

## STATE OF MINNESOTA

## SEVENTY-FIRST SESSION - 1980

## SEVENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 10, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Kalis moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1488, 1707, 1796, 1812, 1834, 1850, 1884, 1899, 1932, 2024, 2110, 1904, 2028, 2047, 2069, 2090, 1439, 1534, 1768, 1896, 1991, 378, 1623, 1873, 1898, 1905, 1679, 1760, 1916, 1699, 1911, 2034, 1837, 1742, 2191, 1816, 1012 and 1216 and S. F. Nos. 407, 1605, 1709, 507, 523, 1728, 1789, 1842, 1734, 1611 and 1802 have been placed in the members' files.

S. F. No. 1734 and H. F. No. 1679 which had been referred to the Chief Clerk for comparison, were examined and found to be identical, with certain exceptions.

## SUSPENSION OF RULES

Carlson, D., moved that the rules be so far suspended that S. F. No. 1734 be substituted for H. F. No. 1679 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 523 and H. F. No. 1911, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, with certain exceptions.

## SUSPENSION OF RULES

Kalis moved that the rules be so far suspended that S. F. No. 523 be substituted for H. F. No. 1911 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1842 and H. F. No. 1799, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, with certain exceptions.

## SUSPENSION OF RULES

Stowell moved that the rules be so far suspended that S. F. No. 1842 be substituted for H. F. No. 1799 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 109, A bill for an act relating to corrections; establishing grants-in-aid for construction or renovation of lockups, jails and other correctional facilities; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. [APPROPRIATION.] The sum of \$7,500,000 is appropriated from the general fund to the commissioner of corrections for the purpose of funding phase one local correctional facility construction as described in the department of corrections statewide jail plan of 1980, and shall be available until expended. The commissioner shall disburse money in the form of grants to counties in accordance with Minnesota Statutes, Section 241.022. The state shall pay no more than 25 percent of the cost of local correctional facility construction."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 542, A bill for an act relating to limitation of actions; exempting town roads from the marketable title act; amending Minnesota Statutes 1978, Section 541.023, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, delete "1979" and insert "1980"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 942, A bill for an act relating to pollution control; authorizing state use of up to two percent of federal construction grant funds to administer the federal water pollution control act; amending Minnesota Statutes 1978, Section 116.16, Subdivision 10.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 960, A bill for an act relating to legal notice; authorizing supplementary publication of legal notices by radio or television broadcast; amending Minnesota Statutes 1978, Chapter 331, by adding a section.



Reported the same back with the following amendments:

Page 1, line 10, delete "An" and insert "The"

Page 1, delete line 11 and insert "head of a state agency or the governing board of any political subdivision which is"

Page 1, line 12, after "notice" insert "of a meeting or hearing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1095, A bill for an act relating to courts; venue; authorizing actions against public officers to be retained in a county other than where the public officer resides; amending Minnesota Statutes 1978, Section 542.03.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 542.03, is amended to read:

542.03 [OFFICIAL MISCONDUCT, WHERE CAUSE AROSE.] *Subdivision 1. Except as provided in subdivision 2, actions against a public officer, or person specially appointed to execute his duties, for acts done by virtue of (SUCH) his office, and against any person for like cause who has acted in place or in aid of (SUCH) the officer, and actions to recover penalties or forfeitures imposed by statute, shall be tried in the county in which the cause of action arose. If the act for which the penalty or forfeiture is imposed (BE) is committed upon a lake or stream extending into, or bordering upon, more than one county, (SUCH) the action may be tried in any of these counties.*

*Subd. 2. The trial of any action against a state official for acts affecting the use of land or waters of the state may, in the discretion of the court, be tried in the county where the land or water is located, whether or not the state official resides in that county, on motion made to the court in that county by any party to the action if the court finds (1) that trial of the action in that county is in the interests of justice, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action will be expedited. The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.*



Sec. 2. Minnesota Statutes 1978, Section 542.18, is amended to read:

542.18 [STATE AS PARTY TO CIVIL ACTION; REMOVAL FROM RAMSEY COUNTY.] Notwithstanding any provision of law to the contrary, the trial of any civil action in the county of Ramsey to which the state or any officer, department or agency thereof is a party may, in the discretion of the court, be removed to any other county in which one of the parties resides on motion made to the court as in civil actions by any of the parties to the action, if the court finds (THAT SUCH REMOVAL IS) (1) *that removal is in the interests of justice*, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action will be expedited thereby. *The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.*

Sec. 3. *This act is effective the day after final enactment and applies to all actions commenced on or after that date.*

Amend the title as follows:

Page 1, line 2, delete "venue;"

Page 1, line 2, after "authorizing" insert "certain"

Page 1, line 3, delete "public" and insert "state"

Page 1, line 3, delete "retained" and insert "tried"

Page 1, line 4, delete "public officer resides" and insert "cause of action arose"

Page 1, line 4, after the semicolon, insert "providing for procedure for removal;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 5, after "542.03" insert "; and 542.18"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1142, A bill for an act relating to insurance; providing for continuation of waiver of premium benefits for the disabled, regardless of continuation of the master policy; amending Minnesota Statutes 1978, Section 61A.091.



Reported the same back with the following amendments:

Page 2, lines 10, 12 and 15, strike "shall" and insert "does"

Page 2, line 26, delete "total"

Page 2, line 28, after the period, insert: "*This subdivision may be superseded by a rule promulgated by the Commissioner of Insurance.*"

Page 2, line 29, delete "shall become effective" and insert "applies to"

Page 2, line 30, delete "For"

Page 2, line 30, after "delivered" insert "on or"

Page 2, line 31, delete "1979" and insert "1980"

Page 2, line 32, delete "For"

Page 2, line 32, delete "annual"

Page 2, line 33, after "the" insert "first"

Page 2, line 33, delete everything after "date" and insert "after October 1, 1980;"

Page 3, delete lines 1 and 2

Page 3, line 3, delete "For"

Page 3, line 3, delete "annual"

Page 3, line 4, delete "1980" and insert "1981"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1143, A bill for an act relating to insurance; providing that an employer group disability income policy provide coverage for pre-termination claims.

Reported the same back with the following amendments:



Page 1, line 9, delete "shall"

Page 2, line 3, after the period, insert: "Sections 1 and 2 may be superseded by a rule promulgated by the commissioner of insurance."

Page 2, line 5, delete "1979" and insert "1980"

Page 2, line 6, delete "1979" and insert "1980"

Page 2, line 8, delete "1980" and insert "1981"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1190, A bill for an act relating to transportation; requiring the consent of municipalities for certain trunk highway improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease airspace above and subsurface areas below trunk highway right-of-way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; providing for the designation of handicapped parking spaces; authorizing leaves of absence for certain employees under certain conditions; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 169.346, Subdivision 2; 174.03, by adding a subdivision; and 505.03, Subdivision 2; repealing Minnesota Statutes 1978, Section 163.07, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 116I.01, Subdivision 2, is amended to read:

Subd. 2. "Construction" means any clearing of land, excavation, or other action that would adversely affect the natural environment of a pipeline route but does not include changes needed for temporary use of a route for purposes other than installation of a pipeline, for securing survey or geological data, or for the repair or replacement of an existing pipeline within the exist-



ing right-of-way, or for the minor relocation of less than three-fourths mile of an existing pipeline.

Sec. 2. Minnesota Statutes 1978, Section 160.27, Subdivision 5, is amended to read:

Subd. 5. [MISDEMEANORS.] Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) Obstruct any highway or deposit snow or ice thereon;
- (2) Plow or perform any other detrimental operation within the road right of way except in the preparation of the land for planting a perennial hay crop, and the harvesting of said crop;
- (3) Erect a fence on the right of way of a trunk highway, county state-aid highway or county highway, except to erect a lane fence to the ends of a livestock pass;
- (4) Dig any holes in any highway;
- (5) Remove any earth, gravel or rock from any highway;
- (6) Obstruct any ditch draining any highway or drain any noisome materials into any ditch;
- (7) Place or maintain any building or structure within the limits of any highway;
- (8) Place or maintain any advertisement within the limits of any highway;
- (9) Paint, print, place, or affix any advertisement or any object within the limits of any highway;
- (10) Deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;
- (11) Remove, injure, displace, or destroy right of way markers, or reference or witness monuments, or markers placed to preserve section or quarter section corners;
- (12) Improperly place or fail to place warning signs and detour signs as provided by law;



(13) Drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

Violations hereof shall be prosecuted by the county attorney of the county where the violations occur. Any person convicted of such violations shall be guilty of a misdemeanor.

Sec. 3. [161.115] [TRUNK HIGHWAY SYSTEM; NEW ROUTES.] *Subdivision 1. There is added to the trunk highway system new routes described as follows:*

*Route No. 334. Beginning at a point on Route No. 116 at or near Inver Grove Heights; thence extending in a general northerly direction to a point on Route No. 102 at or near St. Paul.*

*Route No. 335. Beginning at a point on Route No. 7 near St. Peter; thence extending in a southerly direction to a point at or in the grounds of the St. Peter state hospital.*

*Subd. 2. The revisor of statutes is directed to assign numbers to the routes described in subdivision 1 and compile them in the next and subsequent editions of Minnesota Statutes.*

Sec. 4. [161.115] [TRUNK HIGHWAY SYSTEM; NEW ROUTES IN SUBSTITUTION OF EXISTING ROUTES.] *Subdivision 1. There is added to the trunk highway system new routes described as follows:*

*Route No. 263. Beginning at a point in or adjacent to Ceylon; thence extending in a general northerly direction to a point on Route No. 391 westerly of Fairmont.*

*Route No. 264. Beginning at a point in or adjacent to Round Lake; thence extending in a general northerly direction to a point on Route No. 391 easterly of Worthington.*

*Route No. 278. Beginning at a point on Route No. 105 at or near the westerly limits of Minneapolis; thence extending in a generally easterly direction on or near Lowry Avenue in Minneapolis to a point on Route No. 110.*

*Subd. 2. The routes established in subdivision 1 are substituted for trunk highway routes numbered 263, 264 and 278 as contained and described in Minnesota Statutes 1978, Section 161.115, and routes numbered 263, 264 and 278 as contained and described in said section are discontinued and removed from the trunk highway system.*



*Subd. 3. The revisor of statutes in compiling the next and subsequent editions of Minnesota Statutes shall substitute the routes established in subdivision 1 for the routes discontinued and removed from the trunk highway system in subdivision 2.*

**Sec. 5. [116.115] [TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 327.]** *Subdivision 1. Route No. 327 as contained and described in Minnesota Statutes 1978, Section 161.115 is discontinued and removed from the trunk highway system.*

*Subd. 2. Revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes shall delete the route specified in Subdivision 1.*

**Sec. 6. Minnesota Statutes 1978, Section 161.172, is amended to read:**

**161.172 [MUNICIPALITIES TO CONSENT.]** Except for routes on the interstate system, no state trunk highway or any part thereof, located within the corporate limits of any municipality, shall be constructed or improved in the manner specified in this section without the consent of the governing body of such municipality, unless the procedures prescribed by sections 161.172 to 161.177 shall have been followed by the commissioner of transportation. *The highway improvements requiring consent are limited to those improvements which alter access, increase or reduce highway traffic capacity or require acquisition of permanent rights-of-way.* This section shall not limit the power of the commissioner to regulate traffic or install traffic control devices or other safety (DEVICES) measures on trunk highways located within municipalities.

Nothing contained in this section shall be construed as in any way limiting the commissioner's discretion to determine the priority and programming of trunk highway construction.

**Sec. 7. Minnesota Statutes 1978, Section 161.23, Subdivision 2, is amended to read:**

**Subd. 2. [CONVEYANCE OF EXCESS.]** If the commissioner of transportation acquires real estate in excess of what is needed for trunk highway purposes as authorized in subdivision 1 (HEREOF), he shall, within one year after the completion of the construction, reconstruction, or improvement of the highway for which a portion of the real estate was needed and required, (NOTIFY THE GOVERNOR THAT SUCH EXCESS REAL ESTATE MAY BE SOLD. THE GOVERNOR, IN BEHALF OF THE STATE, AFTER SUCH NOTIFICATION SHALL) convey and quitclaim (SUCH) the excess real estate to the highest responsible bidder, after receipt of sealed bids following published notice of the sale for three successive weeks in a newspaper or trade journal of general circulation in



the territory from which bids are likely to be received. The deed may contain restrictive clauses limiting the use of such real estate in the interests of safety and convenient public travel when the commissioner finds that (SUCH) *the* restrictions are reasonably necessary.

Sec. 8. Minnesota Statutes 1978, Section 161.43, is amended to read:

161.43 [RELINQUISHMENT OF HIGHWAY EASEMENTS.] (THE GOVERNOR, IN BEHALF OF THE STATE AND UPON RECOMMENDATION OF) The commissioner of transportation (,) may relinquish and quitclaim to the fee owner or, if the fee owner refuses or cannot be located, to another agency or political subdivision of the state any easement or portion thereof owned but no longer needed by the (STATE) transportation department for trunk highway purposes, upon payment to the (STATE) transportation department of at least the amount of money paid for the acquisition thereof. Whenever less than the easement as originally acquired is to be relinquished and quitclaimed, the amount of moneys to be paid to the (STATE) transportation department shall not be a less proportion of the consideration paid therefor by the (STATE) transportation department than the portion to be relinquished and quitclaimed bears to the easement as originally acquired. In determining the amount to be paid upon reconveyance to the fee holder, the estimated amount of money paid by the (STATE) transportation department for any improvement acquired in the original easement and not included in the reconveyance, and the estimated amount of money paid by reason of damages to remaining portions of the tract, if any, not mitigated by the reconveyance, shall first be subtracted from the total consideration paid by the (STATE) transportation department for the original easement. Before any (SUCH) easement may be relinquished and quitclaimed to another governmental agency or political subdivision of the state, the (GOVERNOR) *commissioner of transportation* must first publish for three successive weeks in a newspaper of general circulation in the county in which the easement is located notice of his intent to so relinquish and quitclaim (SUCH) *the* easement to another governmental agency or political subdivision of the state.

Sec. 9. Minnesota Statutes 1978, Section 161.433, Subdivision 1, is amended to read:

161.433 [USE OF AIR SPACE ABOVE AND SUBSURFACE BELOW TRUNK HIGHWAYS.] Subdivision 1. [LEASE OR PERMIT, CONDITIONS AND RESTRICTIONS.] The commissioner of transportation (, WITH THE WRITTEN APPROVAL OF THE GOVERNOR,) may lease or otherwise permit the use of the air space above and subsurface area below the surface of the right of way of any trunk highway, including the surface of the right of way above and below the air space or subsurface areas, where the land is owned in fee by the state for



trunk highway purposes when (SUCH) *the* use will not impair or interfere with the use and safety of the highway. The lease, permit, or other agreement may contain such restrictive clauses as the commissioner deems necessary in the interest of safety and convenience of public travel and other highway purposes. No lease, permit, or other agreement shall be for a period in excess of 99 years. Vehicular access to such air space, subsurface, or surface areas shall not be allowed directly from the highway where such access would violate the provisions of Title 23 of the United States Code, or would interfere in any way with the free flow of traffic on the highway. Any (SUCH) lease, permit, or other agreement shall have the approval of the appropriate federal agency when required.

Sec. 10. Minnesota Statutes 1978, Section 161.44, Subdivision 1, is amended to read:

161.44 [RELINQUISHMENT OF LANDS OWNED IN FEE.] Subdivision 1. [CONVEYANCE.] (THE GOVERNOR, IN BEHALF OF THE STATE AND UPON RECOMMENDATION OF) The commissioner (,) may convey and quitclaim any lands, including any improvements thereon, owned in fee by the state for trunk highway purposes but no longer needed therefor. Notwithstanding any provisions in this section or in section 161.23 to the contrary, fee title to or an easement in all or part of (SUCH) *the* lands and lands previously acquired in fee for trunk highways or acquired pursuant to (MINNESOTA STATUTES 1965,) section 161.23, in excess of what is needed for highway purposes may be conveyed and quitclaimed for public purposes to any political subdivision or agency of the state upon (SUCH) *the* terms and conditions as may be agreed upon between the commissioner and the political subdivision or agency.

Sec. 11. Minnesota Statutes 1978, Section 161.51, is amended to read:

161.51 [FEDERAL-STATE SAFETY ACCOUNT.] There is established within the trunk highway fund a federal-state safety account. The commissioner of transportation may transfer the unobligated balance of any direct appropriation to the department of transportation for administrative operations, maintenance, highway development support, research and standards, state aid administration, or planning and programming, into this account if needed to advance state money for approved federal highway safety projects. The commissioner may receive money from state or local governmental agencies to be used for projects under the federal highway safety program. All federal reimbursements shall be deposited in the state treasury and are appropriated to the federal-state safety account to be available until (THE END OF THE FISCAL BIENNIIUM DURING WHICH THEY ARE RECEIVED) *expended*.



Sec. 12. Minnesota Statutes 1978, Section 169.305, Subdivision 1, is amended to read:

**169.305 [CONTROLLED ACCESS REGULATIONS AND PENALTIES.]** Subdivision 1. (a) No person shall drive a vehicle onto or from any controlled access highway except at such entrances and exits as are established by public authority.

(b) When special crossovers between the main roadways of a controlled access highway are provided for emergency vehicles or maintenance equipment and such crossovers are signed to prohibit "U" turns, it shall be unlawful for any vehicle, except an emergency vehicle (OR), maintenance equipment, or *construction equipment including contractor's and state owned equipment when operating within a marked construction zone*, to use such crossover. For the purposes of this clause "emergency vehicle" includes a wrecker if it is on the way to the location of an accident or a disabled vehicle.

(c) The commissioner of transportation may by order, and any public authority may by ordinance, with respect to any controlled access highway under their jurisdictions prohibit or regulate the use of any such highway by pedestrians, bicycles, or other nonmotorized traffic, or by motorized bicycles, or by any class or kind of traffic which is found to be incompatible with the normal and safe flow of traffic.

(d) The commissioner of transportation or the public authority adopting any such prohibitory regulations shall erect and maintain official signs on the controlled access highway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

Sec. 13. Minnesota Statutes 1978, Section 169.42, Subdivision 1, is amended to read:

**169.42 [LITTERING OR PLACING REFUSE UPON HIGHWAYS OR ADJACENT LANDS, PRIVATE PROPERTY, PARKS OR PUBLIC PLACE; DROPPING OBJECTS ON VEHICLES.]** Subdivision 1. No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped upon any street or highway or upon any public or privately owned land adjacent thereto without the owner's consent any *snow, ice*, glass bottle, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.

