not be included for purposes of computing the net debt of any municipality.

(a) A municipality may issue general obligation bonds to finance any expenditure by the municipality or an authority the jurisdiction of which is wholly or partially within that municipality, pursuant to section 273.75, subdivision 5 4 in the same manner and subject only to the same conditions as those provided in chapter 475 for bonds financing improvement costs reimbursable from special assessments. Any pledge of tax increment, assessments or other revenues for the payment of the principal of and interest on general obligation bonds issued under this subdivision, except when the authority and the municipality are the same, shall be made by written agreement by and between the authority and the municipality and filed with the county auditor. When the authority and the municipality are the same, the municipality may by covenant pledge tax increment, assessments or other revenues for the payment of the principal of and interest on general obligation bonds issued under this subdivision and thereupon shall file the resolution containing such covenant with the county auditor. When tax increment, assessments and other revenues are pledged, the estimated collections of said tax increment, assessments and any other revenues so pledged may be deducted from the taxes otherwise required to be levied before the issuance of the bonds under section 475.61, subdivision 1, or the collections thereof may be certified annually to reduce or cancel the initial tax levies in accordance with section 475.61, subdivision 1 or 3.

(b) When the authority and the municipality are not the same, an authority may, by resolution, authorize, issue and sell its general obligation bonds to finance any expenditure which that authority is authorized to make by section 273.75, subdivision 5 4. Said bonds of the authority shall be authorized by its resolution, shall mature as determined by resolution of the authority in accordance with Laws 1979, Chapter 322, and may be issued in one or more series and shall bear such date or dates, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in medium of payment at such place or

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places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at the price or prices as the authority by resolution shall determine, and any provision of any law to the contrary notwithstanding, the bonds shall be fully negotiable. In any suit, actions, or proceedings involving the validity of enforceability of any bonds of the authority or the security therefor, any bond reciting in substance that it has been issued by the authority to aid in financing a district shall be conclusively deemed to have been issued for such purpose, and the district shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of Laws 1979, Chapter 322. Neither the authority, nor any director, commissioner, council member, board member, officer, employee or agent of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds of the authority, and such bonds shall so state on their face, shall not be a debt of any municipality, the state or any political subdivision thereof, and neither the municipality nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds be payable out of any funds or properties other than those of the authority and any tax increment and revenues of a tax increment financing district pledged therefor.

(c) Notwithstanding any other law general or special, an authority may, by resolution, authorize, issue and sell revenue bonds payable solely from all or a portion of revenues, including but not limited to tax increment revenues and assessments, derived from a tax increment financing district located wholly or partially within the municipality to finance any expenditure which the authority is authorized to make by section 273.75, subdivision 5 4. The bonds shall mature as determined by resolution of the authority in accordance with Laws 1979, Chapter 322 and may be issued in one or more series and shall bear such date or dates, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at the price or prices as the authority by resolution shall determine, and any provision of any law to the contrary notwithstanding, shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforceability of any bonds of the authority or the security therefor, any bond reciting in substance that it has been issued by the authority to aid in financing a district shall be conclusively deemed to have been issued for such purpose, and the district shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of Laws 1979, Chapter 322. Neither the authority, nor any director, commissioner, council member, board member, officer, employee or agent of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds may be further secured by a pledge and mortgage of all or any portion of the district in aid of which the bonds are issued and such covenants as the authority shall deem by such resolution to be necessary and proper to secure payment of the bonds. The

bonds, and the bonds shall so state on their face, shall not be payable from nor charged upon any funds other than the revenues and property pledged or mortgaged to the payment thereof, nor shall the issuing authority be subject to any liability thereon or have the powers to obligate itself to pay or pay the bonds from funds other than the revenues and properties pledged and mortgaged and no holder or holders of the bonds shall ever have the right to compel any exercise of any taxing power of the issuing authority or any other public body, other than as is permitted or required under Laws 1979, Chapter 322 and pledged therefor hereunder, to pay the principal of or interest on any such bonds, nor to enforce payment thereof against any property of the authority or other public body other than that expressly pledged or mortgaged for the payment thereof.

Sec. 111. Minnesota Statutes, 1979 Supplement, Section 273.86, Subdivision 4, is amended to read:

Subd. 4. **EXCEPTIONS.** The provisions of this section shall not apply to any property purchased from an authority which acquired such property with tax increment or bonds issued pursuant to ~~Laws 1979, Chapter 322, Sections 10 to 42~~ section 273.77.

Sec. 112. Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 9, is amended to read:

Subd. 9. (1) Districts which receive payments which result in deductions from foundation aid pursuant to section 124.212, subdivision 8a, clause (1), shall reduce the permissible levies authorized by subdivisions 3 to 14 by that portion of the previous year's payment not deducted from foundation aid on account of the payment. The levy reductions shall be made in the proportions that each permissible levy bears to the sum of the permissible levies. Reductions in levies pursuant to this clause, subdivision 10 of this section, and section 273.138, shall be made prior to the reductions in clause (2).

(2) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to ~~294.28~~ 294.26; 298.23 to 298.28; ~~298.32~~; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section by the greater of the following:

(a) an amount equal to 50 percent of the total dollar amount of the payments received pursuant to those sections in the previous fiscal year; or

(b) an amount equal to the total dollar amount of the payments received pursuant to those sections in the previous fiscal year less the product of the same dollar amount of payments times the ratio of the maximum levy allowed the district under subdivision 2a, to the total levy allowed the district under this section in the year in which the levy is certified.

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(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to subdivision 2a, clause 1 or 2, to an amount less than the amount raised by a levy of 10 mills times the adjusted assessed valuation of that district for the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to subdivision 2a, clause (4) shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 7a shall not be reduced pursuant to this subdivision.

(4) Before computing the reduction pursuant to this subdivision of the capital expenditure levy authorized by subdivision 11a, the commissioner shall ascertain from each affected school district the amount it proposes to levy for capital expenditures pursuant to that subdivision. The reduction of the capital expenditure levy shall be computed on the basis of the amount so ascertained.

(5) Notwithstanding any law to the contrary, any amounts received by districts in any fiscal year pursuant to sections 294.21 to ~~294.28~~ 294.26; 298.23 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; or any law imposing a tax on severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; and not deducted from foundation aid pursuant to section 124.212, subdivision 8a, clause (2), and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the commissioner of finance in the following amount on the designated date: on or before March 15 of each year, 100 percent of the amount required to be subtracted from the previous fiscal year's foundation aid pursuant to section 124.212, subdivision 8a, which is in excess of the foundation aid earned for that fiscal year. The commissioner of finance shall deposit any amounts received pursuant to this clause in the taconite property tax relief fund in the state treasury, established pursuant to section 16A.70 for purposes of paying the taconite homestead credit as provided in section 273.135.

Sec. 113, Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 3g, is amended to read:

Subd. 3g. **INFLATION ADJUSTMENT OF CREDITS.** For taxable years beginning after December 31, 1980, the credits provided for individuals in subdivision 3f shall be adjusted for inflation. The commissioner of revenue shall determine the percentage increase for each year in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year. The commissioner shall determine the percentage increase from August, ~~1979~~ 1980 to, in ~~1980~~ 1981, August, ~~1980~~ 1981 and in each subsequent year, from August of the preceding year to August of the current year, and shall announce the percentage figure by October 1 each year. The dollar amount of each inflation adjusted credit for the prior year in subdivision 3f shall be multiplied by a figure equal to that percentage. The product of the calculation shall be added to the inflation adjusted credit for the prior year to produce the inflation adjusted individual credits for

each succeeding year. If the product exceeds a whole dollar amount, it shall be rounded to the nearest whole dollar.

Sec. 114. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14, is amended to read:

Subd. 14. **RESIDENTIAL ENERGY CREDIT.** A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, including the expenditures described in clauses (a), (b) and (d) if made by an individual taxpayer on a Minnesota building of six dwelling units or less and expenditures for biomass conversion equipment described in clause (c), may be deducted from the tax due under this chapter for the taxable year in which the expenditures were made. For purposes of this subdivision, the term "building" shall include a condominium or townhouse used by the taxpayer as a residence. In the case of qualifying expenditures incurred in connection with a building under construction by a contractor, the credit shall be deducted from the tax liability of the first individual to purchase the building for use as a principal residence or for residential rental purposes; the contractor shall not be eligible for the credit given pursuant to this subdivision for that expenditure.