Sec. 14. Minnesota Statutes 1978, Section 505.03, Subdivision 2, is amended to read:



Subd. 2. Any (SUCH) proposed *preliminary* plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented to the commissioner of transportation for his written comments and recommendations. Where any (SUCH) *preliminary* plat includes land abutting upon an existing or established county or county state aid highway, it shall first be submitted to the county engineer for his written comments and recommendations. *Preliminary* plats involving both a trunk highway and a highway under county jurisdiction shall be submitted to the commissioner of transportation and the county highway engineer. *Plats shall be submitted for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat.* The commissioner of transportation (OR) *and/or* the county highway engineer shall submit (SUCH) *the* written comments and recommendations to the city, town, or county within (15) 30 days after receipt by (HIM) *them* of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the (15) 30 day period has elapsed. A legible preliminary drawing or print of a proposed *preliminary* plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing; (1) the outlet for and means of disposal of surface waters from the proposed platted area, (2) *the land use designation or zoning category of the proposed platted area,* (3) *the locations of ingress and egress to the proposed platted area,* and (4) *a preliminary site plan for the proposed platted area, if one has been prepared.* Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. (NO) A certificate or other evidence (IS) *shall be* required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. *The home rule charter or statutory city, town or county shall provide the certificate or other evidence to the county recorder or registrar of titles.*

Sec. 15. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Delete the title in its entirety and insert:

"A bill for an act relating to transportation; requiring the consent of municipalities for certain trunk highway improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease air-space above and subsurface areas below trunk highway right-of-



way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; discontinuing and removing Route No. 327 from the trunk highway system; permitting certain equipment to use crossovers between the main line roadways of controlled access highways when operating within a marked construction zone; modifying the availability of federal reimbursements deposited in the state treasury and appropriated to the federal-state safety account; prohibiting depositing snow or ice on a highway; excluding minor relocations of pipelines caused by highway construction from the definition of construction; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 160.27, Subdivision 5; 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 161.51; 169.305, Subdivision 1; 169.42, Subdivision 1; 505.03, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 116L.01, Subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1349, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Kandiyohi county for the purpose of correcting conveyancing errors.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1373, A bill for an act relating to motor vehicles; establishing gross weight limitations on certain highways for certain vehicles and combinations of vehicles; providing an exception; providing for the enforcement of weight limitations and providing penalties; authorizing the employment of certain personnel in the unclassified service to enforce certain motor vehicle and traffic laws, and prescribing the conditions of employment; amending Minnesota Statutes 1978, Sections 168.013, Subdivision 3; 169.03, Subdivision 6; 169.83, Subdivision 2; 169.832, Subdivision 2, and by adding a subdivision; 169.85; and 299D.06.

Reported the same back with the following amendments:



Pages 4, 5, 6, 7, and 8, delete all of Section 3

Page 10, line 3, strike "five" and insert "ten"

Pages 11 and 12, strike all of Section 7

Renumber the remaining sections accordingly.

Further amend the title by deleting it in its entirety and inserting as follows:

"A bill for an act relating to motor vehicles; providing for the re-registration of certain motor vehicles; exempting certain vehicles from certain weight limitations; providing for the enforcement of weight limitations and providing penalties; amending Minnesota Statutes 1978, Section 168.013, Subdivision 3; 169.03, Subdivision 6; 169.832, Subdivision 2, and by adding a Subdivision; and 169.85."

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1400, A bill for an act relating to insurance; placing certain restrictions on life insurance policies designed to protect certain interests arising out of business relationships; amending Minnesota Statutes 1978, Chapter 61A, by adding a section.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1577, A bill for an act relating to real property; empowering the commissioner of banks to clear certain title defects involving a defunct state agency.

Reported the same back with the following amendments:

Page 1, line 8, delete "duplicate and original satisfactions of mortgages" and insert "quit claim deeds"

Page 1, line 11, delete "satisfactions" and insert "quit claim deeds"



Page 1, line 11, delete "receipt of"

Page 1, line 11, after "evidence" insert "the state of Minnesota no longer has a valid claim of title to the property involved"

Page 1, line 12, delete "that a mortgage was satisfied"

Page 1, line 13, delete "satisfaction" and insert "quit claim deed"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1591, A bill for an act relating to transportation; abolishing the functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw, and establishing a board of hay and straw standards in the department of agriculture; clarifying laws relating to the regulation of railroads and removing obsolete and duplicative language; prescribing certain powers of the commissioner of transportation and the public service commission relating to rates and charges; requiring track scales, and regulating the weighing of railroad cars and freight; providing for railroad grade crossing safety devices and other safety devices; prescribing penalties; amending Minnesota Statutes 1978, Sections 218.011, Subdivision 2; 218.021; 218.031, Subdivision 1; 218.041; 219.01; 219.07; 219.08; 219.10; 219.14, Subdivision 2; 219.17; 219.19; 219.23; 219.28; 219.383, Subdivision 4; 219.39; 219.40; 219.47; 219.50; 219.52; 219.54; 219.64; 219.70; 219.741 219.85; 219.92; 219.97, Subdivision 7; 222.48, Subdivisions 2 and 3; 222.49; 222.50, Subdivisions 2, 3, 4 and 5; 222.51; 222.52; 222.53; 222.54; Chapters 25, by adding sections; 219, by adding a section; and 239, by adding a section; repealing Minnesota Statutes 1978, Sections 219.02; 219.03; 219.04; 219.05; 219.11; 219.12; 219.22; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01; 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. Minnesota Statutes 1978, Chapter 25, is amended by adding a section to read:

[25.46] [HAY AND STRAW WEIGHING, SAMPLING, ANALYSIS.] *The commissioner of agriculture shall exercise general supervision over the inspection, grading, sampling and analysis of hay and straw in the state. The functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw are abolished.*

Sec. 2. Minnesota Statutes 1978, Chapter 25, is amended by adding a section to read:

[25.47] [HAY AND STRAW STANDARDS.] *Subdivision 1. The commissioner of agriculture shall have jurisdiction over hay and straw standards established in Minnesota and shall regulate the inspection, grading, weighing, sampling and analysis of hay and straw within the state.*

*Subd. 2. The commissioner of agriculture shall, on or before June 15 of each year, establish the grades of hay and straw subject to state inspection which shall be known as the "Minnesota Grades" and hay and straw received at a public warehouse shall be graded accordingly. The grades shall not be changed before June 15 of the next succeeding year. The commissioner of agriculture shall also adopt rules in accordance with the administrative procedure act as it deems necessary to implement this section and section 1.*

Sec. 3. Minnesota Statutes 1978, Section 218.011, Subdivision 2, is amended to read:

Subd. 2. "Common carrier" shall mean (ALL) railroad companies, except private railroads; express companies; (SLEEPING CAR COMPANIES;) and (ALL) persons, natural or artificial, engaged in (SUCH) rail transportation as (AFORESAID) common carriers for hire.

Sec. 4. Minnesota Statutes 1978, Section 218.021, is amended to read:

218.021 [COMMON CARRIERS, UNLAWFUL ACTS.]  
Subdivision 1. It shall be unlawful for any common carrier:

(1) To charge, demand, collect or receive for any service a greater or a lesser sum than that fixed in its published schedules.

(2) To change or discontinue any published rate, charge or classification, minimum weight or rule relating to (THE SAME, OR OPERATION OF ANY REGULARLY SCHEDULED IN-



TRASTATE PASSENGER TRAINS,) *service* without approval of the commission.

(3) To make or give any undue or unreasonable preference or advantage, or any undue or unreasonable prejudice or disadvantage, to any person, company, firm, corporation, transit point or locality or to any particular description of traffic.

(4) By any special rate, rebate, drawback or other device, directly or indirectly, to charge, demand, collect or receive a greater or less compensation for any service rendered in the transportation of any property within this state than the regular established schedule of rates and charges for like and contemporaneous service for any other person, or for the public generally; or, directly or indirectly, to offer or give any shipper, in connection with or as an inducement or reward for receiving any property for transportation, any gift, gratuity or free pass or any rate less than that offered to the public.

(5) Except as expressly permitted, to charge a greater rate per ton or per ton mile for a single carload of freight of any kind or class than for a greater number of carloads of the same kind or class, to and from the same points of origin or destination.

(6) To charge or receive any greater compensation for the transportation of (PASSENGERS OR OF LIKE KIND OR CLASS AND) a quantity of property for a shorter than for a longer distance over the same line, the shorter being included within the longer; but this shall not be so construed as to authorize any carrier to charge or receive as great compensation for a shorter as for a longer distance; or to charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line in the same general direction, or from the same original point of departure or to the same point of arrival; but this shall not be construed so as to authorize any carrier to charge as high a rate per ton per mile for a longer as for a shorter distance.

(7) To charge or receive for the transportation of freight of any description for any distance within this state a greater amount than is at the same time charged or received for a like quantity of freight of the same class over a greater distance of the same railway; or to charge or receive at any point upon its road a higher rate for receiving, handling or delivering freight of the same class or quantity than it shall at the same time charge or receive to any other point upon the same line; or to charge or receive for freight of any description over its railway a greater amount than at the same time is charged or received for the transportation of a like quantity of freight of the same class being transported over any portion of the same







TATIVES OF ANY RAILROAD OR MOTOR BUS LABOR ORGANIZATIONS, OR TO CHILDREN UNDER TWELVE (12) YEARS OF AGE, MINISTERS OF RELIGION, SECRETARIES OF YOUNG MEN'S ASSOCIATIONS, PERSONS EXCLUSIVELY ENGAGED IN CHARITABLE AND ELEEMOSYNARY WORK, INDIGENT, DESTITUTE AND HOMELESS PERSONS AND SUCH PERSONS, WHEN TRANSPORTED BY CHARITABLE SOCIETIES OR HOSPITALS OR BY ANY PUBLIC CHARITY AND THE NECESSARY AGENTS EMPLOYED IN SUCH TRANSPORTATION, INMATES OF NATIONAL HOMES OR STATE HOMES FOR DISABLED SOLDIERS, INMATES OF SOLDIERS' AND SAILORS' HOMES INCLUDING THOSE ENTERING AND RETURNING FROM SUCH HOMES AND TRANSPORTATION OF MANAGERS OF SUCH HOMES, POST OFFICE INSPECTORS, CUSTOM AND IMMIGRATION INSPECTORS, WITNESSES OF COMMON CARRIERS ATTENDING ANY LEGAL INVESTIGATION IN WHICH THE COMPANY IS INTERESTED, OFFICIALS AND LINE-MEN OF TELEGRAPH AND TELEPHONE COMPANIES, EX-EMPLOYEES RETIRED FROM SERVICE ON ACCOUNT OF AGE OR BECAUSE OF DISABILITY SUSTAINED WHILE IN THE SERVICE OF THE COMMON CARRIER AND DEPENDENT MEMBERS OF THEIR FAMILIES, OR THE WIDOWS OR DEPENDENT CHILDREN OF EMPLOYEES KILLED OR DYING WHILE IN THE SERVICE OF SUCH COMPANY, NECESSARY CARETAKERS OF LIVESTOCK, POULTRY, VEGETABLES AND FRUIT, INCLUDING TRANSPORTATION TO AND FROM THE POINT OF DELIVERY, EMPLOYEES ON SLEEPING AND EXPRESS CARS, RAILWAY OR MOTOR BUS MAIL SERVICE EMPLOYEES, NEWSBOYS ON TRAINS OR MOTOR BUSES, BAGGAGE AGENTS, PERSONS INJURED IN WRECKS AND PHYSICIANS AND NURSES ATTENDING THEM; NOR PROHIBIT THE INTERCHANGE OF PASSES, EXPRESS AND OTHER FRANKS FOR THE OFFICERS, BONA FIDE AGENTS, SURGEONS, PHYSICIANS, ATTORNEYS AND EMPLOYEE AND DEPENDENT MEMBERS OF THEIR FAMILIES OF ANY PERSON OR COMPANY WITH THE OBJECT OF PROVIDING RELIEF IN CASES OF GENERAL EPIDEMIC, PESTILANCE OR CALAMITOUS VISITATION;) nor prohibit the interchange of (PASSENGER AND) freight transportation and message service between railroad, motor bus and telegraph companies (; NOR PROHIBIT FURNISHING FREE TRANSPORTATION TO THE COMMISSIONER, MEMBERS OF THE COMMISSION, HEARINGS OFFICERS, COUNSEL OR EMPLOYEES AND AGENTS WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES, PROVIDED NO SUCH FREE TRANSPORTATION SHALL BE GIVEN TO ANY PERSON WHEN A MEMBER OF, EMPLOYED BY OR IN ANY WAY CONNECTED WITH ANY POLITICAL COMMITTEE OR AN INCUMBENT OF ANY OFFICE OR POSITION UNDER THE CONSTITUTION AND LAWS OF THIS STATE, EXCEPT AS



ABOVE PROVIDED AND EXCEPT THAT FREE PASSES MAY BE GIVEN TO EMPLOYEES WHILE OCCUPYING OFFICE OR POSITION OTHER THAN JUDICIAL UNDER A MUNICIPALITY, COUNTY OR PUBLIC SCHOOL DISTRICT, OR WHILE ACTING UNDER APPOINTMENT AS A NOTARY PUBLIC, AND MAY FURTHER ISSUE FREE PASSES TO ANY MEMBER OF THE LEGISLATURE WHO HAS BEEN AN EMPLOYEE OF SUCH COMPANY FOR A CONTINUOUS PERIOD OF FIVE (5) YEARS PRIOR TO HIS ELECTION, AND, PROVIDED, THAT SUCH MEMBER OF THE LEGISLATURE DOES NOT COLLECT MILEAGE FOR SUCH TRAVEL FROM THE STATE).

Sec. 5. Minnesota Statutes 1978, Section 218.031, Subdivision 1, is amended to read:

218.031 [COMMON CARRIERS, DUTIES.] Subdivision 1. Except as otherwise directed or authorized, it shall be the duty of every common carrier:

(1) To prescribe in the first instance, and to publish upon not less than ten days' public notice in such manner as may be required by the commissioner and law, all schedules of fares, rates and charges and classifications thereof, together with the rules governing the same, and minimum weights for transportation of freight articles between points or stations in the state, and terminal and switching charges, provided there shall be but one classification applicable to any one commodity which shall be uniform on all railroads in this state and govern in all state commerce.

(2) To comply with every duly authorized rule, regulation or directive of the commissioner or commission except as the same may be stayed, pending appeal therefrom.

(3) To put into effect and observe all schedules of rates, fares and charges and classifications and any amendments or changes therein duly ordered by the commission, except as the same may be stayed, pending appeal.

(4) To maintain as may be directed by the commissioner for public inspection at stations and depots all schedules showing all classifications, rates, fares and charges for transportation of freight (AND PASSENGERS) currently in force applying from such station. Such schedules shall state the places between which (PERSONS AND) property will be carried and show the classification of freight, the distance tariff, a table of distances between stations, any terminal charges and any rules or regulations in any way affecting the aggregate of such rates, fares and charges.

(5) Upon request of an owner or consignor of freight to the initial company, whenever the initial line does not reach the place of destination, or the distance from the place of origin to destina-



tion may be shortened, to transfer such freight to a connecting line without change in cars if in carload lots, except such change be free of charge to the shipper and receiver; and to transfer with or without change in cars of less than carload lots at a reasonable joint through rate agreed upon by the connecting carriers or prescribed by the commission, not greater than the maximum rates allowed by law, provided any unloading and reloading which is necessary shall be at cost and the charge for such transfer included in the joint rate.

(6) To provide the same switching, transfer and handling facilities for local as for interstate traffic.

(7) Upon written demand of the owner, to construct, maintain and operate side tracks and reasonable facilities connecting with any grain warehouse, dock, wharf, mill, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant or manufactory as may be required by the (COMMISSION) *commissioner*, and on such terms as may be agreed upon, or, on failure of agreement, as may be prescribed by the (COMMISSION) *commissioner*.

(8) To issue receipts or bills of lading covering all property received for transportation from any point in the state to any other point in the state, and to respond for any loss, damage or injury to such property caused by it or any carrier to whom such property may be delivered or over whose line it may pass, nor shall any contractual provision whatever exempt it from such liability.

(9) To refund all overcharges for freight, baggage or express, and pay for any loss, damage or injury to property while in its possession, within ninety (90) days after the filing of a claim for such over-charge, loss or damage.

((10) TO REDEEM, UPON PRESENTATION TO ANY AUTHORIZED TICKET AGENT, ANY PASSENGER TICKET UNUSED IN WHOLE OR IN PART, WHICH HAS NOT BY ITS TERMS EXPIRED, AND PAY THEREFOR A PRO RATA SHARE OF THE PRICE FOR WHICH SUCH TICKET WAS SOLD OR, IF WHOLLY UNUSED, THE ENTIRE PURCHASE PRICE.)

((11) TO FURNISH SUITABLE CARE FOR THE TRANSPORTATION OF LIVESTOCK AND TRANSPORT LIVESTOCK OF DIFFERENT KINDS IN THE SAME CAR AT THE OPTION OF THE SHIPPER; TO DELIVER ALL LIVESTOCK ARRIVING AT ANY TERMINAL, BILLED TO ANY STOCKYARD WITHIN TWENTY (20) MILES THEREOF, TO THE CHUTES OF SUCH STOCKYARD WITHIN FIVE (5) HOURS AFTER ARRIVAL AT THE TERMINAL UNLESS PREVENTED BY ACT OF GOD, OR TO ANY CHUTES WITHIN TEN (10) MILES OF THE TERMINAL



WITHIN THREE (3) HOURS AFTER ARRIVAL THEREAT UNLESS PREVENTED BY ACT OF GOD; TO FURNISH TRANSPORTATION WITHOUT CHARGE, IN CONNECTION WITH LIVESTOCK SHIPMENTS IN CARLOAD LOTS, FOR ONE (1) PERSON FOR THE FIRST CAR AND AN ADDITIONAL PERSON FOR EACH ADDITIONAL FOUR (4) CARLOADS SHIPPED AT THE SAME TIME, IN A CABOOSE OR OTHER SUITABLE CAR WHILE GOING, AND BY FIRST CLASS PASSAGE WHEN RETURNING.)

((12)) (10) To keep its accounts so as to show, as far as practicable, the earnings derived from, and the expenses incurred in, handling intrastate business in such form as the commissioner shall prescribe, including the separation of accounts for each operating division, wholly or partly within the state. Such accounts shall show the total cost of operating through trains and the total cost of operating the local or distributing trains of each operating division, wholly or partly within the state, during the fiscal year to be fixed by the commissioner, the total number of tons of revenue and non-revenue freight, the number of tons of each carried one (1) mile on the through trains and on the local trains, respectively, the number of tons and ton miles of revenue and non-revenue freight carried on through or local trains which are exclusively intrastate, and the gross tons and ton miles made by through and local trains on each division. The accounts shall show the total revenue and non-revenue train and engine miles and the total revenue and non-revenue car miles (the non-revenue car miles to be shown loaded and empty separately) produced by such railroad in the state in each operating division, the number of each of the above train, engine and car mileage produced in handling the through trains and in handling the local trains, the total locomotive miles produced in switching on each division and such further information related to the income or cost of intrastate business as the commissioner may require. The commissioner may require such accounts to be kept with reference to the intrastate passenger business of each carrier and the train, car and engine mileage incurred in such business in this state as (it) *he* may deem necessary.

((13)) (11) During pendency of any litigation, when rates prescribed by the commission have not been put into effect, to keep a correct account of every charge made by it for any services to which such rates apply in excess of the rates prescribed, showing in each case the difference between the amount actually charged and the amount allowed to be charged, the date of the transaction, the stations between which the business was carried and the names and addresses of the consignor and consignee, and to report such information in full to the commission on his request.

Sec. 6. Minnesota Statutes 1978, Section 218.041, is amended to read:



218.041 [DUTIES OF PUBLIC SERVICE COMMISSION AND COMMISSIONER.] Subdivision 1. With respect to all common carriers including express companies (AND SLEEPING CAR COMPANIES,) the commissioner shall investigate the management thereof, the manner in which their businesses are conducted, and the adequacy of the services they are affording the public and shall prescribe uniform systems of keeping and rendering accounts and the time within which such systems shall be adopted. The commission shall make all appropriate orders relating to continuation, termination, modification or extension of services and facilities with a view to properly promoting the security and convenience of the public.

Subd. 2. The public service commission shall, upon petition after hearing:

(1) Review and ascertain the reasonableness and equalities of all schedules of rates, fares and charges or any part or classification thereof, including joint through rates, and, if found unreasonable or discriminatory, establish new schedules and prescribe the form and manner of filing, posting and publication thereof.

(2) Order the issuance of any franchises, permits or certificates of convenience and necessity.

(3) Prescribe schedules of reasonable maximum rates or charges for the transportation of freight and cars on each railroad, including the classification of such rates and rules governing the same, and revise the same from time to time.

((4) FIX RATES OR CHARGES FOR CARRYING LIVESTOCK TO ST. PAUL OR BETWEEN ST. PAUL AND SOUTH ST. PAUL, PROVIDED THAT THE RAILROAD TRANSPORTING SUCH LIVESTOCK TO ST. PAUL SHALL ABSORB SWITCHING CHARGES FROM ST. PAUL TO SOUTH ST. PAUL OUT OF ITS LINE HAUL RATES OR CHARGES FOR TRANSPORTATION OF SUCH LIVESTOCK TO ST. PAUL, OR THE COMMON RATE POINT WHICH INCLUDES ST. PAUL.)

((5) PRESCRIBE RATES FOR FEEDING CATTLE APPLICABLE TO OUTMOVEMENT FROM TERMINAL MARKETS.) (4) The commission may unite two or more stations or commercial centers into a common rate point and may designate the classes of freight which shall take common rates, and fix the mileage that shall govern between the common rate point and any or all other points in the state. The distance so fixed shall not apply as a measure of the rate for the movement of the same class of freight for similar distances between other points.

((6)) (5) Prescribe a schedule of joint through railway rates for freight over two or more connecting lines of railway and revise the same from time to time. In so doing, the commission shall



consider, among other things, rates established for shipments within this state for like distances over single lines, rates charged by the railway companies operating such connecting lines for joint interstate shipments, and the increased cost, if any, of a joint through shipment as compared with a shipment over a single line for like distances. In establishing rates for shipments in less than carload lots, in cases where connecting railways are not required to have common stations or stopping place for loading or unloading freight at connecting points, the commission shall regulate the transportation of such freight from the usual unloading place of one railway to the usual loading place of the other. The share of any railway company of any joint through rates shall not be construed to fix the charge that it may make for a similar distance over any part of its line for any single rate shipment, or the share of any other joint rate. Where the line of a railway company connects the point of shipment with the point of destination but would require a longer haul than a joint haul for which a joint rate has been established, the commission may authorize charging the joint rate for the single haul without affecting the charge upon any other part of its line except that the charge for a like kind of property must not be greater for a shorter than for a longer distance upon that railroad, all of the shorter hauls being included within the longer.

((7)) (6) Define switching and drayage service to apply to the movement of traffic within and between points and fix reasonable maximum rates for the same, which shall be independent of any rates that may be made for line haul transportation. There shall be but one terminal charge for switching or transferring any car within any one municipality and, if it is necessary that any car in such transfer pass over the tracks of more than one railroad within such limits, the company first so transferring such car shall receive the entire charge therefor and be liable to each company doing subsequent switching for its just share of such charge as may be agreed upon among the companies, or, in the event of disagreement, as prescribed by the commissioner.

((8) UPON APPLICATION BY A CARRIER STATING THAT IT DESIRES TO ESTABLISH A RATE FOR A TEMPORARY PERIOD FOR THE PROTECTION OF THE INTERESTS OF THE CARRIERS OR ITS SHIPPERS, AUTHORIZE AND ESTABLISH THE TEMPORARY RATE, AND EXTEND THE RATE AS THE CIRCUMSTANCES OF THE CASE MAY REQUIRE, AND PERMIT THE RESTORATION OF THE RATE EXISTING AT THE TIME OF THE APPLICATION WITHOUT FURTHER PROCEEDINGS.)

((9) AUTHORIZE LESS THAN FULL FARE RATES FOR TRANSPORTATION OF CHILDREN UNDER 12 YEARS OF AGE.)

((10) APPROVE THE ESTABLISHMENT, CHANGE, OR ALTERATION OF ANY RATE, CHARGE, OR CLASSI-



FICATION, MINIMUM RATE, OR RULE GOVERNING THE SAME, TO WHICH A COMMON CARRIER IS A PARTY, UPON APPLICATION OF SUCH COMMON CARRIER IN WRITING WHEN SUCH APPLICATION APPEARS TO BE NONCONTROVERSIAL.)

Subd. 3. The commissioner shall, upon petition:

(1) At all points of intersection and crossings of different railroads, or where two railroads are not more than one-half mile apart, and at all terminals, prescribe ample facilities by track connection, joint use of tracks, (PASSENGER AND) freight platforms and depots, warehouses, docks over which general merchandise is handled and forwarded, and other necessary appliances and conveniences for the transfer, forwarding and handling of general merchandise and parcel freight between such railroads and between such railroads and such docks, warehouses and vessels at such docks.

(2) Determine the proportionate share of each company in the cost of providing connecting and transfer facilities in the event the companies fail to agree.

(3) Direct construction, maintenance and operation at any points prescribed by law of all side tracks and reasonable facilities connecting any road with any grain warehouse or mill, dock, wharf, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant, or manufactory adjacent thereto, and prescribe the terms therefor.

((4) DIRECT THE DISCONTINUANCE OF ANY REGULARLY SCHEDULED INTRASTATE PASSENGER TRAINS UPON A FINDING THAT THE PUBLIC WILL NOT BE DEPRIVED OF REASONABLY ADEQUATE SERVICE THEREBY.)

((5) PRESCRIBE RULES FOR DISTRIBUTION OF CARS AT STATIONS FOR USE OF SHIPPERS OF LIVESTOCK AND FARM PRODUCTS.)

((6) REQUIRE INSTALLATION OF TRACK SCALES AT TERMINALS, WAREHOUSES AND AT ALL OTHER POINTS IN THE STATE WHERE THE SAME ARE DEEMED NECESSARY AND PRESCRIBE REASONABLE REGULATIONS FOR THE WEIGHING OF CARS AND OF FREIGHT.)

((7) PRESCRIBE THE SPEED AT WHICH AND THE CONDITIONS UNDER WHICH CARS OF LIVESTOCK SHALL BE MOVED BY ANY CARRIER WITHIN THE STATE IN INTRASTATE SHIPMENTS.)



((8)) PRESCRIBE THE FEES NECESSARY TO COVER COST OF SUPERVISION AND WEIGHING AND THE METHOD OF ASSESSMENT AND COLLECTION THEREOF.)

((9)) (4) Prescribe reasonable regulations for handling property, passenger, baggage, express and mail, partly over privately owned rights-of-way and partly over highways, so that reasonable and adequate accommodations and service may be afforded.

((10)) (5) Prescribe the extent to which any designated carrier, upon its petition, may be relieved from the operation of the principles established by section 218.021, subdivision 1, clauses (6), (7) and (8).

Upon receipt of a petition for action pursuant to this subdivision the commissioner shall give notice to all persons known to him to have an interest in the matter and publish notice of the petition in the state register. The commissioner may grant the petition 30 days after notice has been fully made. If the commissioner receives a written objection to the petition from any person within 20 days after the notice of filing has been fully made, the exemption shall be granted or denied only after a contested case hearing has been held on the matter. The commissioner may elect to hold a contested case hearing if no objections to the petition or application are received. If a timely objection is not received and the commissioner declines to act without hearing, the petitioner may request within 30 days of receiving a notice of denial, and shall be granted, a contested case hearing on the application.

Subd. 4. The commissioner shall:

((1)) SUPERVISE AND INSPECT ALL TRACK SCALES, AND DIRECT ANY CARRIER TO TRANSPORT, MOVE AND SWITCH TO ANY TRACK SCALE FREE OF CHARGE ANY TEST CAR USED BY THE STATE IN TESTING THE SCALES;

((2)) (1) Investigate and determine whether any common carriers are granting rebates or, in any other particular, failing to comply with laws or with orders, rules or directives of the commissioner or the department;

((3)) (2) Appear and press before the Interstate Commerce Commission any petition, whether filed by a resident of the state or otherwise, charging any common carrier doing business in this state with any violation of the Interstate Commerce Act of the United States, whenever the department deems the matter to be one of public interest;



((4) APPOINT AT PUBLIC STOCKYARDS WEAHERS AS MAY BE NECESSARY FOR THE PURPOSE OF WEIGHING LIVESTOCK; A WEAHER SHALL REPORT DAILY TO THE SUPERVISOR OF THE STOCKYARDS ON THE WEIGHTS TAKEN BY HIM; THE REPORT SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER AND THE SUPERVISOR SHALL FURNISH TO INTERESTED PARTIES A CERTIFICATE SETTING FORTH THE NUMBER OF ANIMALS WEIGHED, FOR WHOSE ACCOUNT WEIGHED AND THE ACTUAL WEIGHT OF THE ANIMALS; NO WEAHER SHALL, DURING HIS TERM OF SERVICE, BE IN ANY MANNER INTERESTED IN THE HANDLING, SHIPPING, PURCHASING OR SELLING OF LIVESTOCK OR IN THE EMPLOY OF ANY PERSON OR CORPORATION ENGAGED IN THAT ACTIVITY, NOR SHALL HE BE A MEMBER OF ANY LIVESTOCK EXCHANGE OR ORGANIZATION OF LIKE CHARACTER;)

((5) AUTHORIZE PUBLICATION ON LESS THAN TEN DAYS' PUBLIC NOTICE OF SCHEDULES CONTAINING ALL CLASSIFICATIONS, RATES, FARES AND CHARGES FOR THE TRANSPORTATION OF FREIGHT AND PASSENGERS;)

((6) COLLECT ALL FEES PRESCRIBED BY THE COMMISSIONER TO COVER THE COST OF SUPERVISION AND WEIGHING, DEPOSITING THE SAME IN THE STATE TREASURY IN A FUND KNOWN AS THE LIVESTOCK WEIGHING FUND; AND)

((7)) (3) Institute and prosecute all actions and proceedings in the appropriate courts for the enforcement of the provisions of this chapter, the orders, rules and directives of the commissioner and the commission issued thereunder and any violations thereof; and

((8)) (4) Direct the repair, reconstruction or replacement of any inadequate or unsafe trackage, structure or facility.

Subd. 5. The commissioner may:

(1) Subpoena books, papers or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) Prepare all forms or blanks for the purpose of obtaining information which the commissioner may deem necessary or useful for the proper exercise of his authority and duties in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms shall be completed and filed;



(3) Inspect, at all reasonable times, and copy the books, records, memoranda, correspondence or other documents and records of any business under his jurisdiction; (AND)

(4) Examine, under oath, any officer, agent or employee of a business under his jurisdiction concerning its business and affairs(.); and

(5) *Prescribe rules, duly promulgated in accordance with chapter 15, relating to rates, care in handling and other live-stock transportation matters.*

Subd. 6. The (COMMISSIONER) *public service commission may upon its discretion and without hearing:*

(1) (ORDER ANY RAILROAD COMPANY TO FURNISH WATER FOR THE USE OF STOCK AT ALL STOCKYARDS IN THE STATE) *Upon application by a carrier stating that it desires to establish a rate for a temporary period for the protection of the interest of the carriers or its shippers, authorize and establish the temporary rate, and extend the rate as the circumstances of the case may require, and permit the restoration of the rate existing at the time of the application without further proceedings.*

(2) (PRESCRIBE REGULATIONS FOR THE WEIGHING OF CARS AND FREIGHT OFFERED FOR SHIPMENT IN CARLOAD LOTS, APPROVE SEALING DEVICES TO BE USED IN SEALING SCALES AND REQUIRE INSTALLATION OF SUCH SEALING DEVICES) *Approve the establishment, change, or alteration of any rate, charge or classification, minimum rate, or rule governing the same, to which a common carrier is a party, upon application of the common carrier in writing, when the application appears to be noncontroversial.*

(3) (ORDER IN AND REQUIRE INSTALLATION AND MAINTENANCE OF STOCK SCALES AT ALL STOCKYARDS, AND FIX THE CAPACITY OF SUCH SCALES WHICH SHALL BE FOR FREE USE OF ALL PATRONS, SHIPPING LIVESTOCK FROM, INTO OR THROUGH SUCH STOCKYARDS) *Authorize, on less than ten days' public notice, schedules containing classifications, rates, fares and charges for the transportation of freight and passengers.*

(4) *Retain general rate-making authority in intrastate transportation of livestock.*

Subd. 7. *The public service commission, or the commissioner, as appropriate, may take action to promulgate rules in areas including, but not limited to the following: rates, routes, depots, schedules, quality of service, and safety requirements relating to intrastate rail passenger service.*



Sec. 7. Minnesota Statutes 1978, Section 219.01, is amended to read:

219.01 [CONSTRUCTION OF RAILROADS.] (ALL STEAM RAILROADS SHALL BE OF THE STANDARD GAUGE OF FOUR FEET EIGHT AND ONE-HALF INCHES AND SUBSTANTIALLY AND SAFELY CONSTRUCTED) *The United States department of transportation and federal railroad administration track safety standards shall apply to all railroad trackage and shall be standard for determination of unsafe trackage within the state.*

Sec. 8. Minnesota Statutes 1978, Chapter 219, is amended by adding a section to read:

[219.071] [MAINTENANCE OF GRADE CROSSING SURFACES.] *Subdivision 1. It is the primary responsibility of the owner or lessee of railroad track in Minnesota to maintain grade crossing surfaces over public highways in a safe and passable condition for vehicular traffic in a manner consistent with appropriate federal track safety standards. The surfaces shall extend the full width of the public highway within the railroad track structure.*

*Subd. 2. If a grade crossing surface, as defined in section 219.16, is in need of repair or maintenance, the cost for the repair or maintenance may be paid jointly by the owner or lessee of the track, the road authority having jurisdiction over the public highway involved and funds that may be available to the department for grade crossing surfaces from the following sources:*

(1) *Monies appropriated to the department in the future for the purposes of this section.*

(2) *Available federal funds allocated to this state for the grade crossing program established by this section.*

(3) *Monies acquired by the department from any gift, grant or contributions from any source for purposes of this section.*

*Subd. 3. If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway involved agree upon the allocation of the cost of repair or maintenance of the grade crossing surface, a copy of the agreement shall be filed with the commissioner. If the parties to the negotiations contemplate the use in whole or in part of the funds described in subdivision 2, either party shall notify the commissioner before the conclusion of negotiations and the department may participate in the negotiations and may be a party to the agreement and participate in the costs incurred subsequent to agreement.*



Subd. 4. *If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway at the grade crossing cannot reach an agreement under subdivision 3 regarding repair or maintenance of a grade crossing surface, either party may invoke the jurisdiction of the department by filing with the commissioner a statement setting forth the status of negotiations and requesting the commissioner to make a final determination of the dispute. The commissioner, after written notice to the parties involved in the negotiations and after providing an opportunity for the parties to participate in a conference, may order the repair or maintenance of the grade crossing surface within a reasonable time as is needed to comply with standards set forth in subdivision 1 above. The order of the commissioner, in addition to enforcing the responsibility of the owner or lessee of the railroad track in question, may provide for participation in the costs of the project by the road authority or the funds available to the department in subdivision 2 above or other formulas as may be practical and reasonable under the circumstances. A party failing to comply with an order of the commissioner shall be subject to a penalty of \$50 for each day of noncompliance and each day shall constitute a separate offense, to be recovered for the state in a civil action instituted by the department.*

Subd. 5. *A party subject to an order issued pursuant to subdivision 4 may appeal the order of the commissioner to the district court of the county in which the grade crossing is located; and, in case of appeal, the same proceedings shall be conducted as are now provided by law for an appeal from orders of the commissioner. All orders of the commissioner shall be enforced by the attorney general.*

Sec. 9. Minnesota Statutes 1978, Chapter 219, is amended by adding a section to read:

[219.072] [ESTABLISHMENT OF NEW GRADE CROSSINGS.] *The establishment of all new grade crossings shall be approved by the commissioner. When it is desired, either by the public officials having the necessary authority or by the railroad company, to establish a new grade crossing and an agreement cannot be reached between the public officials and the railroad company, either as to need, location, or type of warning devices required, either party may file a petition with the commissioner setting forth the facts and submitting the matter for determination. The commissioner, after notice as he shall deem reasonable, shall conduct a hearing and issue his order determining the matters so submitted.*

Sec. 10. Minnesota Statutes 1978, Section 219.08, is amended to read:

219.08 [CROSSINGS: CHANGE OF GRADE.] (EVERY RAILROAD COMPANY IN THIS STATE SHALL KEEP



WELL PLANKED AND IN A SAFE AND PASSABLE CONDITION EVERY CROSSING OVER ANY PUBLIC HIGHWAY, AND) When any (SUCH) railroad company (SHALL HAVE CHANGED OR RAISED) *changes or raises* the grade of its tracks at any (SUCH) crossing it shall also grade the approaches on each side so as to make the approach and crossing of (SUCH) *the* tracks safe (AND EASY) for (TEAMS WITH LOADS AND OTHER) vehicles.

Sec. 11. Minnesota Statutes 1978, Section 219.10, is amended to read:

219.10 [PENALTY FOR VIOLATION.] *Subdivision 1.* Every railroad company who shall refuse or neglect to comply with the provisions of (SECTION) *sections 219.08 and 219.09* for the space of 30 days after having been notified *to comply* in writing by any (TOWN OR COUNTY BOARD SO TO DO) *road authority* shall be guilty of a violation of sections 219.08 (TO 219.12) *and 219.09* and shall be subject to a fine of \$50 for each day thereafter that such crossing is left in such dangerous and unsafe condition and each such day shall constitute a separate offense.

*Subd. 2.* [DUTY OF COUNTY ATTORNEY.] *The county attorney of any county may institute court proceedings for the collection of the fines, together with all costs and disbursements on the part of the road authority making the complaint, together with \$100 attorney's fees for each prosecution.*

Sec. 12. Minnesota Statutes 1978, Section 219.14, is amended to read:

219.14 [RAILROAD CROSSINGS PROTECTED.] *Subdivision 1.* [INVESTIGATION.] The commissioner on his own motion may investigate and determine whether any railroad crossing over any street or public highway now or hereafter established and traveled or to be traveled in this state is or will be when opened to public travel dangerous to life and property, or either, and may order the same protected in any manner (IT) *he* may find reasonable and proper, including requiring the company to separate the grades.