A "renewable energy source expenditure" which qualifies shall include:

(a) Expenditures which qualify for the federal renewable energy credit, pursuant to Section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto;

(b) Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:

(1) 80 percent or more of the wall roof area is covered with a minimum depth of 12 inches of earth; and

(2) 50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and

(3) Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;

(c) Expenditures for biomass conversion equipment which produces ethanol, methane or methanol for use as a liquid fuel which is not offered for sale; and

(d) Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its operable components to heat or cool a building ~~unit~~ with the sun's energy by means of conduction, convection, radiation, or evaporation. A passive system shall include:

(1) Collection aperture, including glazing installed in south facing walls and roofs; and

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(2) Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.

A passive system may include:

(1) Control and distribution element, including fans, louvers, and air ducts; and/or

(2) Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules promulgated by the commissioner of revenue in cooperation with the director of the energy agency. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

If a credit was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$10,000 reduced by the amount of expenditures which a credit was claimed pursuant to this subdivision in prior years.

The credit provided in this subdivision shall not be allowed in a taxable year if the amount of the credit would be less than \$10.

If the credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit shall not be refunded but may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount may be carried forward to a taxable year beginning after December 31, 1984.

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the credit provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under clause (a). "Family farm corporation" and "family farm" have the meanings given in section 500.24.

The credit provided in this subdivision is subject to the provisions of Section 44C, (c) (7), (d) (1) to (3), and (e), of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto.

The commissioner of revenue in cooperation with the director of the energy agency shall promulgate rules establishing additional qualifications and definitions for the credits provided in clauses (a) to (d).

This subdivision is effective for expenditures made during taxable years beginning after December 31, 1978 and before January 1, 1983.

Sec. 115. Minnesota Statutes 1978, Section 296.01, Subdivision 1, is amended to read:

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296.01 **DEFINITIONS.** Subdivision 1. **TERMS.** Unless the language or context clearly indicates that a different meaning is intended, the following terms, for the purposes of sections 296.01 to ~~296.49~~ 296.421 shall be given the meanings subjoined to them.

Sec. 116. Minnesota Statutes 1978, Section 296.11, is amended to read:

296.11 **REVOCAION OF LICENSES, PERMITS AND CERTIFICATES.** The commissioner may, after hearing, revoke any license, permit or certificate if the holder has directly or indirectly violated any of the provisions of sections 296.01 to ~~296.49~~ 296.421 or has failed to comply with any regulation that may be issued. *Notice containing a statement of the alleged violation and the time and place of hearing shall be served upon the holder by certified mail at least ten days prior to the day set for hearing.* Certification to the attorney general of delinquent tax or fees shall be sufficient cause for immediate revocation without hearing.

Sec. 117. Minnesota Statutes 1978, Section 296.15, Subdivision 2, is amended to read:

Subd. 2. **FAILURE TO PAY TAXES; PROCEEDINGS.** Upon the failure of any person to pay any tax or inspection fees within the time provided by sections 296.01 to ~~296.49~~ 296.421, all taxes and inspection fees imposed by this chapter shall become immediately due and payable, whether or not the person has previously reported the tax and inspection fees to the commissioner, and after the default in payment the commissioner may deliver to the attorney general a certified statement of the amount due from each person hereunder whose excise tax and inspection fees are delinquent. The statement shall give the address of the person owing such tax and inspection fees, the month for which the tax and inspection fees are due, the date of the delinquency, and such other information as may be required by the attorney general. It shall be the duty of the attorney general, upon receipt of the statement, to bring an action in the district court of Ramsey County, or of the county in which the delinquent taxpayer resides, to recover the amount of such tax and inspection fees, with penalty, interest and costs and disbursements, and the action may be tried in the county in which it is brought. The judgment of the court when so obtained shall draw interest at the rate specified in section 270.75 and shall be enforceable in the manner provided by law for the enforcement of judgments obtained in civil actions.

Sec. 118. Minnesota Statutes 1978, Section 296.17, Subdivision 1, is amended to read:

296.17 **UNREPORTED GASOLINE AND SPECIAL FUEL; GASOLINE AND SPECIAL FUEL USED IN OTHER STATES; MOTOR FUEL ROAD TAX.** Subdivision 1. **UNREPORTED GASOLINE AND SPECIAL FUEL.** It shall be the duty of every distributor, dealer, and person who sells or uses gasoline manufactured, produced, received, or stored by him, and of every person using gasoline in motor vehicles or special fuel in licensed motor vehicles, if the same has not been reported or if the tax on account thereof has not been paid to the commissioner, to report to the commissioner the quantity of such gasoline so sold or used by him or such special fuel used by him, and such person shall become liable for the payment of the tax. All provisions of sections 296.01 to ~~296.49~~ 296.421 relating to the calculation, collection and payment of the tax shall be applicable to any such person, dealer or distributor.

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Sec. 119. Minnesota Statutes 1978, Section 296.17, Subdivision 5, is amended to read:

Subd. 5. **UNREPORTED AVIATION GASOLINE.** The provisions of subdivision 1 do not apply to aviation gasoline. It shall be the duty of every distributor, dealer, and person who receives, sells, stores, or withdraws from storage in this state aviation gasoline manufactured, produced, received, or stored by him, if the same has not been reported or if a tax provided for in section 296.02 on account thereof, has not been paid to the commissioner, to report to the commissioner the quantity of such gasoline so received, sold, stored, or withdrawn from storage by him, and such person shall become liable for the payment of the tax.

All provisions of sections 296.01 to ~~296.49~~ 296.421 relating to the calculation, collections, and payment of the tax shall be applicable to any such person, dealer, or distributor.

Sec. 120. Minnesota Statutes 1978, Section 296.19, is amended to read:

296.19 **APPLICATION TO FOREIGN OR INTERSTATE COMMERCE.** No provision of sections 296.01 to ~~296.49~~ 296.421 shall apply to, or be construed to apply to, foreign or interstate commerce, except insofar as the same may be permitted under the constitution and the laws of the United States.

Sec. 121. Minnesota Statutes 1978, Section 296.20, is amended to read:

296.20 **GASOLINE TAXES IN LIEU OF OTHER TAXES.** Gasoline excise taxes shall be in lieu of all other taxes imposed upon the business of selling or dealing in gasoline, whether imposed by the state or by any of its political subdivisions, but shall be in addition to all ad valorem taxes now imposed by law. Nothing in sections 296.01 to ~~296.49~~ 296.421 shall be construed as prohibiting the governing body of any city of this state from licensing and regulating such business wherever authority therefor is, or may hereafter be, conferred by state law or city charter.

Sec. 122. Minnesota Statutes 1978, Section 296.24, is amended to read:

296.24 **VIOLATIONS BY STATE EMPLOYEES, PUNISHMENT.** Any officer or employee of the state of Minnesota charged with the enforcement of any provision of sections 296.01 to ~~296.49~~ 296.421 who is employed by or who engages in business as a distributor or dealer in petroleum products shall be guilty of a misdemeanor.

Sec. 123. Minnesota Statutes 1978, Section 301.511, Subdivision 2, is amended to read:

Subd. 2. Each report filed with and accepted by the secretary of state and accompanied by a filing fee in the amount prescribed in section 301.071, subdivision 2, ~~clause (4)~~, shall be deemed complete. The reports shall be maintained in the office of the secretary of state and shall be available for public inspection at regular business hours.

Sec. 124. Minnesota Statutes 1978, Section 325.01, Subdivision 1, is amended to read:

325.01 **DEFINITIONS.** Subdivision 1. **WORDS, TERMS, AND PHRASES.** Unless the language or context clearly indicates that a different meaning is

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intended, the words, terms, and phrases defined in subdivisions 2 to 7, for the purposes of sections 325.02 to 325.07, shall be given the meanings subjoined to them; ~~the words, terms, and phrases defined in subdivisions 8 to 12, for the purposes of sections 325.08 to 325.13, shall be given the meanings subjoined to them;~~ the words, terms, and phrases defined in subdivisions 13 and 14, for the purposes of sections 325.15 to 325.24, shall be given the meanings subjoined to them; the words, terms, and phrases defined in subdivisions 15 to 19, for the purposes of sections 325.25 to 325.33, shall be given the meanings subjoined to them; and the words, terms, and phrases defined in subdivisions 20 to 22, for the purposes of sections 325.34 to 325.37, shall be given the meanings subjoined to them.

Sec. 125. Minnesota Statutes 1978, Section 325.907, Subdivision 1, is amended to read:

325.907 ADDITIONAL DUTIES OF THE ATTORNEY GENERAL. Subdivision 1. **INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.** The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the act against unfair discrimination and competition (sections 325.02 to 325.075), ~~the fair trade act (sections 325.08 to 325.14),~~ the unlawful trade practices act (sections 325.141 to 325.148), the automobile dealer's antio coercion act (sections 325.15 to 325.24), the antitrust act (sections 325.8011 to 325.8028), section 325.905 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325.82, the act against monopolization of food products (section 325.83), and the prevention of consumer fraud act (sections 325.78 to 325.80) and assist in the enforcement of those laws as in this section provided.

Sec. 126. Minnesota Statutes 1978, Section 325.01, Subdivisions 8, 9, 10, 11 and 12 are repealed.

Sec. 127. Minnesota Statutes, 1979 Supplement, Section 326.211, Subdivision 9, is amended to read:

Subd. 9. No person shall assume or use the title or designation "certified public accountant" or "licensed public accountant" in conjunction with names indicating or implying that there is a partnership, or in conjunction with the designation "and Company" or "and Co.," or a similar designation if, in any such case, there is in fact no bona fide partnership licensed under section 326.20. A sole proprietor or partnership lawfully using such title or designation in conjunction with such names or designation ~~on the effective date of Laws 1979, Chapter 326 June 6, 1979~~ may continue to do so if he or it otherwise complies with the provisions of Laws 1979, Chapter 326, Sections 1 to 13 and Minnesota Statutes, Sections ~~327.17 to 327.23~~ 326.17 to 326.23.

Sec. 128. Minnesota Statutes 1978, Section 326.33, Subdivision 1, is amended to read:

326.33 BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES; CREATION. Subdivision 1. There is hereby created a board of private detective and protective agent services, consisting of the attorney general

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or a departmental employee designated by him; the superintendent of the bureau of criminal apprehension or a departmental employee designated by him; and a licensed private detective and two public members appointed by the governor. 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 to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

The board members shall meet as they deem necessary and conduct such business ascribed to the board by the provisions of sections 326.331 to 326.339. The board shall designate one of the board members to fulfill the capacity of board chairman who will remain in the capacity of chairman for a term of one year. The board shall have the option of retaining or replacing a board member as chairman.

Sec. 129. Minnesota Statutes 1978, Section 333.055, Subdivision 2, is amended to read:

Subd. 2. Any assumed name certificate of record in the district courts and in force on July 1, 1978 shall continue in force without the necessity of another filing under section ~~333.04~~ 333.01 until July 31, 1979, at which time all such certificates shall expire unless renewed as hereinafter provided. Any certificate may be renewed by filing an application with the secretary of state on a form prescribed by the secretary and paying the renewal fee prescribed by subdivision 3 within the six month period prior to the expiration of the certificate.

Sec. 130. Minnesota Statutes 1978, Section 352.116, is amended to read:

352.116 ANNUITIES UPON RETIREMENT. Subdivision 1. **REDUCED ANNUITY BEFORE AGE 65.** Any employee who retires prior to age 65 shall be paid the normal retirement annuity provided in ~~sections~~ section 352.115, subdivisions 2 and 3, or 352.715, ~~subdivision 2,~~ as the case may be, reduced so that the reduced annuity shall be the actuarial equivalent of the annuity which would be payable to the employee if the employee deferred receipt of the annuity from the day the annuity begins to accrue to age 65, provided however that if an employee is entitled to credit for not less than 30 years allowable service, the retirement annuity shall be reduced so that the reduced annuity shall be the actuarial equivalent of the annuity which would be payable to the employee if the employee deferred receipt of the annuity from the day the annuity begins to accrue to age 62.

Subd. 2. **NORMAL ANNUITY AT AGE 65.** Any employee who retires after age 65 shall be paid the annuity provided in section 352.115 or 352.715, ~~subdivision 2,~~ whichever applies.

Subd. 3. **OPTIONAL ANNUITIES.** The board shall establish an optional retirement annuity which shall take the form of a joint and survivor annuity. The board may also in its discretion establish an optional annuity which shall take the form of an annuity payable for a period certain and for life thereafter. Such optional forms shall be actuarially equivalent to the normal forms provided in sections 352.115 and 352.116, or 352.715, ~~subdivision 2,~~ whichever applies. In

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establishing these optional forms the board shall obtain the written recommendation of approved actuary and these recommendations shall be a part of the permanent records of the board.

Sec. 131. Minnesota Statutes 1978, Section 352.1191, is amended to read:

352.1191 SURVIVOR BENEFIT INCREASE. *The survivor benefits payable from the state employees retirement fund as provided by Minnesota Statutes 1974, Section 352.715, Subdivision 4, which are authorized and in effect on January 1, 1974 shall be increased 25 percent. Such increase shall apply to the accrual of benefits commencing January 1, 1974.*

Sec. 132. Minnesota Statutes 1978, Section 352E.01, Subdivision 1, is amended to read:

352E.01 DEFINITIONS. Subdivision 1. **TERMS.** For the purposes of sections 352E.01 to ~~352E.05~~ 352E.045, the terms defined in this section have the meanings here given them.

Sec. 133. Minnesota Statutes 1978, Section 352E.04, is amended to read:

352E.04 DISBURSEMENTS. Upon certification to the governor by the administrator of any state or governmental subdivision employing peace officers that a peace officer employed by that state or governmental subdivision within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall, subject to the approval of the workers' compensation court of appeals, pay \$50,000 as follows:

(a) If there is no dependent child, to the spouse:

(b) If there is no spouse, to the dependent child or children in equal shares;

(c) *If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;*

(d) If there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares;

(e) If there is no surviving spouse or dependent child, children or parent, then there shall be no payment made from the peace officers benefit fund. For the purpose of sections 352E.01 to ~~352E.05~~ 352E.045, killed in the line of duty shall not include any peace officer who dies as a result of a heart attack.

Sec. 134. Minnesota Statutes 1978, Section 352E.045, is amended to read:

352E.045 ATTORNEY'S FEES FOR CLAIMING BENEFITS. No fee for legal services which is claimed for the work of an attorney relating to a claim made pursuant to the provisions of sections 352E.01 to ~~352E.05~~ 352E.045 is binding unless the amount of the fee charged is determined and approved in writing by the workers' compensation court of appeals.

Sec. 135. Minnesota Statutes 1978, Section 354.44, Subdivision 5, is amended to read:

Subd. 5. **RESUMPTION OF TEACHING.** A teacher who retired under any provision of any retirement law applicable to schools and institutions covered

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by the provisions of this chapter and has thereafter resumed teaching in any school or institution to which such sections apply shall continue to receive payments in accordance with such annuity except that during any quarter in which his income from such teaching service exceeds the sum of \$800, the amount in excess of \$800 shall be deducted from the annuity payable for the quarter immediately following the quarter in which the excess amount was earned. After a member has reached the age of 72 he shall receive his annuity in full regardless of the amount of income.

Sec. 136. Minnesota Statutes, 1979 Supplement, Section 354A.094, Subdivision 2, is amended to read:

Subd. 2. For purposes of this section, the term "part time teaching position" shall mean a teaching position within the district in which the teacher is employed for at least 50 full days or a fractional equivalent of 50 full days calculated using the appropriate minimum number of hours which would result in a full day of service credit by the appropriate association and for which the teacher is compensated at a rate in an amount not to exceed 60 percent of the compensation rate established by the board for a full time teacher with identical education and experience within the district.

Sec. 137. Minnesota Statutes, 1979 Supplement, Section 354A.094, Subdivision 3, is amended to read:

Subd. 3. A teacher in the public schools of a city of the first class who has 20 years or more allowable service or 20 years or more of full time teaching service in Minnesota public elementary, secondary and area vocational-technical schools may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.

Sec. 138. Minnesota Statutes, 1979 Supplement, Section 354A.094, Subdivision 8, is amended to read:

Subd. 8. No teacher shall qualify for full membership in, accrual of service credit from and employee contributions to the teachers retirement association or a teachers retirement fund association for part time teaching service pursuant to subdivision 4 or section 354.66, subdivision 4, in more than one district at the same time. No teacher shall qualify for full membership in, accrual of service credit from and employee contributions to a teachers retirement fund association during part time employment in a district pursuant to this section in any year when he also takes a full time or part time teaching position in another Minnesota school district.

Sec. 139. Minnesota Statutes, 1979 Supplement, Section 354A.094, is amended by adding a subdivision to read:

Subd. 11. Neither subdivision 5 nor subdivision 8 shall be construed to prohibit a teacher who qualifies for full membership in, accrual of service credit from and employee contributions to a teachers retirement fund association pursuant to this section in any year from being employed as a substitute teacher by any school district during that year. Notwithstanding the provisions of this chapter or the bylaws of a retirement association, a teacher may not pay retirement contributions or receive allowable service credit in the funds for other teaching service rendered for any part of any year for which he qualifies for full

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membership in, accrual of service credit from and employee contributions to the teachers retirement association or a teachers retirement fund association pursuant to section 354.66 or this section.

Sec. 140. Minnesota Statutes 1978, Section 354A.22, as amended by Laws 1979, Chapter 334, Article 8, Sections 23 to 26, is repealed.