*Subd. 2.* [HEARING.] The commissioner shall give the interested railroad company *and road authority* such notice of the investigation as he deems reasonable, and an opportunity to be heard before any order is made.

Sec. 13. Minnesota Statutes 1978, Section 219.17, is amended to read:

219.17 [UNIFORM WARNING SIGNS.] The commissioner by rule shall require that uniform warning signs be placed at



grade crossings in this state. There shall be at least three distinct types of such warning signs: a home crossing sign, for use in the immediate vicinity of the crossing, an approach crossing sign, to indicate the approach to a grade crossing, and a stop sign *when deemed necessary*, which shall have the word "stop" plainly appearing thereon, to indicate the necessity to persons on the highway approaching the crossing, whether in vehicles or otherwise, to come to a stop before proceeding over the grade crossing.

Sec. 14. Minnesota Statutes 1978, Section 219.19, is amended to read:

219.19 [ADDITIONAL WARNING SIGNS; ROAD AUTHORITY TO PROVIDE.] At each grade crossing where, because of the conditions surrounding the same, the reasonable protection to life and property makes it necessary for additional warning signs to be placed on the highway at a greater distance from the crossing than the home crossing signs, (SUCH) approach warning signs shall be installed. The commissioner may designate any (SUCH) grade crossings requiring (SUCH) additional signs on either or both sides of (SAID) the crossing. When any (SUCH) crossing is designated by the commissioner as requiring (SUCH) additional protection, he shall notify the (RAILWAY COMPANY OPERATING THE RAILROAD THEREAT AND THE PUBLIC AUTHORITIES) *road authority* having the care of the highway. (SUCH RAILWAY COMPANY) *The road authority* shall, within 30 days after (SUCH) notification, furnish (SUCH) *and maintain* uniform signs (TO SUCH PUBLIC AUTHORITIES, AND SUCH PUBLIC AUTHORITIES SHALL ERECT THESE SIGNS IN CONSPICUOUS) *in the appropriate* places on the highway on either or both sides of (SUCH) the grade crossings (, AS THE CASE MAY BE, NOT LESS THAN 200 FEET FROM THE CROSSING AND THEREAFTER MAINTAIN THE SAME).

Sec. 15. Minnesota Statutes 1978, Section 219.23, is amended to read:

219.23 [WATCHMEN; RAILROADS TO PROVIDE.] When the commissioner, in any investigation instituted upon (HE) *his* own motion or upon complaint and after (NOTICE AND) *opportunity* for hearing, finds that (THE PRESENCE OF) a watchman is necessary for the protection of life and property at any grade crossing, he shall order the railway company operating the railroad thereat to provide (SUCH) a watchman and shall specify in (SUCH) *the* order the hours during which the presence of the same is required. It shall thereupon be the duty of (SUCH) *the* railway company to provide (SUCH) a watchman during (SUCH) *that* time. (SUCH) *The* watchman shall have full control over the traffic at this crossing.



Sec. 16. Minnesota Statutes 1978, Section 219.28, is amended to read:

219.28 [OVERHEAD OR UNDERGROUND CROSSINGS; SEPARATE GRADES.] The commissioner (MAY REQUIRE ANY RAILROAD COMPANY TO CONSTRUCT OVERHEAD AND MAINTAIN UNDERGROUND CROSSINGS AND SEPARATE GRADES WHEN, IN HIS OPINION, THE INTERESTS AND SAFETY OF THE PUBLIC REQUIRE, AND NO OVERHEAD OR UNDERGROUND CROSSINGS, NOR SEPARATION OF GRADE, SHALL BE MADE EXCEPT UPON PETITION THEREFOR, AND WITH THE APPROVAL OF THE COMMISSIONER) *shall approve the establishment of all overhead or underground crossings or separation of grades.*

Sec. 17. Minnesota Statutes 1978, Section 219.383, Subdivision 4, is amended to read:

Subd. 4. [NOT TO BLOCK PUBLIC ROADS OR STREETS.] No railway corporation shall permit any public road or street crossing a railroad track to be closed for traffic by a standing car, train, (OR) engine, or other railroad equipment, *or a switching movement which continuously blocks a crossing* for a longer period than ten minutes, provided, this section shall not apply to cities of the first class which regulate obstruction of streets by ordinance.

Sec. 18. Minnesota Statutes 1978, Section 219.39, is amended to read:

219.39 [DANGEROUS CROSSINGS; COMPLAINTS; HEARINGS.] (ON HIS OWN MOTION OR) Upon written complaint authorized by the governing body of any city or county, or by the board of supervisors of any town, *or authorized officers of a subject railroad*, alleging that any railroad crossing with any street, road or highway in the city, town or county is dangerous to life and property, and giving the reasons therefor, the commissioner shall investigate the matters contained in the complaint, and, where necessary, convene a hearing, at a time and place to be fixed by the commissioner, after such notice to the (COMPLAINANT) *road authority* and the railroad as the commissioner may deem reasonable.

Sec. 19. Minnesota Statutes 1978, Section 219.40, is amended to read:

219.40 [DETERMINATION; ORDER; FLAGMEN OR SAFETY DEVICE.] If a complaint is made under section 219.39, the commissioner shall determine whether the crossing is (DANGEROUS) *hazardous* and may with or without a hearing require the railroad company (COMPLAINED OF) to provide flagmen at (SUCH) *the* crossing, or to adopt (SUCH) safety



devices as the commissioner may deem necessary for the proper protection of the crossing, or may require the removal of any structure, embankment or other obstruction to the view, or may require the crossing complained of or other crossing in the vicinity thereof closed, or (IT) may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state transportation department interested, on (SUCH) terms and conditions as may seem just and equitable. (WHERE THE RAILROAD HAS BEEN CONSTRUCTED OR THE GRADE THEREOF LOWERED AFTER THE LAYING OUT OF THE HIGHWAY AND THE RAILROAD TRACKS ARE SEVEN FEET OR MORE BELOW THE NATURAL SURFACE OF THE GROUND,) The commissioner may require the (MAINTENANCE OF AN OVERHEAD BRIDGE WITH SUITABLE APPROACHES AND REQUIRE THE) complaining city, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing (; PROVIDED, THAT NO HIGHWAY SHALL BE LAID OUT OVER ANY RAILROAD SO AS TO CROSS AT THE SAME GRADE UNTIL SUCH CROSSING HAS BEEN APPROVED BY THE COMMISSIONER). If the complainant, *road authority*, or the railroad files exceptions to an order of the commissioner made under this section without a hearing, the commissioner shall convene a hearing on the original complaint. If the commissioner or his designee after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by rule of the commissioner, of said safety device, gates, or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, he may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on (SUCH) *the* basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the commissioner or his designee on the basis of benefit to the users of each; or the commissioner or his designee may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of transportation. In all other cases the public's share of the costs shall be paid from available funds or from the trunk highway fund, if ordered by the commissioner or his designee, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for (SUCH) *the* costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created. *Any crossing safety devices or improvements installed or maintained under provisions of this chapter as approved by the commissioner, whether by*



*order or otherwise, shall be deemed adequate and appropriate protection for the crossing.*

Sec. 20. Minnesota Statutes 1978, Section 219.403, is amended to read:

219.403 [NOT TO AFFECT EXISTING LAWS RELATING TO MUNICIPALITIES.] Nothing in sections 161.20, 219.40, 219.403 or *section 8 of this act* shall be construed to change any existing law relating to the rights and liabilities of any city, town, or county in connection with the construction or maintenance of any railroad crossing, grade separation, or signal system, or to impair the terms or conditions of any existing arrangement or agreement, or renewals thereof, between any railroad company and any municipality with reference to the maintenance of any railroad crossing, grade separation, or signal system.

Sec. 21. Minnesota Statutes 1978, Section 219.47, is amended to read:

219.47 [EXCEPTIONS.] *Subdivision 1. [PERMANENT.]* The commissioner may upon application made, after a thorough investigation and hearing in any particular case, permit any common carrier or any person or corporation to which Laws 1913, Chapter 307, as amended, applies to erect any overhead or side obstruction at a less distance from the track than herein provided for, and to construct any track or tracks at a less clearance than herein provided for, and to reconstruct and maintain the same when in the judgment of the commissioner a compliance with the clearance prescribed herein would be unreasonable or unnecessary or the erection or construction of such overhead or side obstruction or tracks or the reconstruction and maintenance of the same at a less clearance than herein provided would not create a condition unduly hazardous to the employees of (SUCH) *the common carrier or any person or corporation.*

*Subd. 2. [TEMPORARY.] The commissioner may upon application made, grant temporary clearance variances with appropriate safeguards without hearing, for statutory encroachments which result from emergency or temporary construction situations.*

Sec. 22. Minnesota Statutes 1978, Section 219.50, is amended to read:

219.50 [OBSTRUCTING SPACE BETWEEN TRACKS.] It shall be unlawful for any such common carrier or any person or corporation to which sections 219.44 to 219.52 apply to permit the space between or beside such of its tracks as are ordinarily used by yardmen and other employees in the discharge of their duties, and within eight feet *six inches* of the center line of any such track, to become or remain obstructed by any foreign ob-



stacle that will interfere with the work of the employees or subject the employees to unnecessary hazard. (SUCH) *The* space between or beside the tracks, as aforesaid, and between the rails of the tracks must be kept in (SUCH) *a* condition as to permit the employees to pass over or between the tracks or to use the same day or night and under all weather conditions without unnecessary hazard. (WHEREVER ANY RAILROAD COMPANY HAS ALREADY BEGUN WORK ON DEPRESSING A PORTION OF ITS TRACKS, WITHIN THE CORPORATE LIMITS OF ANY MUNICIPALITY, WHETHER UNDER CONTRACT WITH SUCH MUNICIPALITY OR OTHERWISE, SECTIONS 219.44 TO 219.52 SHALL NOT APPLY TO ANY DEPRESSION OF THE TRACKS OF SUCH COMPANY LYING WHOLLY WITHIN THE CORPORATE LIMITS OF SUCH MUNICIPALITY. NONE OF THE PROVISIONS OF SECTIONS 219.44 TO 219.52 SHALL APPLY TO ANY PART OF ANY WORK OR ENTERPRISE HERETOFORE BEGUN OR UNDER CONSTRUCTION, WHETHER UNDER CONTRACT BETWEEN ANY RAILROAD COMPANY AND ANY MUNICIPALITY OR OTHERWISE.)

Sec. 23. Minnesota Statutes 1978, Section 219.52, is amended to read:

219.52 [INSPECTORS OF DEPARTMENT OF LABOR; DUTIES.] Where any structure is at a less distance from the track than as provided by sections 219.45 to 219.53 the commissioner shall provide for warning signs to be placed thereon of (SUCH) *a* design and type as the commissioner shall deem proper unless the commissioner shall determine (SUCH) *a* sign is unnecessary. It shall be the duty of the railroad inspectors of the department of labor and industry to report to the commissioner and to the attorney general any violation of the provisions of sections 219.45 to 219.53 of which they may obtain knowledge.

Sec. 24. Minnesota Statutes 1978, Section 219.54, is amended to read:

219.54 [FREIGHT PLATFORMS.] Every railroad company shall provide at all stations in statutory cities containing 250 inhabitants or more within 30 days after written notice, served in the same manner as a summons in district court, from the city council of such city requiring such company so to do, and at other stations and sidings when required by the commissioner, immediately alongside of its tracks or sidetracks, platforms with approaches at each end, suitable and convenient for loading upon and unloading from its cars heavy machinery and other freight. (SUCH) *The* platforms shall be at least 12 feet wide, strongly built, and floored with plank at least three inches thick. The platforms, exclusive of approaches, shall be at least 32 feet long and of the height of the floor of an ordinary box car, and the approaches of such grade that heavily loaded (TEAMS) *vehicles and equipment* can be driven up and



down the same. Any (SUCH) company failing to comply with the provisions of this section shall forfeit to the state not less than \$500 nor more than \$1,000 for every 30 days that (SUCH) *the failure shall continue.*

Sec. 25. Minnesota Statutes 1978, Section 219.64, is amended to read:

219.64 [ASSUMPTION OF RISK; CONTRIBUTORY NEGLIGENCE.] Any employee of any common carrier who may be killed or injured *due to improperly adjusted and filled frogs, switches, and guardrails or by any locomotive, tender, car, similar vehicle, or train in use contrary to (THE PROVISIONS OF SECTIONS 219.58 TO 219.66) federal or state railroad safety laws and standards* shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of (SUCH) *the carrier* after the unlawful use of (SUCH) *the locomotive, tender, car, similar vehicle, or train* has been brought to his knowledge, nor shall (SUCH) *the employee* be held to have contributed to his injury in any case where the carrier shall have violated (ANY PROVISION OF SECTIONS 219.58 TO 219.66,) *federal or state railroad safety laws and standards* when (SUCH) *the violation* contributed to the death or injury of (SUCH) *the employee.*

Sec. 26. Minnesota Statutes 1978, Section 219.70, is amended to read:

219.70 [APPLICATION TO ABANDON; POWER OF COMMISSIONER.] Any (SUCH) company desiring to abandon any shop or terminal or move any shop or change the location of any terminal in this state shall first make application to the commissioner in writing. Before passing upon (SUCH) *the application* the commissioner shall order a public hearing in accordance with chapter 15.

Sec. 27. Minnesota Statutes 1978, Section 219.741, is amended to read:

219.741 [APPLICATION FOR REMOVAL.] Any railroad company desiring to abandon, close for traffic, or remove any of its tracks described in section 219.681 shall first make application to the commissioner in writing. Before passing upon (SUCH) *the application* the commissioner shall (FOLLOW THE PROCEDURE SET OUT IN SECTION 218.041, SUBDIVISION 3) *provide the opportunity for a hearing after public notice and, if he so determines, shall fix a time and place for hearing, and a notice of the hearing shall be served upon all interested persons so far as known to the commissioner.*

Sec. 28. Minnesota Statutes 1978, Section 219.85, is amended to read:



219.85 [RAILROAD STATIONS, AGENCY SERVICE.] Agency service at common carrier railroad stations shall be that required by the public convenience and necessity. No (SUCH) station shall be abandoned nor agency service thereat reduced or discontinued without the consent of the commissioner after public notice and (HEARING) *opportunity for hearing is afforded*. The commissioner may on his own motion or upon the petition of any interested party order station agency service at any station established, reestablished or expanded after notice and (HEARING AS HEREIN PROVIDED. HEARINGS SHALL BE CONDUCTED IN THE SAME MANNER AS OTHER HEARINGS BEFORE THE COMMISSIONER WITH NOT LESS THAN 30 DAYS' NOTICE TO SUCH PERSONS AND IN SUCH A MANNER AS MAY BE PRESCRIBED BY RULE OF THE COMMISSIONER) *an opportunity for hearing*.

Sec. 29. Minnesota Statutes 1978, Section 219.92, is amended to read:

219.92 [NEW ROADS; NOTICE; FILING OF MAPS AND PROFILES.] Every railroad company having constructed any railroad by way of branch or extension or otherwise, before opening the same to public use, shall notify the commissioner that the same is finished and in a safe condition for operation, *being in full compliance with federal track safety standards*, and shall file with the commissioner a map and profile thereof with table of grades, curvatures, and mileage, and a statement of other characteristics of (SUCH) *the* road and an itemized statement showing the actual cost thereof; all of the foregoing to be in (SUCH) *a* form (AS THE COMMISSIONER SHALL PRESCRIBE) *so as to be in compliance with the federal track safety standards* and to be attested by the oath of the president or other managing officer, and the chief engineer of the company.

Before the new line is operated as a public road, the commissioner shall inspect the same, or cause it to be inspected *by the state federal track safety inspectors*, and furnish the company with a certificate showing compliance with the foregoing conditions, and that the road has been inspected and found to be in safe condition for operation.

When it is found desirable to operate any portion of any new railroad built or any new branch or extension, or otherwise, before completion of the same, the commissioner may, on application, authorize the operation of (SUCH) *the* portion thereof pending the completion of the entire road under such terms and conditions as the commissioner may impose in the interests of the public.

Sec. 30. Minnesota Statutes 1978, Section 219.97, Subdivision 7, is amended to read:



Subd. 7. Any company failing to comply with any of the provisions of (SECTIONS 219.84 AND) section 219.85 shall forfeit to the state for each (SUCH) violation not less than \$500 nor more than \$1,000; and each period of 30 days that any such failure shall continue shall be deemed to constitute a separate offense.

Sec. 31. Minnesota Statutes 1978, Chapter 239, is amended by adding a section to read:

[239.081] [INSPECTING TRACK SCALES.] *The department shall supervise and inspect all track scales, and may direct any carrier to transport, move, and switch to any track scale free of charge any car used in the inspection and testing of scales. The department shall require the installation and maintenance of track scales at terminals, warehouses, and at other points in the state where scales are deemed necessary. The department shall prescribe reasonable regulations for the weighing of railroad cars and of freight. Rules of the department promulgated under chapter 218 and in effect on January 1, 1976, which pertain to installation or inspection of track scales or the weighing of railroad cars and freight shall continue in effect until amended or repealed by the department.*

Sec. 32. [REPEALER.] *Minnesota Statutes 1978, Sections 219.02; 291.03; 219.04; 219.05; 219.07; 219.11; 219.12; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61; 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89; 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01; 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12; 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14, are repealed.*

Sec. 33. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Further amend the title as follows:

Delete everything in its entirety and insert:

"A bill for an act relating to transportation; abolishing the functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw; clarifying laws relating to the regulation of railroads and removing obsolete and duplicative language; prescribing certain powers of the commissioner of transportation and the public service commission relating to rates and charges; requiring track scales, and regulating the weighing of railroad cars and freight; providing for railroad grade crossing safety devices and other safety devices; prescribing penalties; amending Minnesota Statutes 1978, Sections 218.011, Subdivision 2; 218.021; 218.031, Subdivision 1; 218.041; 219.01; 219.08; 219.10;



219.14; 219.17; 219.19; 219.23; 219.28; 219.383, Subdivision 4; 219.39; 219.40; 219.403; 219.47; 219.50; 219.52; 219.54; 219.64; 219.70; 219.741; 219.85; 219.92; 219.97, Subdivision 7; Chapters 25, by adding sections; 219, by adding sections; and 239, by adding a section; repealing Minnesota Statutes 1978, Sections 219.02; 219.03; 219.04; 219.05; 219.07; 219.11; 219.12; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61; 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89; 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01, 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12; 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1661, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1978, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.403, Subdivision 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 340.035, Subdivision 2, is amended to read:

Subd. 2. A person violating any provision of (THIS SECTION) *subdivision 1, clauses (4), (5) or (6)* is guilty of a misdemeanor. *Any person violating any provision of subdivision 1, clauses (1), (2) or (3) is guilty of a gross misdemeanor and in addition to any criminal penalty imposed, if the violator is a licensee or employee thereof, the license of the licensee shall be suspended for a period of one year.*

Sec. 2. Minnesota Statutes 1978, Section 340.73, Subdivision 3, is amended to read:

Subd. 3. Whoever shall in any way procure liquor for the use of any person named in this section shall be deemed to have sold it to such person. Any person violating any of the provisions of this section is guilty of a gross misdemeanor. *In addition to any criminal penalty imposed, if the violator is a licensee or employee thereof, the license of the licensee shall be suspended for a period of one year.*



Sec. 3. Minnesota Statutes 1978, Section 340.79, is amended to read:

**340.79. [GIVING TO OR PROCURING FOR CERTAIN PERSONS; PENALTY.]** Any person who shall give to, procure or purchase, intoxicating liquors for any person under the age of 19 years or other person to whom the sale of intoxicating liquors is by law forbidden, is guilty of a gross misdemeanor and, upon conviction, shall be punished in accordance with the laws of the state. *In addition to any criminal penalty imposed, if the violator is a licensee or employee thereof, the license of the licensee shall be suspended for a period of one year.*

Sec. 4. Minnesota Statutes 1978, Section 169.121, Subdivision 3, is amended to read:

Subd. 3. Every person convicted of a violation of this section or an ordinance in conformity therewith is punishable by imprisonment of not more than 90 days, or by a fine of not more than \$500, or both, and his driver's license shall be revoked for not less than 30 days (, EXCEPT THAT). Every person who is convicted of a violation of this section or an ordinance in conformity therewith, when the violation is found to be the proximate cause of great bodily harm as defined in section 609.02, subdivision 8, or death to another person, shall be punished by imprisonment for not more than 90 days, or by fine of not more than \$500, or both, and his driver's license shall be revoked for not less than 90 days. *The driver's license of any person under the age of 19 years on the date of violation who is convicted or adjudicated delinquent or a juvenile highway traffic offender pursuant to Minnesota Statutes, Chapter 260, for a violation of this section or an ordinance in conformity therewith shall be revoked for not less than one year.*

Any person whose license has been revoked pursuant to section 169.123 is not subject to the mandatory revocation provision of this subdivision."