Sec. 141. Minnesota Statutes, 1979 Supplement, Section 354A.38, Subdivision 3, is amended to read:

Subd. 3. **COMPUTATION OF REFUND REPAYMENT AMOUNT.** If the coordinated member elects to repay a refund pursuant to subdivision 2, the repayment to the fund shall be in an amount equal to refunds which the member has accepted plus interest at the rate of six percent compounded annually from the date that the refund was accepted to the date that the date the refund is repaid.

Sec. 142. Minnesota Statutes 1978, Section 359.07, Subdivision 2, is amended to read:

Subd. 2. **RECORD OF COMMISSION.** Such notary public so residing in the newly created and organized county shall have his commission as such notary public recorded by the clerk of the district court of the newly created and organized county in which he resides, or of the county to which the newly created county is attached for judicial purposes, as provided in section ~~359.06~~ 359.061, and when so recorded shall be entitled to the same certificate of and from the clerk of the district court as provided in section ~~359.06~~ 359.061.

Sec. 143. Minnesota Statutes 1978, Section 363.02, Subdivision 3, is amended to read:

Subd. 3. **EDUCATION.** It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion. The provisions of section 363.03, subdivision 5, relating to sex, shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll. Nothing in this chapter shall be construed to require any educational institution to provide any special service to any person because of the disability of such person or to modify in any manner its buildings, grounds, facilities, or admission procedures because of the disability of any such person. Nothing in this chapter shall prohibit an educational institution from discriminating on the basis of academic qualifications or achievements or requiring from ~~applicant's~~ applicants information which relates to academic qualifications or achievements.

Sec. 144. Minnesota Statutes 1978, Section 365.22, is amended to read:

365.22 **CONDUCT OF ELECTION.** Every such election shall be conducted in the same manner as elections by ballot at the regular town election. The propositions to be voted upon shall be separately stated upon the ballots, as specified in section 365.21 and opposite each proposition shall be placed two squares, with the words "yes" and "no" set opposite each square, as follows:

- "Yes
- No"

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and each elector shall vote separately on each proposition by making a cross in the square indicating whether he desires to vote "yes" or "no" on the proposition.

The polls shall be open from nine a.m. to seven p.m., and in all other respects the election shall be conducted and the votes canvassed as elections by ballot, as provided in sections ~~205.05 and 205.06~~ 205.01 to 205.17.

Sec. 145. Minnesota Statutes 1978, Section 367.33, Subdivision 3, is amended to read:

Subd. 3. **AFFIDAVITS OF CANDIDACY.** The provisions of section ~~205.05~~ 205.13 shall apply to the filing of affidavits of candidacy, except that if the additional supervisors are to be elected at a special election, the affidavits shall be filed not more than three weeks nor less than ten days before the election, and notice of the first and last dates for filing affidavits of candidacy shall be published at least two weeks before the first day for filing. Where publication schedules do not allow sufficient time to give two weeks notice, at least one weeks notice shall be given.

Sec. 146. Minnesota Statutes 1978, Section 387.45, is amended to read:

387.45 VETERANS PREFERENCE LAW NOT AFFECTED. Sections 387.31 to 387.45 do not exclude or modify the application of Minnesota Statutes, Sections ~~197.45~~ 197.455 and 197.46, known as the Veterans Preference Law.

Sec. 147. Minnesota Statutes 1978, Chapter 390, is amended by adding a section to read:

[390.221] BODIES; EFFECTS; CUSTODY. It is unlawful for any person, in any manner, to remove, interfere with, or handle the body or the effects of any person subject to an investigation by the county coroner or medical examiner except upon order of the coroner or medical examiner or his deputy. The coroner or medical examiner shall receive, take charge of, and safely keep the effects found on the body of a deceased person and dispose of them as the probate court directs by written order. If a crime in connection with the death of a deceased person is suspected, the coroner or medical examiner may prevent any person from going into or on the premises or rooms or buildings, and shall have the custody of any objects that he deems to be of material evidence in the case.

Sec. 148. Minnesota Statutes 1978, Section 390.23, is amended to read:

390.23 CERTIFICATES OF DEATH. It shall be unlawful for any person, other than the coroner, medical examiner or judge of probate to issue a certificate of death in any of the following cases: Violent or mysterious deaths, including suspected homicides, occurring in his county, and any willful violation of any of the provisions of section ~~390.22 shall be~~ 147 is a misdemeanor, ~~punishable by fine or imprisonment, or both.~~

Sec. 149. Minnesota Statutes 1978, Section 390.33, Subdivision 7, is repealed.

Sec. 150. Minnesota Statutes 1978, Section 394.24, Subdivision 3, is amended to read:

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Subd. 3. For the area within which official controls adopted by the board are effective, such controls shall apply to the use of land for both private and public purposes, provided that the need for adequate, timely and convenient public and semi-public services and facilities must receive due consideration in the formulation, administration and enforcement of all official controls and no land owned or leased by the federal or state government shall be subject to official controls of the county. With respect to the use of land for public purposes, the provisions of this subdivision shall not apply in the metropolitan area as described in section ~~473B.01~~ 473.122.

Sec. 151. Minnesota Statutes 1978, Section 394.25, Subdivision 5a, is amended to read:

Subd. 5a. In counties in the metropolitan area as defined in section ~~473B.02, subdivision~~ 473.122, official maps may for a period of up to five years designate the boundaries of areas reserved for purposes of soil conservation, water supply conservation, flood control and surface water drainage and removal.

Sec. 152. Minnesota Statutes, 1979 Supplement, Section 402.01, Subdivision 1, is amended to read:

402.01 **AGREEMENT**. Subdivision 1. One or more contiguous counties situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or ~~chapter 473B~~ section 473.122, may, by resolution of their county boards of commissioners, designate a human services board having the composition, powers, and duties provided in sections 402.01 to 402.10.

Sec. 153. Minnesota Statutes 1978, Section 462.352, Subdivision 10, is amended to read:

Subd. 10. "Official map" means a map adopted in accordance with section 462.359 showing existing streets, proposed future streets and the area needed for widening of existing streets of the municipality. An official map may also show the location of existing and future public land and facilities within the municipality. In counties in the metropolitan area as defined in section ~~473B.02, subdivision~~ 473.122, official maps may for a period of up to five years designate the boundaries of areas reserved for purposes of soil conservation, water supply conservation, flood control and surface water drainage and removal including appropriate regulations protecting such areas against encroachment by buildings, other physical structures or facilities.

Sec. 154. Minnesota Statutes 1978, Section 473F.02, Subdivision 21, is amended to read:

Subd. 21. "Metropolitan council" or "council" means the metropolitan council created by ~~chapter 473B~~ section 473.122.

Sec. 155. Minnesota Statutes 1978, Section 474.02, Subdivision 1b, is amended to read:

Subd. 1b. In furtherance of the purpose specified in sections 301A.02 and 474.01, the term "project" shall include any properties, real or personal, located outside the metropolitan area defined in section ~~473B.02~~ 473.122, used or useful for the promotion of tourism in the state. Such properties may include hotels, motels, lodges, resorts, recreational facilities of the type which may be acquired

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under section 471.191, and related facilities. The provisions of this subdivision shall not apply to municipalities located in whole or in part in the metropolitan area as defined in section ~~473B.02~~ 473.122.

Sec. 156. Minnesota Statutes 1978, Section 401.02, Subdivision 1, is amended to read:

401.02 COUNTIES OR REGIONS; SERVICES INCLUDIBLE. Subdivision 1. **QUALIFICATION OF COUNTIES.** One or more contiguous counties, having an aggregate population of 30,000 or more persons or comprising all the counties within a region designated pursuant to sections 462.381 to 462.396 or ~~chapter 473B~~ sections 473.122 to 473.249, situated within the same region designated pursuant to sections 462.381 to 462.396, or ~~chapter 473B~~ sections 473.122 to 473.249, may qualify for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 401.01, including the assumption of those correctional services other than the operation of state institutions presently provided in such counties by the department of corrections, and providing for centralized administration and control of those correctional services described in section 401.01.

Where counties combine as authorized in this section, they shall comply with the provisions of section 471.59.

Sec. 157. Minnesota Statutes 1978, Section 412.251, is amended to read:

412.251 ANNUAL TAX LEVY. The council shall make its annual tax levy by resolution within the per capita limits established by statute. The amount of taxes levied for general city purposes shall not exceed eleven and two-thirds mills on each dollar of the assessed valuation of the property taxable in the city in cities having an assessed valuation of less than \$1,500,000 and 10 mills on each dollar in cities having an assessed valuation of more than \$1,500,000. In calculating such limit property used for homestead purposes shall be figured as provided in section 273.13, subdivision 7a. The following taxes may be levied in addition to the levies above authorized:

- (1) A tax for the payment of principal and interest on outstanding obligations of the city as provided by sections 475.61, 475.73 and 475.74.
- (2) A tax for the payment of judgments as authorized by section 465.14.
- (4) A maximum of one-third of one mill but not to exceed \$500 to provide musical entertainment to the public in public buildings or on public grounds.
- (5) A tax for band purposes as authorized by section 449.09.
- (6) A tax for the support of a municipal forest, as authorized by section 459.06.
- (7) A tax for advertising purposes, as authorized by ~~sections~~ section 465.56 and ~~465.57~~.
- (8) A tax for forest fire protection in any city in a forest area, as authorized by section 88.04.

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(9) A maximum of one and two-thirds mills for the utilities fund in any city whose utilities are under the jurisdiction of a public utilities commission. Such tax shall be levied for the purpose of paying the cost of the utility service or other services supplied to the city.

(10) A tax for the support of a public library, as authorized by section 134.07.

(11) A tax for firefighter's relief association purposes as authorized by section 424.30, or other statutes.

(12) Such other special taxes as may be authorized by law.

Nothing in this section shall be construed to reduce levies of any municipality below the per capita levy spread in 1970.

Sec. 158. Minnesota Statutes 1978, Section 465.56, Subdivision 2, is amended to read:

Subd. 2. The governing body of any city which was operating under the provisions of Laws 1895, Chapter 8, as amended, on July 1, 1973, may expend not more than \$5,000 annually for the purpose of advertising the city and its resources and advantages ~~notwithstanding the provision of section 465.57.~~

Sec. 159. Minnesota Statutes 1978, Section 419.07, is amended to read:

419.07 OFFICERS DISCHARGED ONLY AFTER HEARING. No officer or employee other than a peace officer, after six months' continuous employment shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense as in this chapter hereinafter provided. No newly appointed peace officer after satisfactory completion of the basic peace officers training course pursuant to sections 626.843 to ~~626.854~~ 626.852 and after a period of no longer than 12 months continuous employment thereafter, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense as in this chapter hereinafter provided. Such charges shall be investigated by or before such civil service commission. The finding and decision of such commission shall be forthwith certified to the chief or other appointed or superior officer, and will be forthwith enforced by such officer. Nothing in this chapter shall limit the power of any officer to suspend a subordinate for a reasonable period not exceeding 60 days for the purpose of discipline, or pending investigation of charges when he deems such suspension advisable. The commission, in any city of the second class situate in two or more counties, may, by resolution adopted by unanimous vote, incorporate in the civil service rules a rule fixing the term of the office of chief of the department at six years from the date of his appointment and thereafter the office of chief shall be open to competitive examination for all members of the department qualified to take such examinations. In the event of a new appointment being made to the office of chief as a result of competitive examination, the retiring chief shall be assigned a grade and class in the department as may be determined by the commission. Provided that the limitation of the term of chief as herein provided for shall not affect any person permanently holding the office of chief at the time of the passage of Laws 1947, Chapter 522; provided further that the provisions of this section shall not apply to persons referred to in Minnesota Statutes 1969, Section 299D.03.

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Sec. 160. Minnesota Statutes 1978, Section 419.075, Subdivision 2, is amended to read:

Subd. 2. **OFFICERS DISCHARGED AFTER HEARING.** No newly appointed peace officer, after satisfactory completion of the basic peace officer training course pursuant to sections 626.843 to ~~626.854~~ 626.852 and after a period of no longer than 12 months continuous employment thereafter, shall be removed or discharged except for cause upon written charges after opportunity to be heard in his own defense.

Sec. 161. Minnesota Statutes 1978, Section 422A.06, Subdivision 2, is amended to read:

Subd. 2. **ACTUARIAL VALUATIONS REQUIRED.** At the end of each class year an actuarial valuation of the retirement fund shall be prepared and filed in conformance with the provisions and requirements of sections ~~356.21~~ 356.215 to 356.23. Actuarial valuations shall be included in actuarial surveys at such times as an actuarial survey is required by statute or is ordered by the board.

Sec. 162. Minnesota Statutes 1978, Section 422A.11, Subdivision 1, is amended to read:

422A.11 **MILITARY SERVICE.** Subdivision 1. Any employee who engages in or has engaged in active service in time of war or other emergency declared by proper authority, in any of the military or naval forces of the state or of the United States, and returns to the employment of the city within 90 days following release from military or naval service, shall receive credit for such period of military service as hereinafter provided as though actually employed by the city, provided such employee was a member of the contributing class of the retirement fund at the time of entrance into military service, or was a member of the exempt class at the time of his entrance into military service prior to December 31, 1945, or qualifies as a member of the exempt class as specified in section 422A.09, subdivision 3, clause ~~(7)~~ (5), notwithstanding the provisions of the veterans preference act or any other law, rule or bylaw providing for credit for military service for pension purposes. Employees on leave of absence or layoff at time of entrance into military service as herein provided shall be considered employees for the purpose of sections 422A.01 to 422A.25. Credit shall be granted for military service rendered, provided such credit shall not exceed six calendar years.

Sec. 163. Minnesota Statutes, 1979 Supplement, Section 424A.06, Subdivision 2, is amended to read:

Subd. 2. **GENERAL FUND ASSETS AND REVENUES.** To the general fund, if established, shall be credited all moneys received from dues, fines, initiation fees, entertainment revenues and any moneys or property donated, given, granted or devised by any person, for unspecified uses. The treasurer of the relief association shall be the custodian of the assets of the general fund and shall be the recipient on behalf of the general fund of all revenues payable to the general fund. The treasurer shall maintain adequate records ~~documentary and documenting~~ any transaction involving the assets or the revenues of the general fund. These records shall be open for inspection by any member of the relief association at reasonable times and places.

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Sec. 164. Minnesota Statutes 1978, Section 429.061, Subdivision 1, is amended to read:

429.061 ASSESSMENT PROCEDURE. Subdivision 1. **CALCULATION, NOTICE.** At any time after a contract is let or the work ordered by day labor, the expense incurred or to be incurred in its making shall be calculated under the direction of the council. The council shall then determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. Thereupon the clerk, with the assistance of the engineer, or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection. The clerk shall thereupon, under the council's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax exempt property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless he has requested in writing that the county auditor or county treasurer, as the case may be, include his name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement, the area proposed to be assessed, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered. The notice shall also state that an owner may appeal an assessment to district court pursuant to section 429.081 by serving notice of the appeal upon the mayor or clerk of the municipality within ~~20~~ 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk. The notice shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality.

Sec. 165. Minnesota Statutes 1978, Section 435.191, is amended to read:

435.191 TIME LIMIT ON IMPROVEMENTS. When the governing body of a city determines to make any local improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as may be authorized by law, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution or ~~during~~ during ordering the improvement.

Sec. 166. Minnesota Statutes 1978, Section 440.40, is amended to read:

440.40 POLICE PROTECTION. Any city acquiring any property under sections 440.37 ~~to 440.39~~ and 440.38 is empowered to afford police protection to any and every such property.

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Sec. 167. Minnesota Statutes 1978, Section 459.14, Subdivision 7, is amended to read:

Subd. 7. **SPECIAL ASSESSMENTS, HEARING.** An automobile parking facility is a local improvement within the meaning of sections ~~429.04~~ 429.011 to 429.091 and, except as otherwise provided in this section, may be financed in whole or in part by special assessments levied in accordance with those sections. In apportioning such special assessments, the governing body shall take into consideration the improvements on the land and the present and potential use of the respective lots, pieces or parcels during the anticipated period of usefulness of the facility providing the benefits. *If the governing body in levying such assessments determines that all or part of the benefited property is benefited to a lesser extent than other property, it may establish separate benefit districts for an improvement each comprising property benefited to a like extent, whether or not contiguous, and may provide either a different rate of assessment or, in lieu thereof, a different number of installments payable at such times as the governing body shall determine, subject only to the condition that the assessments for such benefit districts be made payable at such times as will permit the use thereof for payment of principal of and interest on any bonds issued for the improvement with respect to which they are levied. Interest on the unpaid balance of assessments levied under this subdivision shall be payable semiannually with other taxes levied on such property.*

Sec. 168. Minnesota Statutes 1978, Section 462.36, Subdivision 1, is amended to read:

462.36 CERTIFIED COPIES FILED WITH COUNTY RECORDER. Subdivision 1. **REQUIRED DOCUMENTS.** A certified copy of every ordinance, resolution, map, or regulation adopted under the provisions of sections 462.358 and 462.359 and amendments thereto shall be filed with the county recorder ~~and~~ 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.