Delete the title in its entirety, and insert:

"A bill for an act relating to driver's licenses; requiring revocation of the license of minors convicted of driving while intoxicated or under the influence of a controlled substance; intoxicating liquor; penalties and license suspension for sale to minors; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 3; 340.035, Subdivision 2; 340.73, Subdivision 3; and 340.79."

With the recommendation that when so amended the bill pass.

The report was adopted.



Fudro from the Committee on Transportation to which was referred:

H. F. No. 1706, A bill for an act relating to transportation; providing for a travel information franchise program, and prescribing the powers and duties of the commissioner of transportation in relation thereto; amending Minnesota Statutes 1978, Sections 160.08, Subdivision 7; 161.23, Subdivision 3; 161.433, Subdivision 2; and 161.434.

Reported the same back with the following amendments:

Page 1, line 15, after "through" insert "travel-related"

Page 1, line 20, delete "June 1, 1980." and insert "May 1, 1981. Franchises for this phase shall be ready to let by January 1, 1981."

Page 2, line 3, delete the period and insert "and shall satisfy the requirements of the state building code for accessibility by the physically handicapped. All structures shall be designed to enhance their site and shall be aesthetically compatible with the natural environment."

Subd. 4. The commissioner shall determine the sites to be included in this program and shall also determine if the advertising display at each site is to be inside or outside of any buildings or shelters."

Page 2, line 28, delete "federal highway"

Page 2, delete line 29

Page 2, line 30, delete "Volume 6, Chapter 2, Section 5)" and insert "23 CFR 252 and subsequent revisions"

Page 2, line 33, after "offered" insert "initially"

Page 3, line 3, delete "and" and insert:

"(c) The franchisees shall make appropriate marketing efforts in an attempt to lease at least 40 percent of the commercial advertising space to local advertisers; and"

Page 3, line 4, delete "(c)" and insert "(d)"

With the recommendation that when so amended the bill pass.

The report was adopted.



Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1710, A bill for an act relating to energy; stating legislative energy policy; establishing a joint legislative committee on energy; providing grants and assistance for community energy planning; modifying certain need certification procedures; allowing certain utility expenses; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 216B.16, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivisions 3, 5, and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 116H.01, is amended to read:

116H.01 [FINDINGS AND PURPOSE.] The legislature finds and declares that (THE PRESENT RAPID) *continued* growth in demand for energy (IS IN PART DUE TO UN-NECESSARY ENERGY USE; THAT A CONTINUATION OF THIS TREND WILL RESULT IN SERIOUS DEPLETION OF FINITE QUANTITIES OF FUELS, LAND AND WATER RESOURCES, AND THREATS TO THE STATE'S ENVIRONMENTAL QUALITY; THAT THE STATE MUST INSURE CONSIDERATION OF URBAN EXPANSION, TRANSIT SYSTEMS; ECONOMIC DEVELOPMENT, ENERGY CONSERVATION AND ENVIRONMENTAL PROTECTION IN PLANNING FOR LARGE ENERGY FACILITIES; THAT THERE IS A NEED TO CARRY OUT ENERGY CONSERVATION MEASURES; AND THAT ENERGY PLANNING, PROTECTION OF ENVIRONMENTAL VALUES, DEVELOPMENT OF MINNESOTA ENERGY SOURCES, AND CONSERVATION OF ENERGY REQUIRE EXPANDED AUTHORITY AND TECHNICAL CAPABILITY AND A UNIFIED, COORDINATED RESPONSE WITHIN STATE GOVERNMENT.)

(THE LEGISLATURE SEEKS TO ENCOURAGE THRIFT IN THE USE OF ENERGY, AND TO MAXIMIZE USE OF ENERGY EFFICIENT SYSTEMS, THEREBY REDUCING THE RATE OF GROWTH OF ENERGY CONSUMPTION, PRUDENTLY CONSERVING ENERGY RESOURCES, AND ASSURING STATEWIDE ENVIRONMENTAL PROTECTION CONSISTENT WITH AN ADEQUATE, RELIABLE SUPPLY OF ENERGY.) *will cause severe social and economic dislocations, and that the state has a vital interest in providing for: increased efficiency in energy consumption, the development and use of renewable energy resources wherever possible, and the creation of an effective energy forecasting, planning and education program.*



*The legislature further finds and declares that the protection of life, safety and financial security for citizens during an energy crisis is of paramount importance.*

*Therefore, the legislature finds that it is in the public interest to encourage and support those energy programs which will prevent the need for annual increases in fossil fuel consumption by 1990 and the need for additional electrical generating plants, and provide for an optimum combination of energy sources consistent with environmental protection and the protection of citizens.*

*The legislature intends to monitor through energy policy, planning, and implementation the transition from historic growth in energy demand to a period when demand for traditional fuels becomes stable and the supply of renewable energy resources is readily available and adequately utilized.*

**Sec. 2. [116H.089] [COMMUNITY ENERGY PLANNING; GRANTS.]** *Subdivision 1. [PURPOSE.] In order to improve the energy planning capabilities of local governments, the energy agency shall make grants to counties and cities, however organized. The energy agency shall give priority when granting funds to those units of government that submit plans that would result in significant savings of traditional energy sources, development of renewable energy systems, and broad community involvement. The director shall give priority to local units of government which agree to pay part of the cost of a program and which request grants for programs which can be duplicated by other local governments. The grants may be used to purchase materials, employ staff or contract with other units of government or qualified consultants.*

**Subd. 2. [QUALIFYING EXPENDITURES.]** *Community energy planning grants may be used for the following purposes:*

*(a) To gather, monitor, and analyze local energy supply, demand, and cost information;*

*(b) Preparation of community energy plans which may be incorporated into other community plans and ordinances;*

*(c) Implementation of programs which result in significant energy savings or the development of alternative and renewable energy resources and which have the potential to achieve community energy conservation goals; and*

*(d) To assist neighborhood organizations in counties, and cities to do energy planning; and*

*(e) Any other purposes deemed appropriate by the director of the energy agency.*



*Subd. 3. [ADMINISTRATION.] The energy agency shall determine priorities pursuant to subdivisions 1 and 2, and shall promulgate rules for the submission and review of applications in accordance with the provisions of chapter 15. For this purpose the energy agency may adopt temporary rules pursuant to the provisions of section 15.0412, subdivision 5.*

**Sec. 3.** Minnesota Statutes 1978, Chapter 216B, is amended by adding a section to read:

**[216B.165.] [ENERGY AUDITS.]** *Subdivision 1. A customer who asks a public utility to perform an energy audit of his residence pursuant to 42 U.S.C. 8211 shall pay no more than \$10 of the administrative and general expenses associated with the audit. The remainder of the administrative and general expenses of operating a program of energy audits pursuant to 42 U.S.C. 8211, including those associated with program audits, list distribution, customer billing services, arranging services and post-installation inspections shall be treated as current operating expenses of providing utility service and shall be charged to all ratepayers of the public utility in the same manner as other current operating expenses of providing utility service.*

*Subd. 2. All audits performed pursuant to 42 U.S.C. 8211 of residences which are required by section 116H.129, subdivision 3 to comply with energy efficiency standards shall include a separate list of those improvements to the residence which are required to bring the residence into compliance with section 116H.129, subdivision 3, and a statement describing remedies available to tenants for violations.*

**Sec. 4.** Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 7, is amended to read:

*Subd. 7. Other state agencies authorized to issue permits for siting, construction or operation of large energy facilities, including the department of public service when the proposed facility would be subject to its ratemaking authority, shall present their position regarding need and participate in the public hearing process prior to the issuance or denial of a certificate of need. Issuance or denial of certificates of need shall be the sole and exclusive prerogative of the director and said determinations and certificates shall be binding upon other state departments and agencies, regional, county and local governments and special purpose government districts except as provided in sections 116C.01 to 116C.08 and 116D.04, subdivision 9.*

**Sec. 5. [APPROPRIATION.]** *Subdivision 1. There is appropriated from the general fund to the energy agency the sum of \$50,000 to administer the grant program established by section 2 and to develop model community energy plans and ordinances of statewide applicability pursuant to section 2. This*



*appropriation shall remain available until June 30, 1981. The approved complement of the energy agency is increased by one person.*

*Subd. 2. There is appropriated from the general fund to the energy agency the sum of \$2,000,000 for the grants established by section 2. The appropriation shall not cancel but shall remain available until expended.*

**Sec. 6. [EFFECTIVE DATE.]** *This act is effective the day following final enactment."*

Delete the title in its entirety and insert:

**"A bill for an act relating to energy; stating legislative energy policy; providing grants and assistance for community energy planning; assessment of fees for residential energy audits; appropriating money; amending Minnesota Statutes 1978, Section 116H.01; and Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 7."**

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1727, A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivision 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; and 259.27, Subdivision 4; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

Reported the same back with the following amendments:

Page 4, after line 32, insert:

**"Sec. 7. Minnesota Statutes 1978, Chapter 259, is amended by adding a section to read:**

**[259.251] [REPRESENTATION OF MINOR PARENT.]**  
*A guardian ad litem shall be appointed for a parent who is under 18 years of age and who wishes to consent to the adoption of a child or to enter an agreement giving authority to place a child for adoption. An agency with whom such a parent desires to*



*execute a consent to adoption or to enter a placement agreement shall petition the court for appointment of a guardian ad litem before the consent is executed or the placement agreement is entered. The guardian ad litem shall explain to the parent the legal consequences of consenting to adoption or of entering a placement agreement and shall explain the right to withdraw consent or revoke a placement agreement, in order to insure that the parent makes an informed and voluntary decision. The cost of appointing the guardian ad litem shall be borne by the county."*

Renumber the remaining sections accordingly

Further, amend the title as follows:

Page 1, line 11, delete "and" and after the second semi-colon insert "and Chapter 259, by adding a section;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1730, A bill for an act relating to commerce; limiting product liability actions against non-manufacturers.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1735, A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

Reported the same back with the following amendments:

Page 2, after line 30, insert a new section as follows:

"Sec. 2. Minnesota Statutes 1978, Section 375.26, is amended to read:

375.26 [GIFTS, ACCEPTANCE.] Any county in this state may receive by grant, gift, devise, or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any personal property, and any real property not to exceed



40 acres in any one county, for the use and benefit of the inhabitants of the county or as a park or recreation grounds, and in the encouragement, aid, and maintenance of the county cooperative work and education in agriculture and home economics (, AND IN AID AND FURTHERANCE OF THE OBJECT AND PURPOSE OF THE FARM BUREAU ASSOCIATION IN THE COUNTY). Such county may, from time to time, by resolution of the county board, appropriate from the county revenue fund such sum or sums as may by the board be deemed necessary to suitably maintain, improve, and care for the property for such use and purpose (, NOT EXCEEDING THE SUM OF \$3,500 IN ANY ONE YEAR)."

Amend the title as follows:

Page 1, line 4, after "Statutes" delete the comma and insert "1978, Section 375.26; and Minnesota Statutes,"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1738, A bill for an act relating to housing; appropriating money to the Minnesota housing finance agency for the purpose of subsidizing certain loan origination fees; requiring a report.

Reported the same back with the following amendments:

Page 1, line 9, delete "Minnesota"

Page 1, line 10, delete "finance agency" and insert "development fund created by Minnesota Statutes, Section 462A.20"

Page 1, lines 18 to 19, delete everything after the period

Amend the title as follows:

Page 1, after line 2, insert "housing development fund of the"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:



H. F. No. 1743, A bill for an act relating to highway traffic regulations; speed limits; authorizing cities to establish speed limits on streets and highways under their jurisdictions; placing restrictions on such limits; amending Minnesota Statutes 1978, Section 169.14, Subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 169.14, is amended by adding a subdivision to read:

*Subd. 5b. When any segment of at least a quarter-mile in distance of any city street, municipal state aid street or town road on which a speed limit in excess of 30 miles per hour has been established pursuant to an engineering and traffic investigation by the commissioner meets the definition of "urban district" as defined in section 169.01, subdivision 59, the governing body of the city or town may by resolution declare the segment to be an urban district and may establish on the segment the speed limit for urban districts prescribed in subdivision 2. The speed limit so established shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the segment on which the speed limit is established, and any speed in excess of such posted limits shall be unlawful. A copy of the resolution shall be transmitted to the commissioner at least 10 days prior to the erection of the signs."*

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to highway traffic regulations; speed limits; allowing cities and towns to declare segments of city streets and town roads to be urban districts and to post urban district speed limits on them; amending Minnesota Statutes 1978, Section 169.14, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1758, A bill for an act relating to veterans; creating a tuition exemption program for certain veterans.

Reported the same back with the following amendments:

Page 1, line 12, after "Minnesota" insert "or an area vocational-technical school located in the state of Minnesota"

Page 1, line 21, delete "March" and insert "May"

Page 2, after line 2, insert:



"(d) "Commissioner" means the commissioner of veterans' affairs.

(e) "Armed forces" means United States Army, Navy, Marine Corps, Coast Guard, or Air Force."

Page 2, line 3, after "[AUTHORIZATION.]" insert "Notwithstanding any other law to the contrary,"

Page 2, line 6, after the period insert "Tuition free enrollment shall be available to a veteran only for attendance at an eligible educational institution which occurs after the date on which application is made under subdivision 3 of this section."

Page 2, delete lines 7 through 17 and insert:

"Subd. 3. [COORDINATION OF PROGRAM.] The commissioner shall administer the provisions of this section. A veteran who wishes to attend an eligible institution tuition free may make application therefore to the commissioner for a tuition exemption, which shall be made upon a form prescribed by the commissioner and verified by the applicant. Each application shall be accompanied by such information and evidence as the commissioner may require. In the application the veteran shall name the institution at which the veteran will use the exemption. The commissioner shall grant the exemption if he finds that the veteran is entitled to it under the terms of this section and shall notify the appropriate eligible institution of the exemption."

Page 2, line 18, delete "department of veterans affairs" and insert "commissioner is authorized to"

Page 2, line 19, delete "shall"

Page 2, line 25, delete "after" and insert "beyond the date at which"

Page 2, line 27, after "1661" insert ", whichever date occurs first"

Page 2, line 27, after the period insert "If the veteran is enrolled in an eligible educational institution regularly operated on the quarter or semester system and the date for termination of his tuition exemption falls during a quarter or semester, the tuition exemption shall be extended to the termination of such unexpired quarter or semester."

Page 2, after line 27, add a new section to read:

"Sec. 2 [APPROPRIATION.] The sum of \$ ..... is appropriated to the commissioner of veterans' affairs from



the general fund for the purposes of section 1 for the period ending June 30, 1981."

Further, amend the title as follows:

Page 1, line 3, after "veterans" insert "; appropriating money"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1761, A bill for an act relating to energy conservation; creating the Minnesota district heating account; authorizing the Minnesota energy agency to administer and supervise a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota Constitution; authorizing cities to operate district heating systems; appropriating money; amending Minnesota Statutes 1978, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapter 116H, by adding sections; and Chapter 465, by adding a section.

Reported the same back with the following amendments:

Page 3, line 18, delete "*the agency and*"

Page 3, line 27, delete "*energy*" and insert "*heating*"

Page 6, line 32, delete "*50*" and insert "*25*"

Page 6, delete line 33 and insert "*4, clause (a);*"

Page 7, line 1, delete "*90*" and insert "*70*"

Page 7, line 2, delete "*(d) and (f)*" and insert "*(b), (c), (d), (e) and (f)*"

Page 12, line 9, delete "*\$100,000,000*" and insert "*\$70,000,000*"

Page 15, after line 9, add sections to read:

"Sec. 9. Minnesota Statutes 1978, Chapter 216B, is amended by adding a section to read:

[216B.166] [COGENERATING POWER PLANTS.] Subdivision 1. *The legislature finds and declares that significant public benefits may be derived from the cogeneration of elec-*



trical and thermal energy and that cogenerated district heating may result in improved utilization and conservation of fuel, the substitution of coal for scarce oil and natural gas, the substitution of domestic fuel for imported fuel, and the establishment of a reliable, competitively priced heat source. Since the cost of cogenerated thermal energy is dependent upon the method used to allocate costs between the production of electric and thermal energy at a power plant, and because the method of cost allocation can be a significant factor in determining investment in district heating, it is necessary to develop cost allocation methods rapidly.

Subd. 2. For the purpose of this section, the following terms shall have the meanings given.

(a) "Cogeneration" means a combined process whereby electrical and thermal energy are simultaneously produced by a public utility power plant.

(b) "District heating" means a process whereby thermal energy is distributed within a community for use as a primary heat source.

(c) "District heating utility" means any person, corporation, or other legal entity which owns and operates a facility for district heating.