Sec. 169. Minnesota Statutes, 1979 Supplement, Section 462A.22, Subdivision 1a, is amended to read:

Subd. 1a. From the proceeds of bonds issued from time to time after ~~the effective date of Laws 1979, Chapter 327 June 6, 1979,~~ the agency shall make in an aggregate principal amount at least \$10,000,000 in mortgage loans for the rehabilitation of existing buildings for multifamily residential housing.

Sec. 170. Minnesota Statutes 1978, Section 471.591, Subdivision 1, is amended to read:

471.591 EXTENSION OF MUNICIPAL SERVICES. Subdivision 1. In the beginning stage of the planning process, and before preparation of any detailed technical plans for the extension of municipal services into an unincorporated area, a city shall meet at least once with the town board of the affected area and the county planning commission, in joint session, to review the plans and consider *the comments of the town board and the county planning commission.* The city may thereafter proceed to undertake the proposed extension in accordance with applicable law. Any duly organized sewer district or sanitary district created

pursuant to special law or pursuant to chapters 115 ~~or 116A~~, ~~or 473C~~ or 116A, sections 473.501 to 473.549, or section 378.31, is not affected by this section.

Sec. 171. Minnesota Statutes 1978, Section 473.163, Subdivision 3, is amended to read:

Subd. 3. The council may in consultation with the metropolitan commissions adopt regulations providing for program budgeting, as defined in Minnesota Statutes 1974, Section 16.141, subdivision 1, by each of the commissions. Upon adoption of such regulations, each metropolitan commission shall submit program budgets to the council in the form established by the regulations, subject to the provisions of subdivision 1. Within three years after January 1, 1975, the council and all commissions shall adopt budgets in program budget form.

Sec. 172. Minnesota Statutes 1978, Section 473.223, is amended to read:

473.223 **FEDERAL AID.** For the purposes of this ~~subdivision~~ ~~section~~ the term "governmental subdivision" includes municipalities, counties and other political subdivisions generally. If federal aid for transportation programs and projects is otherwise unavailable to an existing agency or governmental subdivision, the metropolitan council may cooperate with the government of the United States and any agency or department thereof and the affected agency or other governmental subdivision in establishing metropolitan area eligibility to receive federal aid, and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such projects as are proposed for federal assistance. If necessary to meet federal requirements, the council and the metropolitan transit commission may be considered a single eligible unit to carry out their respective responsibilities. The metropolitan council may accept federal aid and other aid, either public or private, for and in behalf of the metropolitan area or any governmental subdivision of the state, for transportation programs and projects within the metropolitan area upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as agent of any governmental subdivision of the state with jurisdiction in the metropolitan area upon request of such subdivision in accepting the aid in its behalf for such programs or projects financed either in whole or in part by federal aid. The governing body of any such subdivision is authorized to designate the metropolitan council as its agent for such purposes and to enter into an agreement with the council prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations. The metropolitan council is authorized to designate an appropriate state agency as its agent for such purposes and to enter into an agreement with such agency prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations.

Nothing contained herein shall limit any separate authority of agencies or governmental subdivisions of the state to contract for and receive federal aid.

Sec. 173. Minnesota Statutes 1978, Section 485.018, Subdivision 4, is amended to read:

Subd. 4. **EFFECT UPON CERTAIN SECTIONS.** Subdivisions ~~1 to 3~~ and 2 shall not be construed as repealing any existing law which provides for a higher

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minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the clerk of district court in any of the counties specified in subdivision 1.

Sec. 174. Minnesota Statutes 1978, Section 485.021, is amended to read:

485.021 INVESTMENT OF FUNDS DEPOSITED WITH CLERK. When money is paid into court pursuant to court order, ~~as provided by section 485.02,~~ the clerk of district court, unless the court order specifies otherwise, may place such moneys with the county treasurer for investment, as provided by law. When such moneys are subsequently released, or otherwise treated, by court order, the same shall be immediately paid over by the county treasurer to the clerk of district court who shall then fulfill the direction of the court order relative to such moneys.

Sec. 175. Minnesota Statutes 1978, Section 505.178, Subdivision 2, is amended to read:

Subd. 2. If the court finds from the evidence adduced:

(1) That such plat was filed with the county recorder more than 40 years prior to May 23, 1965;

(2) That in the case of a missing plat, the county recorder has made a diligent search for such missing plat but has been unable to find it; and

(3) That the plat proposed as a replacement of the missing plat is a true and correct reproduction of the missing plat; or

That the plat other than a missing plat has been on file in the office of the county recorder for more than 40 years prior to May 23, 1965, but was not officially recorded, the court shall make its findings and order accordingly and direct the clerk to certify upon the said plat that it is entitled to record in the office of the county recorder pursuant to the provisions of this statute, ~~and that a copy thereof be filed in the office of the county auditor as provided by Minnesota Statutes 1961, Section 505.04.~~

Sec. 176. Minnesota Statutes, 1979 Supplement, Section 519.11, Subdivision 1, is amended to read:

519.11 ANTENUPTIAL CONTRACT. Subdivision 1. A man and woman of legal age may enter into an antenuptial contract or settlement prior to solemnization of marriage which shall be valid and enforceable if (a) there is a full and fair disclosure of the earnings and property of each party, and (b) the parties have had an opportunity to consult with legal counsel of their own choice. An antenuptial contract or settlement made in conformity with this section may determine what rights each party has in the nonmarital property, defined in section 518.54, subdivision 5, clauses (a) to ~~(e)~~ (d), upon dissolution of marriage, legal separation or after its termination by death and may bar each other of all rights in the respective estates not so secured to them by their agreement. This section shall not be construed to make invalid or unenforceable any antenuptial agreement or settlement made and executed in conformity with this section because the agreement or settlement covers or includes marital property, if the agreement or settlement would be valid and enforceable without regard to this section.

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Sec. 177. Minnesota Statutes 1978, Section 525.72, is amended to read:

525.72 TRIAL. Within 20 days after perfection of the appeal, the appellant shall file with the clerk of the district court, and serve upon the adverse party or his attorney a clear and concise statement of the proposition, both of law and of fact, upon which he will rely for reversal of the order, judgment, or decree appealed from; within 20 days after such service the adverse party may serve and file his answer thereto and the appellant, within 20 days thereafter, may serve and file a reply. If there be no reply, allegations of new matter in the answer shall be deemed denied. Demurrers shall not be permitted. The district court may allow or require any pleading to be amended, grant judgment on the pleadings, or, if the appellant fail to comply with the provisions hereof, dismiss the appeal.

After issues are so formed, the case may be brought on for trial by either party by the filing and service upon the attorney for the adverse party, or if he have none, then upon the clerk for him, of a notice of trial or note of issue, in accordance with the practice in the district court. Thereupon the cause shall be placed upon the calendar, tried, and determined upon the record, as provided in section 487.39, ~~subdivisions 2 and 3~~ subdivision 2, and the provisions thereof are hereby made applicable to all appeals under section 525.71.

Sec. 178. Minnesota Statutes 1978, Section 546.10, is amended to read:

546.10 CHALLENGES. In any civil action or proceeding either party may challenge the panel, or individual jurors thereon, for the same causes and in the same manner as in criminal trials, except that the number of peremptory challenges to be allowed on either side shall be as provided in this section. Before challenging a juror, either party may examine him in reference to his qualifications to sit as a juror in the cause. A sufficient number of jurors shall be called in the action so that six shall remain after the exercise of the peremptory challenges, as provided in this section and ~~section 546.09~~, and to provide alternate jurors when ordered by the court under Rule 47.02 of the rules of civil procedure. Each party shall be entitled to two peremptory challenges, which shall be made alternately beginning with the defendant. The parties to the action shall be deemed two, all plaintiffs being one party, and all defendants being the other party, except, in case two or more defendants have adverse interests, the court, if satisfied that the due protection of their interests so requires, may allow the defendant or defendants on each side of the adverse interests not to exceed two peremptory challenges. When the peremptory challenges have been exhausted or declined, the first six of the remaining jurors shall constitute the jury.

Sec. 179. Minnesota Statutes, 1979 Supplement, Section 549.09, Subdivision 1, is amended to read:

549.09 INTEREST ON VERDICTS AND JUDGMENTS. Subdivision 1. When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk as provided in this section and added to the judgment. The interest shall be computed as simple interest per annum. The rate of interest shall be based on the weighted average discount secondary market yield of competitive bids accepted at auction of one year United States treasury bills, calculated on a bank discount basis as provided in this section.

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On or before the 20th day of December of each year the state court administrator shall determine the rate from the most recent releases the secondary market yield on one year United States treasury bills for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system stating the current average annual yield for the preceding ten weeks on United States treasury bills with one year maturities. This yield, rounded to the nearest one percent, shall be the annual interest rate during the succeeding calendar year; provided, however, that in no event shall the rate of interest be less than eight percent per annum. The state court administrator shall communicate the interest rate to the clerks of court for their use in computing the interest on verdicts.

Sec. 180. EFFECTIVE DATE. Section 179 applies to the balance of verdicts and judgments remaining unpaid after December 31, 1980. A rate of 11 percent per year applies to the balance of verdicts and judgments remaining unpaid after March 31, 1980.

Sec. 181. Minnesota Statutes, 1979 Supplement, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical ~~and~~ or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Sec. 182. Minnesota Statutes 1978, Section 628.41, Subdivision 6, is amended to read:

Subd. 6. Members of grand juries drawn from more than one county shall be compensated as provided in section ~~357.26~~ 593.48. In addition, grand jurors

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residing more than 50 miles from the place where the grand jury sits shall be reimbursed for expenses actually incurred for meals and lodging, not to exceed \$35 per day.

Sec. 183. Laws 1976, Chapter 155, Section 1, is repealed.

Sec. 184. Laws 1976, Chapter 222, Sections 30 and 31 are repealed.

Sec. 185. Laws 1976, Chapter 348, Section 15, is repealed.

Sec. 186. Laws 1977, Chapter 323, Section 1, is repealed.

Sec. 187. Laws 1979, Chapter 31, Section 2, is repealed.

Sec. 188. Laws 1979, Chapter 134, Section 2, is amended to read:

Sec. 2. **CONVEYANCE OF LANDS: CLAY COUNTY.** The commissioner of banks, by quitclaim deed in the form approved by the attorney general, in the name of the state of Minnesota, and for a consideration of \$1, shall convey to George Hartke the following described land in the county of Clay, state of Minnesota:

The Southeast Quarter (SE 1/4), the North Half of the Southwest Quarter (N 1/2 of SW 1/4), and the Southeast Quarter of the Southwest Quarter (~~SE 1/4~~ of SE 1/4) (SE 1/4 of SW 1/4) of Section Fourteen (14), in Township One Hundred Forty (140) North, of Range Forty-five (45) West, containing 280 acres, more or less, according to the Government Survey thereof.

Sec. 189. Section 188 is effective retroactively to May 22, 1979.

Sec. 190. Laws 1979, Chapter 217, Section 11, is repealed.

Sec. 191. Laws 1979, Chapter 303, Article 1, Section 14, as compiled in Laws of Minnesota for 1979, is reenacted, effective retroactively for taxable years beginning after December 31, 1978.

Sec. 192. Laws 1979, Chapter 316, Section 11, is repealed.

Sec. 193. Laws 1979, Chapter 333, Section 31, Subdivision 3, is amended to read:

Subd. 3. State Planning Agency	4,765,900	4,232,500
Approved Complement - 12		

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

- (a) Copper Nickel Information Management
- \$ 23,400 \$ 0

For the environmental conservation library to catalogue and manage the reports and background material from the regional copper nickel study.

- (b) Copper Nickel Study Review
- \$ 110,000 \$ 0

To provide continuity in developing legislative policy and assistance to the various agencies in analysis and decision making after the study is published.

Changes or additions indicated by underline deletions by ~~strikeout~~

The state planning agency is directed to make its final report to the committee on environment and natural resources in the house of representatives and the committee on agriculture and natural resources in the senate no later than June 30, 1979. If the legislative committees require additional expert testimony and review after June 30, 1979, such expertise shall be funded from appropriations to the legislature. The state planning agency is further directed to deliver data and reports to the state agencies and ECOL, *whichever the SPA determines appropriate. Information presented to ECOL shall be indexed for reference by the SPA before presentation.*

(c) Aerial Photography
\$ 150,000 \$ 0

To finish purchase of statewide high altitude aerial photographs.

(d) Outdoor Recreation Act Review
\$ 32,500 \$ 32,500
Approved Complement - 1

For the agency review process required in Minnesota Statutes, Chapter 86A.

(e) Land Use Change Analysis
\$ 75,000 \$ 75,000
Approved Complement - 2

To develop rapid and inexpensive techniques to collect and analyze land use change for use in updating land use information.

(f) Computer Work Station
\$250,000 \$ 0

For purchase of a mini-computer to augment the Minnesota land management information system analysis techniques and service capability.

(g) Geographic Information System
\$ 50,000 \$ 50,000
Approved Complement - 1

To develop improved capabilities for information organization and analysis and develop interface with other natural resource data systems.

(h) Satellite Data Analysis
\$ 35,000 \$ 35,000

Approved Complement - 1

To develop technical and computer capabilities at the state level for enhanced use of LANDSAT information and technology.

(i) Automated Reference Index

\$ 40,000 \$ 40,000

Approved Complement - 2

To provide a centralized source index for natural resource information, including information gathered by the copper nickel project.

(j) Local Recreation and Natural Areas Contingent Account \$2,000,000 \$2,000,000

This appropriation is available to pay up to 50 percent of the total cost or 50 percent of the local share if federal matching funds are used, of long term lease, acquisition and development for recreational projects for the purposes described in Laws 1965, Chapter 810, Section 23, as amended by Laws 1969, Chapter 1139, Section 48, Subdivision 7, Paragraph g, except that no lake improvement grants are authorized under this subdivision and the per project limit for state grants is \$200,000.

\$1,000,000 of this appropriation each year is reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2.

The state planning agency shall administer the natural resources and land and water conservation fund grants-in-aid to local units of government. Notwithstanding any other law to the contrary these grants are not contingent upon the matching of federal grants.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

(k) Regional Recreation and Natural Areas Contingent Account \$2,000,000 \$2,000,000

This appropriation is available to pay up to 50 percent of the total cost or 50 percent of the local share if federal matching funds are used, for long term lease, acquisition and major development for recreation projects, natural areas and open space serving a regional need to counties, local units of government and special units of government authorized to acquire, maintain and operate recreational and natural areas.

\$2,000,000 of this appropriation shall be reserved for projects outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2. Priorities for the use of funds provided in this subdivi-

sion will be given to projects eligible for federal funding and which are consistent with priorities established by regional recreation and open space plans.

The amount needed but not to exceed \$1,000,000 in fiscal year 1980 and \$1,000,000 in fiscal year 1981, from this appropriation shall be transferred to the metropolitan council to pay principal and interest coming due in the respective fiscal years on bonds issued pursuant to Laws 1974, Chapter 563, Section 7, Subdivision 2; none of this amount may be expended for professional services.

The state planning agency shall administer the natural resources and land and water grants-in-aid program.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding such expenditures.

- (l) Recreation and Natural Areas
Contingent Account Administration
Approved Complement - 5

Of the amounts appropriated in paragraphs ~~(g)~~ and ~~(h)~~ (j) and (k) of this subdivision, up to \$313,000 is available for administration.

Sec. 194. Section 193 is effective retroactively to July 1, 1979.

Sec. 195. Laws 1979, Chapter 333, Section 26, is amended to read:

Sec. 26. NATURAL RESOURCES

General Operations and Management		51,194,500	51,174,100
Approved Complement -	1416		
General -	892		
Special -	18		
Game and Fish -	479		
Federal -	25		

Two of the federal positions are CETA positions for St. Croix Wild River state park.

Gifts -	2	2
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Of this appropriation, \$33,775,200 for the first year and \$33,741,000 for the second year are from the general fund; \$1,330,000 each year is from the special revenue fund; and \$16,089,300 for the first year and \$16,103,100 for the second year are from the game and fish fund, including \$526,600 the first year and \$533,400 the second year pursuant to Minnesota Statutes, Section 296.421, Subdivision 4.

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

Changes or additions indicated by underline deletions by ~~strikeout~~

Administrative Management Services

\$4,272,100 \$4,272,100

\$252,900 each year is for the environmental education board.

Of this appropriation, \$171,400 each year is appropriated from the game and fish fund for the purchase of legal services from or through the attorney general on behalf of game and fish activities.

Youth Conservation Corps

\$ 325,000 \$ 325,000

The department shall insure that youths in all parts of the state shall have an equal opportunity for employment. The youth conservation corps shall provide service for the various DNR disciplines including parks, forestry and stream improvement. \$100,000 in fiscal 1980 and \$100,000 in fiscal 1981 shall be used for planting, timber stand improvement, and forest development on state owned lands, other than trust fund lands, for forestry purposes.

Public Access and Lake Improvements

\$ 526,600 \$ 533,400

Combining the appropriations for public access and lake improvements into one program shall not be accompanied by any combination of staff or increase in staff used for this purpose.