Subd. 3. In determining just and reasonable rates to be charged for electrical and thermal energy produced by cogenerating power plants owned by public utilities, the commission shall utilize methods and procedures to allocate costs which are consistent with the following principles:

(a) The method used shall result in a cost per unit of electricity which is no greater than the cost per unit which would exist if the power plants owned by the public utility had been optionally constructed and operated without cogenerating capability;

(b) The method shall result in a cost per unit of thermal energy which is no greater than would exist if the district heating utility optimally constructed and operated a separate facility without cogeneration capability;

(c) Costs which the public utility incurs for the exclusive benefit of the district heating utility, including but not limited to backup and peaking facilities, shall be assigned and included in the rate charged for thermal energy produced by cogeneration;

(d) The methods and procedures may be different for retrofitted and new cogenerating power plants; and



(e) *The methods should encourage cogeneration while preventing subsidization by electric consumers so that both heating and electricity consumers are treated fairly and equitably with respect to the costs and benefits of cogeneration.*

Sec. 10. [SYSTEM AUDIT.] *Any municipality operating a district heating system funded in part under the lending provisions of sections 1 to 3 shall contract a qualified engineering auditing firm to examine the performance of the system every two years after the beginning of operation of the system. The audit shall specifically examine the adequacy of system revenues to insure the proper maintenance and long-term operation of the system. The audit report shall be forwarded to the governor, the legislative advisory commission, the energy agency, and the commissioner of finance."*

Renumber the subsequent sections

Further, amend the title as follows:

Page 1, line 10, after "systems;" insert "requiring biennial audits of certain municipal heating systems; requiring the establishment of rates by the public service commission which encourage cogeneration plants;"

Page 1, line 13, delete "Chapter" and insert "Chapters"

Page 1, line 13, after "sections;" insert "216B, by adding a section;"

Page 1, line 14, delete "Chapter"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1765, A bill for an act relating to financial institutions; excluding certain loans made by credit unions in calculating outstanding loans and risk assets for reserve fund purposes; amending Minnesota Statutes 1978, Section 52.17.

Reported the same back with the following amendments:

Page 2, line 18, strike the old language and delete the new

Page 2, delete lines 19 and 20



Page 2, line 21, delete "*only to the amount of the insurance or guarantee,*" and insert "*The following*"

Page 2, line 23, before the period insert "*: loans to other credit unions; loans fully secured by a pledge of savings in the lending credit union equal to and maintained to at least the amount of the loan outstanding; loans which are purchased or acquired from liquidating or merging credit unions and guaranteed by an insurance corporation pursuant to section 52.24; loans insured or guaranteed by the United States or the State of Minnesota, any agency or instrumentality of the United States or the State of Minnesota, to the amount of the insurance or guarantee*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1774, A bill for an act relating to juries; authorizing the trial court in civil actions to seat a jury of 12 persons; amending Minnesota Statutes 1978, Section 593.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, delete "*may, in its discretion,*" and insert "*shall*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1777, A bill for an act relating to commerce; prohibiting the sale of certain motor vehicles after a certain date unless a certain prescribed condition is met.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [ALCOHOL FUELED MOTOR VEHICLES.] Any motor vehicle manufacturer doing business in this state who manufactures motor vehicles powered by pure alcohol or



by a blend of alcohol and water shall offer for sale within the state the line of alcohol powered vehicles after August 1, 1982."

Delete the title and insert:

"A bill for an act relating to commerce; requiring manufacturers of alcohol fueled motor vehicles to offer the same for sale within the state."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1781, A bill for an act relating to education; eliminating the requirement that school districts make referendum levies in order to qualify to make certain discretionary levies; amending Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 7a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE I

### FOUNDATION AIDS AND LEVIES

Section 1. Minnesota Statutes 1978, Section 122.531, is amended by adding a subdivision to read:

*Subd. 3a. (1) For purposes of computing the levy limitation under section 275.125, subdivision 6b, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more existing districts, the amounts specified in this subdivision shall be used in lieu of the amounts specified in the designated clauses of section 275.125, subdivision 6b.*

*(2) In lieu of the amount specified in section 275.125, subdivision 6b, clause (2), part (b), subpart (i), there shall be used the sum of the amounts derived by performing the following multiplication for each component district.*

*(a) the product in section 275.125, subdivision 6b, clause (1), part (b), computed for the component district, times*

*(b) the quotient obtained by dividing the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and*



(2), from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective, by the total number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the component district in the year preceding the year when the consolidation or dissolution and attachment becomes effective.

(3) In lieu of the quotient used in the computation in section 275.125, subdivision 6b, clause (2), part (b), subpart (ii), there shall be used the quotient obtained by dividing:

(a) the sum derived in clause (2) of this subdivision, by

(b) the sum of the amounts derived by performing the following computation for each component district:

(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the component district in 1979-1980, times

(ii) the quotient derived for that component district in clause (2), part (b) of this subdivision.

Sec. 2. Minnesota Statutes 122.531, is amended by adding a subdivision to read:

Subd. 5. For purposes of computing the levy limitation under section 275.125, subdivision 6c, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts there shall be used in lieu of the amount specified in section 275.125, subdivision 6c, clause (1), part (a)(i) (A), the quotient obtained by dividing:

(1) the sum of the amounts derived by performing the following multiplication for each component district:

(a) the quotient in section 275.125, subdivision 6c, clause (1), part (a)(i)(A), computed for the component district for purposes of 1979 payable 1980 levy limitations, times

(b) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective; by

(2) the total number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the year when the consolidation or dissolution and attachment becomes effective.



Sec. 3. Minnesota Statutes, 1979 Supplement, Section 124.01, is amended to read:

124.01 [DEFINITIONS.] Subdivision 1. For purposes of this chapter, the words defined in section 120.02 have the same meaning and the terms defined in this section have the meanings attributed to them in this section.

Subd. 2. "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and in the computation of permissible levies for use in that school year. For foundation aid for the 1979-1980 school year, the formula allowance shall be \$1,182. For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the formula allowance shall be \$1,265. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year the formula allowance shall be \$1,354. *For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the formula allowance shall be \$1,449.*

Subd. 3. "Basic maintenance mill rate" means the maximum permissible mill rate applicable to the adjusted assessed valuation of a district, specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and of permissible levies for use in that school year pursuant to section 275.125, subdivision 2a, clause (1) or (2). For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the basic maintenance mill rate shall be .023. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the basic maintenance mill rate shall be .021. *For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the basic maintenance mill rate shall be .020.*

Subd. 4. "Equalizing factor" means the ratio of the formula allowance for a particular school year to the basic maintenance mill rate for that school year. For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the equalizing factor shall be \$55,000. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the equalizing factor shall be \$64,476. *For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the equalizing factor shall be \$72,450.*

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 124.19, Subdivision 4 is amended to read:

Subd. 4. In (AN ELEMENTARY) a school where the number of instructional hours in the school day is greater than the number of instructional hours prescribed in the rules of the state board for the school day, the excess number of instructional hours for those days may be included in calculating the required number of days school is in session for purposes of



fulfilling the requirements of subdivision 1, provided that the school is in session for not less than 160 days during the school year, and provided that no instructional hours are included from half-day sessions or any school day which has less instructional hours than the number of instructional hours prescribed in the rules of the state board.

Sec. 5. Minnesota Statutes 1978, Section 124.20, is amended to read:

**124.20 [EDUCATION; STATE AID; SUMMER SCHOOL AND FLEXIBLE SCHOOL YEAR CLASSES.]** Foundation aid for (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, (3) summer school classes in elementary and secondary schools, and (4) summer school instruction in teachers college laboratory schools or in the university laboratory school, shall be paid at a proportionate rate for foundation aids paid for the preceding regular school year programs under this section in an amount greater than its actual expenditures for these programs; provided further, that for purposes of computing summer school foundation aid, a district's foundation aid for the regular school year shall be reduced by the amount of the agricultural tax credit included in that foundation aid; *provided further, that for purposes of computing summer school foundation aid starting in 1981, foundation aid for the regular school year shall be reduced by amounts of foundation aid computed pursuant to section 124.212, subdivision 7c, clauses (2), (3), (4) and (5), and section 124.212, subdivision 7d, clauses (2), (3), (4) and (5), or their successor provisions.*

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 124.-212, Subdivision 7d, is amended to read:

Subd. 7d. For the 1981-1982 school year a district shall receive in foundation aid:

(1) \$1,354 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less 21 mills times the 1979 adjusted assessed valuation of the district; plus

(2) the amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.132; plus

(3) an amount equal to the product obtained by multiplying the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 275.125, subdivision 6b, times the difference between

(a) the greater of



(i) the amount derived in subdivision 7c, clause (3), part (a), or

(ii) the product obtained by multiplying the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), in the district in 1980-1981, times the quotient obtained by dividing the amount derived in subdivision 7c, clause (3), part (a), by the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in 1979-1980, and

(b) the product obtained by multiplying the amount derived in part (a) of this clause times the lesser of

(i) one or

(ii) the ratio of the district's 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981, to the state average 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the state in 1980-1981; plus

(4) an amount equal to the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 275.125, subdivision 6c, times the difference between

(a) the product obtained by multiplying

(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1981-1982 times

(ii) 107 percent of the quotient obtained by dividing the amount derived in subdivision 7c, clause (4), part (a), by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981, and

(b) the product obtained by multiplying the ratio of the amount derived in part (a) (ii) of this clause to \$64,476, times the district's 1979 adjusted assessed valuation; plus

(5) an amount equal to the difference between

(a) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1980 payable 1981 pursuant to section 275.125, subdivision 7a, times \$64,476, times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1980-1981; and



(b) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1980 payable 1981 pursuant to section 275.125, subdivision 7a, times the district's 1979 adjusted assessed valuation.

(6) No district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6 and 6a, comprises 60 percent or more of the assessed valuation of the district shall receive an amount of foundation aid pursuant to clause (1) which is less than the following difference:

(a) (\$600) \$800 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less

(b) the sum of

(i) the amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.132, plus

(ii) the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.13, subdivisions 6, 7 and 14a, plus

(iii) the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.135, plus

(iv) the amount by which 1980 payable 1981 taxes in the district are reduced pursuant to section 273.138, subdivision 6.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 275.-125, Subdivision 2a, is amended to read:

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

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

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), (BEGINNING WITH THE LEVY CERTIFIED IN 1978, PAYABLE IN 1979,) the foundation aid to the district for the (1979-1980) school year (, AND FOR SUBSEQUENT LEVIES, FOUNDATION AID FOR SUBSEQUENT SCHOOL YEARS) *when the levy is recognized as revenue*, calculated pursuant to section 124.212, subdivision 7c, clauses (1) and (6), or their successor



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

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

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

(c) A petition authorized by clauses (a) or (b) of this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

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



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

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 275.-125, Subdivision 2b, is amended to read:

Subd. 2b. (1) (BEGINNING IN 1979,) In any year when the amount of the maximum levy allowed by subdivision 2a, clause (1) or (2), for any district with 950 or more pupil units under section 124.17, subdivision 1, clauses (1) and (2), exceeds the product of the district's foundation aid formula allowance under section 124.212 for the (CORRESPONDING) school year *in which the levy is recognized as revenue* times the *estimated* number of pupil units computed for that district under section 124.17, subdivision 1, clauses (1), (2), (4) and (5), for that school year, the levy permitted that district by subdivision 2a, clause (1) or (2) shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under subdivision 2a, clause (1) or (107 PERCENT OF) the sum of the following, but not to exceed the (AMOUNT RAISED BY THE NUMBER OF MILLS PERMITTED) *levy limitation* under subdivision 2a, clause (1) or (2):

(a) (i) the product of the district's foundation aid formula allowance under section 124.212 for the school year in which the levy is (CERTIFIED) *recognized as revenue*, times the *estimated* number of pupil units computed for that district under section 124.17, subdivision 1, clauses (1), (2), (4) and (5), for (THE) *that* school year (IN WHICH THE LEVY IS CERTIFIED); (PLUS) *less*

(ii) *the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124.212, subdivision 5a in the school year in which the levy is recognized as revenue; plus*

(b) the district's estimated aid entitlement pursuant to section 124.20 for the summer school which begins in the school year in which the levy is (CERTIFIED) *recognized as revenue*; plus

(c) that district's *estimated* entitlement, for the year in which the levy is (CERTIFIED) *recognized as revenue*, for transportation aid pursuant to section 124.225, special education aid pursuant to section 124.32, secondary vocational aid pursuant to section 124.573 and secondary vocational aid for handicapped children pursuant to section 124.574.

((2) IF A DISTRICT LEVIES THE FULL 107 PERCENT OF ITS ENTITLEMENT UNDER CLAUSE (1) FOR A SCHOOL YEAR AND THAT AMOUNT IS LESS THAN THE AMOUNT TO WHICH THE DISTRICT WOULD ACTUALLY



HAVE BEEN ENTITLED UNDER SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574, FOR THE YEAR TO WHICH THE LEVY IS ATTRIBUTABLE, THE DISTRICT MAY ADJUST ITS LEVIES IN THE SUCCEEDING YEARS TO MAKE UP THIS DIFFERENCE. THE AMOUNT BY WHICH THE DISTRICT ADJUSTS ANY LEVY IN THE SUCCEEDING YEARS PURSUANT TO THIS SECTION SHALL BE RECOGNIZED AS REVENUE IN THE SCHOOL YEAR WHEN THE LEVY WHICH IS SO ADJUSTED IS RECOGNIZED AS REVENUE.)

((3) IF A DISTRICT LEVIES PURSUANT TO CLAUSE (1) FOR SCHOOL YEAR AND THE AMOUNT LEVIED IS GREATER THAN THE AMOUNT TO WHICH THE DISTRICT WOULD ACTUALLY HAVE BEEN ENTITLED UNDER SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574, FOR THE YEAR TO WHICH THE LEVY IS ATTRIBUTABLE, THE DISTRICT SHALL REDUCE ITS LEVIES IN THE SUCCEEDING YEARS BY THE AMOUNT OF THIS DIFFERENCE.)

((4) HOWEVER, IF THE AMOUNT OF THE DIFFERENCE IN CLAUSE (2), WHEN CALCULATED AS AN ADDITION TO THE ORIGINAL LEVY FOR THAT YEAR, WOULD HAVE EXCEEDED THE AMOUNT RAISED BY THE MILLAGE LIMITATION IN SUBDIVISION 2A, CLAUSE (1) OR (2) FOR THAT YEAR, THE STATE SHALL PAY THE AMOUNT TO WHICH THE DISTRICT IS ENTITLED UNDER SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574, FOR THAT SCHOOL YEAR, WHICH EXCEEDS THE AMOUNT RAISED BY THAT MILLAGE LIMITATION.)

((5) IF THE DISTRICT IS UNABLE TO LEVY THE FULL 107 PERCENT OF ITS ENTITLEMENT FOR A SCHOOL YEAR BECAUSE OF THE MILLAGE LIMITATION IN SUBDIVISION 2A, CLAUSE (1) OR (2), THE STATE SHALL PAY THE AMOUNT UNDER SECTIONS 124.28, 124.212, 124.225, 124.32, 124.573, OR 124.574 TO WHICH THE DISTRICT IS ENTITLED FOR THAT SCHOOL YEAR WHICH EXCEEDS THE AMOUNT RAISED BY THAT MILLAGE LIMITATION.)

((6)) (2). Prior to the certification of levies, the commissioner of education shall notify an applicable district that it is subject to the levy limitation of this subdivision and of its estimated entitlements pursuant to sections 124.20, 124.212, 124.225, 124.32, 124.573, and 124.574. (THE COMMISSIONER SHALL DECIDE THAT A DISTRICT IS SUBJECT TO THIS LEVY LIMITATION IF IT APPEARS REASONABLY CERTAIN THAT THE MAXIMUM LEVY ALLOWED THAT DISTRICT PURSUANT TO SUBDIVISION 2A, CLAUSE (1) OR (2) WILL EXCEED THE DISTRICT'S FOUNDATION AID FORMULA ALLOWANCE TIMES THE NUMBER OF PUPIL



UNITS COMPUTED FOR THAT DISTRICT UNDER SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), FOR THAT CORRESPONDING YEAR. IF, UPON THE ORDER OF THE COMMISSIONER, THE DISTRICT LEVIES PURSUANT TO THIS SUBDIVISION BUT THE MAXIMUM LEVY ALLOWED THAT DISTRICT PURSUANT TO SUBDIVISION 2A, CLAUSE (1) OR (2) WOULD NOT ACTUALLY HAVE EXCEEDED THE DISTRICT'S FOUNDATION AID FORMULA ALLOWANCE TIMES THE NUMBER OF PUPIL UNITS COMPUTED FOR THAT DISTRICT UNDER SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), FOR THAT CORRESPONDING YEAR, THE DISTRICT SHALL REDUCE ITS LEVY FOR THE NEXT YEAR BY THE AMOUNT BY WHICH THE LEVY CERTIFIED PURSUANT TO THIS SUBDIVISION EXCEEDED THE AMOUNT THE DISTRICT COULD HAVE LEVIED UNDER SUBDIVISION 2A, CLAUSE (1) OR (2). ALSO IN THAT CASE, THE DISTRICT SHALL RECEIVE ALL AIDS FROM THE STATE PURSUANT TO SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574 TO WHICH IT WOULD OTHERWISE HAVE BEEN ENTITLED IF ITS PERMITTED LEVY HAD NOT BEEN COMPUTED PURSUANT TO THIS SUBDIVISION.)

((7)) (3) Any district which is required to compute its (PERMITTED LEVY) *levy limitation* under this subdivision shall not be eligible to receive *that amount of aid for the corresponding school year* under sections 124.20, (124.212,) 124.225, 124.32, 124.573, and 124.574 (FOR THE CORRESPONDING YEAR EXCEPT AS AUTHORIZED BY THIS SUBDIVISION) *for which it is eligible to levy pursuant to this subdivision and subdivision 20. Clause (1) and this clause shall apply to aids pursuant to these sections in the following order: (a) 124.20; (b) 124.225; (c) 124.32; (d) 124.573; (e) 124.574.*

((8)) (4) Nothing within the provisions of this subdivision shall be construed to affect any other levy under this section, including levies made pursuant to subdivision 2a, clause (4), to which a district is otherwise entitled.

((9)) (5) A levy made by a district pursuant to the provisions of this subdivision shall be construed to be the levy made by that district pursuant to subdivision 2a, clause (1) and (2), for purposes of statutory cross-reference.

((10) THE PROVISIONS OF CLAUSES (2) TO (9) SHALL GOVERN 1979-1980 AIDS, THE ADJUSTMENT OF LEVIES, AND STATUTORY CROSS-REFERENCES TO THE 1978 LEVY, FOR ANY DISTRICT WHICH LEVIED PURSUANT TO CLAUSE (1) IN 1978 AND WHICH IS NOT REQUIRED TO LEVY PURSUANT TO CLAUSE (1) IN 1979 OR SUBSEQUENT YEARS.)



Sec. 9. Minnesota Statutes, 1979 Supplement, Section 275.-125, Subdivision 7a, is amended to read:

Subd. 7a. (1) (IN 1979) *In 1980* each district which levies the maximum permissible amount pursuant to (SUBDIVISIONS 2A, CLAUSES (1), (2), AND (4),;) *subdivision 6b, (AND 6C,)* may levy an additional amount which shall not exceed the lesser of (a) an amount equal to (ONE-HALF) *one* mill times the district's (1978) 1979 adjusted assessed valuation or (b) the product obtained by multiplying (\$27.50) *\$64.48* times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the district in (1979-1980) *1980-1981 school year.*

(2) In (1980) *1981* and each year thereafter, each district which levies the maximum permissible amount pursuant to (SUBDIVISIONS 2A, CLAUSES (1), (2) AND (4),) *subdivision 6b (, AND 6C,)* may levy an additional amount which shall not exceed the lesser of (a) an amount equal to one (MILL) *and one-half mills* times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying (i) *one and one-half times* ((i)) (ii) the ratio of the equalizing factor to 1,000, times ((ii)) (iii) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the district in the school year when the levy is certified.

(3) (BY AUGUST 1 BEFORE A DISTRICT CERTIFIES ANY LEVY PURSUANT TO THIS SUBDIVISION IN 1979, OR) By the July 1 before a district certifies any levy pursuant to this subdivision in 1980, in any even-numbered year thereafter, or in any odd-numbered year thereafter when the district has not certified a levy pursuant to this subdivision in the preceding year, the board of the district shall hold a public hearing on the need for the proposed levy pursuant to this subdivision. At least three weeks published notice of the hearing in 10 point type, on 12 point body, with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of the proposed levy in dollars and mills, the *estimated* net unappropriated fund balance in the district's operating funds as of the June 30 before the levy is certified, and the tax impact of the proposed levy on homesteads with market values of \$30,000 and \$50,000. At the hearing, the district shall present its proposed revenue and expenditure budgets for the next two school years and the *estimated* net unappropriated fund balances in all district funds as of the June 30 before the levy is certified, and the board shall hear all parties requesting to give testimony for and against the proposed levy. Upon petition within 20 days after the hearing of (FIVE PERCENT) *the greater of (a) 50 voters, or (b) 15 percent, or 10 percent if the school board election was held in conjunction with a general or municipal election, of the number of voters who voted in the district at the (PRECEDING STATEWIDE GENERAL)*



most recent regular school board election, the board shall call a referendum on a reduction of the proposed levy. The petition shall state the number of mills on the district's adjusted assessed valuation by which it proposes to reduce the proposed levy. No petition or referendum shall provide for a reduction of a proposed levy pursuant to this subdivision to a rate less than one-half mill on the district's adjusted assessed valuation below the rate levied by the district pursuant to this subdivision in the preceding year. The referendum shall be held on a date set by the school board, but no later than (SEPTEMBER 20 IN 1979 OR) the August 20 before the levy is certified (IN SUBSEQUENT YEARS). The question on the ballot shall state the maximum amount of the proposed levy, the amount of the proposed reduction of the levy and the amount of the levy if the reduction is approved, in mills on the district's adjusted assessed valuation and in dollars in the first year of the proposed levy. The district may levy the amount provided by the millage proposed by the school board, reduced by any reduction in millage approved at a referendum pursuant to this clause, applied to the preceding year's adjusted assessed valuation until the next even-numbered year. The district is not required to hold a public hearing or call a referendum on a levy pursuant to this subdivision in any odd-numbered year (AFTER 1979) which succeeds a year in which a levy is certified pursuant to this subdivision.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 275.-125, Subdivision 7b is amended to read:

Subd. 7b. (1) It is the intention of the legislature that the revenue provided by the discretionary levy authorized in subdivision 7a and by the corresponding portion of foundation aid provided in section 124.212, subdivisions 7c, clause (5), and 7d, clause (5), be used to improve instructional programs in grades kindergarten through 12 and not be used to increase a district's fund balance. (IF THE BOARD OF ANY DISTRICT WITH A REASONABLE GENERAL FUND BALANCE DETERMINES THAT ALL OR PART OF THIS REVENUE IS NOT NEEDED FOR THIS PURPOSE AND IF THIS DETERMINATION IS DEMONSTRATED BY AN INCREASE IN THE DISTRICT'S GENERAL FUND BALANCE IN ANY FISCAL YEAR STARTING IN FISCAL YEAR 1981, THE MILL RATE USED TO CALCULATE THE AUTHORIZED DISCRETIONARY LEVY AND THE CORRESPONDING PORTION OF FOUNDATION AID SHALL BE REDUCED AS PROVIDED IN THIS SUBDIVISION.) For purposes of this subdivision, a "reasonable (GENERAL FUND) balance" shall mean (\$150) an amount per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), equal to 15 percent of the foundation aid formula allowance for the school year ending on the second June 30 before the levy is certified.

(2) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is de-



terminated according to clause (2), part (a), of that subdivision, and where the net unappropriated (GENERAL) fund balance *in all operating funds* has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the quotient obtained by dividing the amount of that increase in the (GENERAL FUND) balance *in all operating funds* by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

No levy reduction pursuant to this clause, however, shall exceed an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the difference obtained by subtracting (\$150) *the amount of a reasonable balance as defined in clause (1)* from the quotient obtained by dividing the *total* amount of the net unappropriated (GENERAL FUND) balance *in all operating funds* of the district as of the June 30 before the levy is certified, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

(3) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is determined according to clause (2), part (b), of that subdivision, and where the net unappropriated (GENERAL FUND) balance *in all operating funds* has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by the *total* amount of (THAT) the increase in the (GENERAL FUND) *balances of all operating funds*. No levy reduction pursuant to this clause, however, shall exceed an amount equal to the difference obtained by subtracting



(a) the product obtained by multiplying (\$150) the amount of a reasonable balance as defined in clause (1) times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, from

(b) the total amount of the net unappropriated (GENERAL FUND) balance in all operating funds in the district as of the June 30 before the levy is certified.

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 20 is amended to read:

Subd. 20. The computation of levy limitations pursuant to subdivisions 2b, 2c, 6c and 19 shall be based on estimates where necessary. If as a result of using estimates for these computations the amount of any levy is different from the amount which could actually have been levied if actual data had been available, levy limitations in the first year when the actual data is known shall be adjusted to reflect for this difference. The amount of any adjustment to levy limitations pursuant to this subdivision shall be recognized as revenue in the school year when the levy for which the levy limitation is so adjusted is recognized as revenue.

Sec. 12. [REPEALER.] Minnesota Statutes 1978, Section 122.531, subdivision 3, is repealed.

Sec. 13. [DEFICIENCY APPROPRIATION; SUMMER SCHOOL.] The sum of \$685,000 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1980, for the payment of a deficiency in funds available for state aid for summer school. This amount is for 1979 summer school programs and shall be added to the sum appropriated for fiscal year 1980 for summer school aid in Laws 1979, Article I, Section 28, subdivision 3.

Sec. 14. [DEFICIENCY APPROPRIATION SPARSITY AID.] There is appropriated from the general fund to the department of education the sum of \$30,000 for the fiscal year ending June 30, 1980, and the sum of \$6,000 for the fiscal year ending June 30, 1981, for the payment of a deficiency in funds available for sparsity aid for 1980 pursuant to section 124.224. These appropriations shall be added to the amounts appropriated for sparsity aid in Laws 1979, Chapter 334, Article I, Section 28, Subdivision 4.

Sec. 15. [EFFECTIVE DATES.] Sections 4, 13 and 14, of this article shall be effective the day following final enactment.



## ARTICLE II

## TRANSPORTATION AID

Section 1. Minnesota Statutes, 1979 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]  
School transportation and related services for which state transportation aid is authorized are:

(1) Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils;

(2) Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils *any distance* between home and school (AND WITHIN THE SCHOOL PLANT), *necessary transportation of handicapped pupils during the school day within the school plant and to and from other buildings within or outside the district where special education services are provided*, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a;

(5) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;



(7) Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) Services described in (CLAUSES (1) TO (7) AND CLAUSE (10)) *any clause of this section* when provided in conjunction with a state board approved summer school program;

(9) Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 124.-225, is amended to read:

124.225 [TRANSPORTATION AID ENTITLEMENT.]  
Subdivision 1. For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) "*Region*" means development region as defined in section 462.384, subdivision 5, except that for purposes of this section, development regions 1 and 2 shall be considered one region, development regions 4 and 5 shall be considered one region, development regions 6E and 6W shall be considered one region, and development regions 7E and 7W shall be considered one region.

(c) "Total authorized cost" or "total authorized expenditure" means the sum of:

(i) all expenditures for transportation for which aid is authorized in section 124.223, plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections



computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning.

((C)) (d) "Total authorized predicted cost" means the total authorized cost predicted by a (LINEAR) *multiple regression formula determined by the department of education.*

((D)) (e) *For the 1979-1980 school year, "regular and summer school authorized FTE's transported" means full time equivalent pupils transported under section 124.223, clause (1), during the regular school year and in conjunction with a state board approved summer school program.*

(f) *"Transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:*

(i) *Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);*

(ii) *Secondary vocational center transportation is transportation services provided under section 124.223, clause (3);*

(iii) *Handicapped transportation is transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;*

(iv) *Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);*

(v) *Between schools transportation is transportation services between schools provided under section 124.223, clause (1);*

(vi) *Shared time regular transportation is transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;*

(vii) *Shared time special education transportation is transportation services provided under section 124.223, clause (6) for pupils attending shared time special education classes;*

(viii) *To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);*



(ix) *Cooperative academic and vocational transportation is transportation services provided under section 124.223, clause (9);*

(x) *Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);*

(g) *"Pupil weighting factor" means the ratio of the actual regional average cost per FTE in a particular transportation category to the actual regional average cost per FTE in the regular transportation category.*

(h) *"Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.*

*Subd. 1a. In computing transportation aid for each school year the department of education shall establish the pupil weighting factors for each transportation category for each region using transportation cost data for the second prior school year. The department shall establish an appropriate pupil weighting factor for any transportation category for which a region had no experience during the second prior school year.*

**Subd. 2. For the 1979-1980 school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. A linear regression formula shall be determined for each planning region by the department of education, using the terms specified in subdivision 4, to maximize the amount of variance accounted for between the total actual authorized cost per FTE for the 1977-1978 school year and the total authorized predicted cost per FTE for the 1977-1978 school year. The formula determined for each region shall be used to determine a total authorized predicted cost per FTE for the 1977-1978 school year for each district in the region. The amount determined for each district shall be adjusted according to the provisions of subdivisions 5 and 7. (THE LINEAR REGRESSION FORMULAS SHALL BE DETERMINED SO THAT THE TOTAL TRANSPORTATION AID FOR THE 1979-1980 SCHOOL YEAR DOES NOT EXCEED THE AMOUNT APPROPRIATED FOR TRANSPORTATION AID FOR THE 1979-1980 SCHOOL YEAR.)**

**Subd. 3. For the 1980-1981 school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. A (LINEAR) multiple regression formula shall be determined through stepwise multiple regression analysis for each (PLANNING) region by the department of education, using the terms specified in subdivision (4) 4a, to maximize the amount of variance accounted for between**



the total actual authorized cost per *weighted* FTE for the 1978-1979 school year and the total authorized predicted cost per *weighted* FTE for the 1978-1979 school year. The formula determined for each region shall be used to determine a total authorized predicted cost per *weighted* FTE for the 1978-1979 school year for each district in the region. The amount determined for each district shall be adjusted according to the provisions of subdivisions 6 and (7) 7a. (THE LINEAR REGRESSION FORMULAS SHALL BE DETERMINED SO THAT THE TOTAL TRANSPORTATION AID FOR ALL DISTRICTS FOR THE 1980-1981 SCHOOL YEAR DOES NOT EXCEED THE AMOUNT APPROPRIATED FOR TRANSPORTATION AID FOR THE 1980-1981 SCHOOL YEAR.)

Subd. 4. To predict the natural logarithm of the total authorized cost per FTE transported authorized by law for the 1979-1980 school year, the linear regression formula shall use the following terms and all their cross products:

- (1) The natural logarithm of the quotient of 1.00 divided by the total number of authorized FTE's transported;
- (2) The natural logarithm of the sum of 100 plus the difference between the average of the square roots computed for all districts in the state of the number of regular and summer school authorized FTE's transported per square mile minus the square root of the number of regular and summer school authorized FTE's transported per square mile in the district;
- (3) The natural logarithm of the ratio of the number of regular and summer school authorized FTE's transported to the district's total average daily membership;
- (4) The natural logarithm of the number of regular and summer school authorized FTE's transported per square mile;
- (5) The natural logarithm of the district's average daily membership;
- (6) The natural logarithm of the size of the district measured in square miles; and
- (7) The natural logarithm of the total number of FTE's transported by the district authorized for aid pursuant to section 124.223 minus the number of regular and summer school authorized FTE's transported.

Subd. 4a. To predict the total authorized cost per *weighted* FTE for each district beginning in the 1980-1981 school year, each regional multiple regression formula shall use the following terms and their squares for each district in the region:



- (1) *The area of the district measured in square miles;*
- (2) *The district's average daily membership;*
- (3) *The total number of authorized FTE's transported by the district;*
- (4) *The total number of authorized FTE'S transported by the district in the handicapped, shared time special education, and to and from board and lodging facility transportation categories as a percentage of the total number of authorized FTE's transported by the district;*
- (5) *The number of authorized FTE's transported by the district in the board and lodging transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (6) *The number of authorized FTE's transported by the district in the between schools transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (7) *The number of authorized FTE's transported by the district in the shared time regular transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (8) *The number of authorized FTE's transported by the district in the secondary vocational center transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (9) *The number of authorized FTE's per square mile transported by the district in the regular transportation category;*
- (10) *The number of authorized FTE's per square mile transported by the district in the handicapped transportation category;*
- (11) *The number of authorized FTE's transported by the district in the regular transportation category as a percentage of the district's average daily membership;*
- (12) *An index of the district's shape computed by the department of education based on a comparison of the perimeter of the district to the perimeter of a circle with the same square mile area as the district;*
- (13) *The percentage of the district's square mile area which is classified by the state planning agency as water-covered or marshland;*



(14) *The number of 40 acre parcels of land in the district which are contiguous to or intersected by unpaved roads, as a percentage of the number of 40 acre parcels of land in the district which are contiguous to or intersected by any roads, paved or unpaved. The number of 40 acre parcels of each type shall be obtained from the state planning agency;*

(15) *The percentage of the district's square mile area which is classified by the state planning agency as having a slope of land exceeding six percent;*

(16) *The number of authorized FTE's transported to non-public schools by the district in the regular transportation category as a percentage of the total number of authorized FTE's transported by the district in the regular transportation category.*

Subd. 5. The total authorized predicted cost per FTE determined for a district under subdivision 2 for 1977-1978 shall be increased by (17) 27 percent.

Subd. 6. The total authorized predicted cost per *weighted* FTE determined for a district under subdivision 3 for 1978-1979 shall be increased by (17) 31 percent.

Subd. 7. (1) Each district's adjusted total authorized predicted cost per FTE determined for (EACH) *the 1979-1980* school year according to subdivision 5. (OR 6) shall be compared to the total actual expenditure per FTE for authorized transportation for that district for that year to determine the district's aid entitlement per FTE for that year.

(2) *For the 1979-1980 school year*, if the adjusted total authorized predicted cost per FTE is greater than the district's actual authorized expenditure per FTE, its aid entitlement per FTE shall equal the adjusted predicted cost per FTE minus 10 percent of the first \$10 of difference between the adjusted total authorized predicted cost per FTE and the actual expenditure per FTE; minus 20 percent of the next \$20; minus 40 percent of the next \$20; minus 60 percent of the next \$50; and minus 75 percent of the difference which exceeds \$100.

(3) *For the 1979-1980 school year*, if the adjusted total authorized predicted cost per FTE is less than the district's actual authorized expenditure per FTE, its aid entitlement per FTE shall equal the adjusted total authorized predicted cost per FTE plus 10 percent of the first \$10 of difference between the adjusted predicted cost per FTE and the actual expenditure per FTE; plus 20 percent of the next \$20; plus 40 percent of the next \$20; plus 60 percent of the next \$50; and plus 75 percent of the difference which exceeds \$100.



(4) Notwithstanding clauses (2) and (3), for the 1979-1980 school year, no district's aid entitlement per FTE shall be less than its actual authorized expenditure per FTE minus \$20 or more than its actual authorized expenditure per FTE plus \$20.

*Subd. 7a. (1) Each district's adjusted total authorized predicted cost per weighted FTE determined for the 1980-1981 school year and each year thereafter according to subdivision 6 shall be compared to the total actual expenditure per weighted FTE for authorized transportation for that district for that year to determine the district's aid entitlement per weighted FTE for that year.*

*(2) If the adjusted total authorized predicted cost per weighted FTE is greater than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted predicted cost per weighted FTE minus 20 percent of the first \$10 of difference between the adjusted total authorized predicted cost per weighted FTE and the actual expenditure per weighted FTE; minus 40 percent of the next \$10; minus 60 percent of the next \$10; minus 80 percent of the next \$10; and minus 100 percent of the difference which exceeds \$40.*

*(3) If the adjusted total authorized predicted cost per weighted FTE is less than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted total authorized predicted cost per weighted FTE plus 20 percent of the first \$10 of difference between the adjusted predicted cost per weighted FTE and the actual expenditure per weighted FTE; plus 40 percent of the next \$10; plus 60 percent of the next \$10; plus 80 percent of the next \$10; and plus 100 percent of the difference which exceeds \$40.*

*Subd. 8. A district's aid pursuant to this section for (EACH) the 1979-1980 school year shall equal the district's aid entitlement per FTE determined according to subdivision 7 times the total number of authorized FTE's transported in the district in that school year, minus the amount raised by one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year.*

*Subd. 8a. A district's aid pursuant to this section for the 1980-1981 school year and each year thereafter shall equal the district's aid entitlement per weighted FTE determined according to subdivision 7a times the total number of authorized weighted FTE's transported in the district in that school year, minus the amount raised by one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year.*



Subd. 9. Each district shall report to the department before July 1 of each year an estimate for the next school year of the total number of FTE's transported by *transportation* category and an estimate of the district's total actual authorized transportation expenditure by *transportation* category. The district's aid shall be determined for purposes of the first three transportation aid payments for the school year using these estimates. Before August 15 (OF EACH YEAR), 1980, each district shall provide the department with the information for the (PRECEDING) 1979-1980 school year which the department determines is necessary to compute the district's actual authorized expenditure per FTE for purposes of the computation in subdivision 7 and the district's actual total number of FTE's transported for purposes of the aid computation in subdivision 8. Before August 15, 1981 and each August 15 thereafter, each district shall provide the department with the information for the preceding school year which the department determines is necessary to compute the district's actual authorized expenditure per weighted FTE for purposes of the computation in subdivision 7a and the district's actual total number of weighted FTE's transported for purposes of the aid computation in subdivision 8a. The district's final transportation aid payment for (THAT) the school year shall be based on these computations.