Regional Administration

\$ 2,724,500 \$ 2,724,500

It is legislative policy to support coordination between different DNR disciplines within the regions.

Notwithstanding the provisions of Laws 1978, Chapter 792, Section 6, Paragraph (b), no amount of appropriations under that paragraph shall be expended unless the designated building is equipped with a wood burning heating plant.

Field Services Support

\$ 3,683,600 \$ 3,683,500

Water Resources Management

\$ 2,585,000 \$ 2,592,900

In conjunction with dam safety inspections during the biennium the department shall utilize a survey form prepared by staff of the Minnesota energy agency to record pertinent information to determine the potential feasibility of hydroelectric power generation at dams located throughout the state.

Mineral Resources Management

\$ 1,892,900 \$ 1,892,900

Changes or additions indicated by underline deletions by ~~strikeout~~

\$216,900 in fiscal 1980 and \$216,900 in fiscal 1981 is for mineland reclamation.

\$350,000 in fiscal 1980 and \$350,000 in fiscal 1981 is for peat inventory or studies. It is a condition of acceptance of the appropriations for peat inventory or studies that the agency or entity receiving the appropriation shall submit work programs and semi-annual progress reports in the form determined by the legislative commission on Minnesota resources. None of the money provided in this paragraph may be expended unless the commission has approved the pertinent work program. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Forest Management

\$ 7,962,300 \$ 7,962,300

\$500,000 each year is from the consolidated conservation areas account.

\$215,000 each year is from the iron range resources and rehabilitation account.

\$750,000 the first year is to implement the federal Boundary Waters Canoe Area legislation. The commissioner shall submit work programs and semi-annual progress reports in the form determined by the legislative commission on Minnesota resources. None of the money provided for this purpose may be expended unless the commission has approved the pertinent work program.

\$750,000 the second year is available only to match federal money on a basis of 80 percent federal, 20 percent state.

\$300,000 each year is for emergency fire fighting. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. Except on an emergency basis, no part of this appropriation shall be expended for contracts for standby air tankers until the department has attempted to make similar arrangements for the use of air national guard tankers.

\$50,000 each year is additional funding for forest campground maintenance and development.

Fish Management

\$ 5,138,600 \$ 5,138,600

Supervision costs for rough fish contracts shall not exceed contract receipts. Special attention for stream maintenance and improvement shall be given to north-

eastern and southeastern Minnesota trout streams.

Wildlife Management

\$ 5,416,600 \$ 5,423,600

\$615,000 each year is from the wildlife acquisition fund for the acquisition of wildlife management areas.

\$300,000 each year is for deer habitat improvement.

\$156,000 in the first year and \$163,000 the second year is from the game and fish fund for payments to counties in lieu of taxes.

Ecological Services

\$ 603,900 \$ 603,900

Parks and Recreation Management

\$7,562,800 ~~\$7,528,000~~ \$7,520,800

\$197,000 in fiscal 1980, and \$197,000 in fiscal 1981 is for development and maintenance of canoe and boating routes.

The six regional trails coordinators now in the unclassified service shall be transferred without competitive examination to the classified civil service of the state. Positions and employees shall be placed in the proper classifications by the commissioner of personnel with compensation as those classifications carry. Employees above the maximum rate for their classification shall receive no further salary increases, except for cost of living adjustments and those increases authorized by Minnesota Statutes, Section 43.122, Subdivision 1, until their salary rate falls within the range for their classification. Incumbents of transferred positions shall receive the status and length of service credit that would have accrued to them had they originally been appointed to the classified civil service; however, the length of service shall not include seniority under the provisions of a collective bargaining agreement negotiated pursuant to sections 179.61 to 179.77, until the effective date of classified civil service status. All of the employees accrued vacation and sick leave shall be transferred to their credit, provided that in no event shall the amount transferred exceed state limitations for classified employees.

\$1,207,500 each year represents unrefunded gas taxes paid for snowmobiles and shall be used for acquisition, development and maintenance of recreational trails and for related purposes. It is a condition of acceptance of this appropriation that the department shall submit a work program and semi-annual progress reports to the legislative commission on Minnesota resources in a form determined by the commission.

Changes or additions indicated by underline deletions by ~~strikeout~~

None of the appropriation may be expended unless the commission approves the work program.

\$104,000 each year is for the program to employ needy elderly persons in the maintenance and operation of state parks.

Notwithstanding any other law to the contrary money appropriated for trails may be used to fence snowmobile trails to protect private property.

\$66,000 the first year and \$24,000 the second year is for payments in lieu of taxes on lands in Voyageurs national park and St. Croix Wild River state park. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Soil and Water Conservation Board
 \$2,839,600 \$2,839,600

\$425,000 each year is for general purpose grants in aid to soil and water conservation districts.

\$225,800 each year is for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

\$1,585,200 each year is for grants to soil and water conservation districts for cost sharing contracts for erosion control and water quality management.

\$250,000 each year is for grants in aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems.

Grants shall not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority shall be given to projects designed to solve lakeshore, stream bank, and roadside erosion and to projects eligible for federal matching money.

\$92,000 each year is for grants to soil and water conservation districts for review and comment on water permits.

The commissioner of natural resources shall develop a grant plan that incorporates flood plain management and soil and erosion control into an integrated statewide system for flood and soil and erosion control.

Enforcement of Natural Resources Laws and Rules
 \$5,124,000 \$5,124,000

\$75,000 each year is for reservation conservation law enforcement. If the appropriation for either year is

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

\$20,000 each year is from the game and fish fund for the purpose of controlling smelt fishing activities on the north shore, including development of parking facilities, traffic control, coordination of regulatory agencies, control of trespass and vandalism, control of littering and sanitation, and public information and education. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The commissioner shall attempt to secure from the law enforcement assistance administration federal money to improve the training of conservation officers in law enforcement techniques.

Planning and Research

\$537,000 \$537,000

It is a condition of acceptance of the appropriation for trails planning that the department shall submit a work program and semi-annual progress reports to the legislative commission on Minnesota resources in a form determined by the commission. None of the appropriation may be expended unless the commission approves the work program.

The commissioner of natural resources with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 196. Section 195 is effective retroactively to July 1, 1979.

Sec. 197. Laws 1979, Chapter 335, Section 3, Subdivision 20, is amended to read:

Subd. 20. In view of declining enrollments in some community colleges, the higher education coordinating board with the assistance of the state board for community colleges, shall conduct a study of, and make recommendations in regard to, the advisability of (1) discontinuance, or reduction or expansion of programs, activities, and services, ~~(2) closing of colleges;~~ ~~(3)~~ (2) consolidation or merger, or both, of community colleges, ~~(4)~~ (3) merger of community colleges with other post secondary institutions, and ~~(5)~~ (4) other appropriate alternatives.

A report of the study shall be transmitted to the

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house appropriations committee and senate finance committee by January 6, 1981.

Sec. 198. Section 197 is effective retroactively to July 1, 1979.

Approved April 7, 1980

CHAPTER 510—H.F.No. 2374

An act relating to the state ceremonial building; creating the state ceremonial building council; amending Minnesota Statutes 1978, Section 16.872.

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

Section 1. Minnesota Statutes 1978, Section 16.872, is amended to read:

16.872 ACCEPTANCE OF STATE CEREMONIAL BUILDING; USE; MAINTENANCE. Subdivision 1. The commissioner of administration may accept, on behalf of the state, on such terms and conditions as the donor may prescribe, a building to be used as a state ceremonial building. Such building shall be used for official ceremonial functions of the state, and space shall be provided for suitable living quarters for the governor of the state.

Subd. 2. The commissioner of administration shall maintain such building in the same manner as other state buildings are maintained and shall rehabilitate, decorate, and furnish such ceremonial building, and in carrying out such decoration and furnishing shall ~~consult with the board of the arts, but their opinion shall be advisory only~~ be guided by the state ceremonial building council.

Subd. 3. The state ceremonial building council consists of the following 15 members: the commissioner of administration; the spouse of the governor; the executive director of the board of arts; the director of the Minnesota historical society; a member of the senate appointed pursuant to the rules of the senate; a member of the house of representatives appointed pursuant to the rules of the house of representatives; seven persons appointed by the governor including one in the field of higher education, one member of the American Society of Interior Designers, Minnesota chapter, one member of the American Institute of Architects, Minnesota chapter, one member of the American Society of Landscape Architects, Minnesota chapter, one member of the family that donated the ceremonial building to the state, if available, and four public members. Members of the council serve without compensation. Membership terms, removal, and filling of vacancies for members appointed by the governor are governed by section 15.0575. The council shall elect a chairman and a secretary from among its members.

Subd. 4. The powers and duties of the council are:

Changes or additions indicated by underline deletions by ~~strikeout~~