Subd. 10. Any school district which owns school buses shall transfer annually from the *unappropriated fund balance account* in its transportation fund to the *appropriated fund balance account* for bus purchases in its (BUS PURCHASE) transportation fund at least an amount equal to 12-1/2 percent of the original cost of each bus until the original cost of each bus is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized. Any school district may transfer any amount from the *unappropriated fund balance account* in its transportation fund to any other operating fund or to the *appropriated fund balance account* for bus purchases in its (BUS PURCHASE) transportation fund.

Subd. 11. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.

Sec. 3. Minnesota Statutes 1978, Section 275.125, Subdivision 5, is amended to read:

Subd. 5. For school transportation services, a school district may levy an amount not to exceed the amount raised by a levy



of one mill times the adjusted assessed valuation of the taxable property of the district for the preceding year. A district may levy under this subdivision for the (ANNUAL CASH PAYMENTS TO BE MADE FOR THE PURCHASE OF BUSES, BUT ONLY FOR THAT PORTION OF THE PAYMENTS NOT OFFSET BY STATE TRANSPORTATION AID RECEIVED ON ACCOUNT OF DEPRECIATION) *amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year when the levy is recognized as revenue.* (BEGINNING WITH THE LEVY CERTIFIED IN 1976,) A district may also levy for transportation costs or other related services which are approved by the commissioner as necessary because of extraordinary traffic hazards for the current fiscal year.

Sec. 4. Minnesota Statutes 1978, Section 275.125, Subdivision 5a, is amended to read:

Subd. 5a. (UPON APPROVAL OF THE COMMISSIONER, A DISTRICT MAY LEVY FOR INCREASED TRANSPORTATION COSTS ABOVE THE FORMULA LIMITATION RESULTING FROM CHANGES IN TRANSPORTATION PATTERNS REQUIRED BY LEASING A SCHOOL IN ANOTHER DISTRICT PROVIDED THAT THE COST INCREASES ARE ESTIMATED TO BE A DIRECT RESULT OF LEASING THAT SCHOOL AND THE INCREASES RESULT IN COSTS ABOVE THE FORMULA LIMITATION.) *When the transportation patterns of a district change as a result of leasing a school in another district, the district may, upon approval of the commissioner, levy for any increase in transportation cost above the cost that would occur without the leasing of the school. The commissioner shall approve a specific dollar amount which may be levied because of these increased costs. The levy authorized by this subdivision may be computed on the basis of estimated increased costs. In the first year a district makes the levy authorized by this subdivision, the commissioner may authorize a levy sufficient to pay for estimated increased costs resulting from leasing for two years. The amount provided by this levy shall not be included in the computation of the actual net operating cost per pupil transported in future years.*

Sec. 5. *In accordance with section 648.34, in the next edition of Minnesota Statutes, the revisor of statutes shall renumber section 124.224 as section 124.2131 and alter references to it in the statutes to conform to the change.*

Sec. 6. [SCHOOL BUS ALCOHOL FUEL DEMONSTRATION.] *Subdivision 1: The commissioner of education may make grants to school districts for the purpose of converting gasoline-fueled school buses to the use of straight alcohol fuel. Each grant shall be limited to the actual cost of the conversion from gasoline fuel to alcohol fuel, but the total grant shall not*



exceed \$700 per bus to be converted plus reimbursement for additional costs necessary for compliance with subdivision 4. If a school district contracts for transportation services the district may make its grant available to its contractor. The commissioner shall provide general guidelines for districts to follow in making these conversions.

**Subd. 2. [SELECTION OF PARTICIPATING DISTRICTS.]** To the extent feasible, the commissioner shall make grants pursuant to subdivision 1 so as to include one or more school districts in each of the following categories: districts with primarily urban bus routes, districts with primarily rural bus routes, districts with gravel or unpaved roads on their bus routes, and suburban school districts having a broad range of population densities.

**Subd. 3. [ALCOHOL FUEL STORAGE FACILITIES.]** School districts or transportation contractors which participate in this program may apply for an additional grant to cover the costs of establishing satisfactory alcohol fuel storage facilities. These additional grants shall be limited to \$1,000 per school district or contractor or to the actual cost of the necessary storage facilities, whichever is less.

**Subd. 4. [REPORT BY DISTRICTS.]** On or before February 1, 1981, every school district receiving a grant pursuant to subdivision 1 shall make a report to the commissioner including the following information: (1) the fuel cost differences between using alcohol as a fuel and using gasoline as a fuel in its school buses, (2) any fuel system or drivability problems with its buses converted to alcohol, (3) any differences in maintenance costs between gasoline-fueled and alcohol-fueled buses, (4) any difficulties with the availability of alcohol fuel, and (5) any other observations the district deems pertinent.

This reporting requirement shall not apply to any school district which has not used any of its alcohol-fueled school buses on a regular basis before November 15, 1980.

**Subd. 5. [REPORT TO LEGISLATURE.]** The commissioner shall make the information received pursuant to subdivision 4 available to the energy agency and shall report to the legislature on or before February 15, 1981, evaluating the practicality of alcohol as a fuel for school buses.

**Subd. 6. [RECONVERSION TO GASOLINE.]** If a district which made a conversion pursuant to subdivision 1 desires to reconvert a bus from the use of straight alcohol fuel to gasoline, it may apply to the commissioner for a grant for reconversion. The amount of this grant shall not exceed the lesser of \$400 per bus reconversion or the actual cost of reconversion. The application shall contain the district's reasons for desiring reconversion.



*The commissioner shall not grant any funds for reconversion until at least six months have elapsed from the date the district converted the bus or buses which are the subject of its reconversion application.*

**Sec. 7. [REPEALER.]** *Minnesota Statutes, 1979 Supplement, Section 124.222, Subdivision 3, is repealed.*

**Sec. 8. [APPROPRIATION.]** *For grants pursuant to section 6, there is appropriated to the department of education from the general fund the sum of \$60,000 for the fiscal year ending June 30, 1981. If this appropriation amount is insufficient for the purposes indicated, the state shall not be obligated for any amount in excess of the appropriation in this section for these purposes.*

**Sec. 9. [APPROPRIATION.]** *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

**Subd. 2. [TRANSPORTATION AID.]** *For transportation aid there is appropriated:*

*\$ 2,000,000 ..... 1980,*

*\$13,688,300 ..... 1981.*

*(a) The appropriation for 1980 is for aid for fiscal year 1980 payable in fiscal year 1980.*

*(b) The appropriation for 1981 includes \$2,225,600 for aid for fiscal year 1980 payable in fiscal year 1981 and \$11,462,700 for aid for fiscal year 1981 payable in fiscal year 1981.*

*(c) The amounts appropriated in this subdivision shall be added to the amounts appropriated for transportation aid in Laws 1979, Chapter 334, Article II, Section 15, Subdivision 2.*

**Subd. 3.** *Any unexpended balance remaining from the appropriation in this section for 1980 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriated amount attributable to either year for any purpose indicated is insufficient when added to the amount appropriated for the purpose in Laws 1979, Chapter 334, Article II, Section 15, Subdivision 2, the aid for that year shall be prorated among all qualifying districts. The state shall not be obligated for any amount in excess of the total appropriations in this section and in Laws 1979, Chapter 334, Article II, Section 15, Subdivision 2, for those purposes.*



Sec. 10. [EFFECTIVE DATE.] *Sections 1, 2, 6, 7, 8 and 9 of this article are effective the day after final enactment.*

### ARTICLE III

#### *SPECIAL EDUCATION, INDIAN EDUCATION AND EDUCATION FOR PUPILS OF LIMITED ENGLISH PROFICIENCY*

Section 1. Minnesota Statutes 1978, Section 120.095, Subdivision 6, is amended to read:

Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language (, RACE AND NATIONAL ORIGIN). In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English (SPEAKING ABILITY) *proficiency* residing in the school district. As used in this subdivision, the following terms have the meanings given them:

(a) "Children of limited English (SPEAKING ABILITY) *proficiency*" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language; and

(b) "Primary language" (SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN SECTION 126.34) means a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Sec. 2. Minnesota Statutes 1978, Section 120.10, Subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects and (2) which is in session each school year for at least 175 days or their equivalent; provided that in a program of instruction for children of limited English (SPEAKING ABILITY) *proficiency*, instruction and textbooks may be in the primary language of the children of limited English (SPEAKING ABILITY) *proficiency* enrolled therein. Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "child-



dren of limited English (SPEAKING ABILITY) *proficiency*" and "primary language" shall have the meanings ascribed to them in section (126.34) 12.

Sec. 3. Minnesota Statutes 1978, Section 126.07, is amended to read:

126.07 [INSTRUCTION, USE OF ENGLISH LANGUAGE.] The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; provided that in the case of a program for children of limited English (SPEAKING ABILITY) *proficiency*, instructions and books may be in the primary language of the children of limited English (SPEAKING ABILITY) *proficiency*. As used in this section, the terms "children of limited English (SPEAKING ABILITY) *proficiency*" and "primary language" shall have the meanings ascribed to them in section (126.34) 12. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study.

Sec. 4. Minnesota Statutes 1978, Section 126.36, Subdivision 3, is amended to read:

Subd. 3. [EMPLOYMENT OF TEACHERS.] Teachers employed in a bilingual education program established pursuant to sections (126.31) 11 to (126.42) 20 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Sec. 5. Minnesota Statutes 1978, Section 126.52, Subdivision 5, is amended to read:

Subd. 5. [COMMUNITY INVOLVEMENT.] The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education, in the formulation of policy and procedures relating to the administration of sections 126.45 to 126.55. (THE NEEDS ASSESSMENTS AND RESOURCE EVALUATIONS PROVIDED FOR IN SUBDIVISIONS 1 AND 2 SHALL BE UNDERTAKEN ON INDIAN RESERVATIONS ONLY IN CONNECTION WITH, OR WITH THE PERMISSION OF, THE RESPECTIVE TRIBAL GOVERNMENTS.)

Sec. 6. Minnesota Statutes 1978, Section 126.52, is amended by adding a subdivision to read:



*Subd. 12. [COMPREHENSIVE PLAN.] The governor shall prepare a comprehensive plan for Indian education, based upon information available from the department of economic development, department of economic security, department of education, and the department of corrections. The commissioners of these departments shall cooperate with and assist the governor in preparing the comprehensive plan. The plan shall be presented to the education and appropriations committees of the house of representatives and the education and finance committees of the senate by February 1, 1981.*

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 126.54, Subdivision 1, is amended to read:

**126.54 [CONTINUATION OF INDIAN EDUCATION PILOT PROJECT GRANTS.]** Subdivision 1. **[GRANTS; PROCEDURES.]** For fiscal (YEARS 1978, 1979, AND 1980, AS PART OF THE NEEDS ASSESSMENT EFFORT) year 1981, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Sec. 8. Minnesota Statutes 1978, Section 126.54, Subdivision 5, is amended to read:

**Subd. 5. [RECORDS.]** Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 126.45 to 126.55. Each school district or participating school shall keep an accurate, detailed, and separate (ACCOUNT OF) fund for all money received and paid out by it for pilot American Indian language and culture education programs funded under this section.

Sec. 9. Minnesota Statutes 1978, Section 126.54, Subdivision 6, is amended to read:



Subd. 6. [MONIES FROM OTHER SOURCES.] A school district or participating school providing American Indian language and culture education programs shall be eligible to receive (FUNDS) monies for these programs from other government agencies and from private sources when the (FUNDS) monies are available.

Sec. 10. Subdivision 1. *The legislature is concerned about the special needs of handicapped children younger than the age of four years who are not receiving special instruction and services pursuant to section 120.17.*

Subd. 2. *The commissioner of education, in cooperation with the commissioner of health and the commissioner of public welfare, shall design and conduct a statewide assessment of the special education and related services needs of all children younger than four years of age who are handicapped as defined by section 120.03. The procedures for this needs assessment shall be established by the commissioners by September 1, 1980, and the needs assessment shall be completed by June 30, 1981.*

Subd. 3. *By January 1, 1981, every school district shall provide to the commissioner of education an estimate of the number of handicapped children, as defined by section 120.03, under four years of age in that district. The district shall also report to the commissioner the number of these children receiving special instruction and services according to section 120.17 on the date the estimate is prepared.*

Subd. 4. *The commissioner of education shall report to the legislature by September 1, 1981, on the information gathered pursuant to subdivisions 2 and 3.*

Sec. 11. [CITATION.] *Sections 11 to 20 may be cited as the education for limited English proficient students act.*

Sec. 12. [DEFINITIONS.] Subdivision 1. *For purposes of sections 11 to 20, the words, phrases, and terms defined in this section shall have the meanings given them.*

*"Pupil of limited English proficiency" means a pupil in any of the grades of kindergarten through 12 who meets the following requirements:*

*(a) the pupil, as declared by his parent or guardian (1) first learned a language other than English, or (2) comes from a home where the language usually spoken is other than English, or (3) usually speaks a language other than English; and*

*(b) the pupil's score is significantly below the average district score for pupils of the same age on a nationally normed English reading or English language arts achievement test. A*



pupil's score shall be considered significantly below the average district score for pupils of the same age if it is one-third of a standard deviation below that average score.

Subd. 2. "Essential instructional personnel" means the following:

(a) a teacher licensed by the state board of teaching to teach bilingual education or English as a second language;

(b) a teacher with an exemption from a teaching license requirement pursuant to section 16 or section 126.36, subdivision 5 who is employed in a school district's English as a second language or bilingual education program;

(c) any teacher as defined in section 125.03 who holds a valid license from the state board of teaching, if the district assures the state department of education that the teacher will obtain the preservice and inservice training the department considers necessary to enable the teacher to provide appropriate service to pupils of limited English proficiency;

(d) teachers' aides performing services for limited English proficient students under the supervision of an English as a second language, bilingual, or other teacher.

Subd. 3. "English as a second language program" means a program for the instruction of pupils of limited English proficiency in the following English language skills: reading, writing, listening and speaking.

Subd. 4. "Bilingual education program" means an educational program in which instruction is given both in English and the primary language of the pupil of limited English proficiency to the extent necessary to allow the pupil to progress effectively through the educational system and to attain the basic skills of reading, writing, listening, and speaking in the English language so that the pupil will be able to perform ordinary classwork successfully in English.

Subd. 5. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 6. "Parent" includes a child's legal guardian.

Subd. 7. "Educational program for limited English proficient students" means an English as a second language program, bilingual education program, or both an English as a second language and a bilingual education program.



Sec. 13. [AID AUTHORIZATION.] *Subdivision 1. Beginning with the 1980-1981 school year, the state department of education shall pay aid to each school district providing a bilingual education program, an English as a second language program, or both of these programs. The total amount of this aid for each school district for each school year shall be determined by the department of education according to the following formula:*

*The aid per limited English proficient pupil shall equal \$220 plus the quotient of \$3,600 divided by the total number of limited English proficient pupils enrolled in the district's educational program for limited English proficient students.*

Subd. 2. [PARTICIPATION OF NONPUBLIC SCHOOL PUPILS.] *In counting the number of pupils of limited English proficiency for purposes of this section, districts may include pupils of limited English proficiency who attend nonpublic schools in the district. A district which counts those pupils and receives aid pursuant to this section shall offer those pupils the same programs on the same terms that it offers to pupils of limited English proficiency who attend the public school. A program provided for a nonpublic school pupil pursuant to this subdivision shall be provided at a public school or a neutral site as defined in section 123.932, subdivision 9. Nonpublic school pupils served by a district's educational program for limited English proficient students shall be counted for average daily membership pursuant to section 124.212, subdivision 9a.*

Subd. 3. [APPLICATIONS.] *A district that wishes to receive aid pursuant to this section shall apply to the commissioner of education before September 15 each year in the manner prescribed by the commissioner. The application shall include the number of pupils to be served in the district's educational program for limited English proficient students, the number of essential instructional personnel the district proposes to employ in its educational program for limited English proficient students, and any other information deemed necessary by the commissioner to implement this section. School districts may submit joint applications for aid pursuant to this section, and districts which have fewer than 50 pupils of limited English proficiency are encouraged to submit joint applications and to share essential instructional personnel for educational programs for limited English proficient students.*

Subd. 4. [NOTICE OF AID; PAYMENTS.] *The department shall inform each applicant district of the amount of aid it will receive pursuant to this section by October 15, and shall pay the aid by December 1.*

Subd. 5. [APPLICATIONS FOR ADDITIONAL AID FOR NEW STUDENTS.] *Notwithstanding the time limitations of subdivisions 3 and 4, a school district which has received aid*



pursuant to this section may submit an application for additional aid by January 15 of any school year in which the number of limited English proficient pupils enrolled in its educational program for limited English proficient students increases between September 15 and January 14. This application shall be submitted in the manner prescribed by the commissioner, and shall include the number of pupils for whom the district has previously received aid for that school year, the additional number of limited English proficient pupils who have enrolled in the district's educational program for limited English proficient students after September 15 of that school year and who were not included in the district's previous application for aid pursuant to this section, and the number of pupils who were included in the district's previous application who are no longer participating in that district's educational program for limited English proficient pupils.

Subd. 6. The commissioner of education may pay additional aid pursuant to subdivision 5 only for the net increase in limited English proficient pupils enrolled in the district's program for limited English proficient pupils between the number counted by the district in its application submitted by the preceding September 15 and its application for additional aid. To determine the net increase, the commissioner shall subtract the number of pupils counted in the district's previous application who are no longer participating in that district's educational program for limited English proficient students from the number of additional students who were not included in the district's previous application for aid pursuant to this section.

The per pupil dollar amount of additional aid shall be based upon the total number of limited English proficient pupils enrolled in the district's educational program for limited English proficient students as of January 15. The per pupil dollar amounts of additional aid pursuant to this subdivision shall be one-half of the amount determined by application of the formula provided in subdivision 1.

Subd. 7. The commissioner of education shall notify each district applying for additional aid of the amount of aid it will receive pursuant to subdivision 5 by February 15, and shall pay the aid by March 1.

Subd. 8. [RECORDS; AUDIT.] A district which applies for aid pursuant to this section shall maintain records which support the information contained in all of its applications. The commissioner of education may audit these records upon request. A district which receives aid pursuant to this section shall keep such additional records in the manner prescribed by the commissioner as the commissioner deems necessary to ensure that an educational program for limited English proficient students is implemented and operated in accordance with sections 11 to 17. Each school district receiving monies pursuant to this section



*shall keep an accurate, detailed and separate fund for all money received and paid out by it for instructional programs funded under this section.*

*Subd. 9. [MONEY FROM OTHER SOURCES.] A school district providing a program for limited English proficient students shall be eligible to receive monies for these programs from other government agencies and from private sources when these monies are available.*

*Subd. 10. [AUTHORIZED USES OF MONIES.] Monies received by school districts pursuant to this section shall be used only for the following purposes:*

- (1) payment of salaries of essential instructional personnel,*
- (2) the purchase or rental of textbooks and other instructional materials written in the primary language of students in a bilingual education program or prepared for the exclusive purpose of teaching English as a second language, and*
- (3) inservice training of essential instructional personnel.*

*Sec. 14. [RIGHTS OF PARENTS.] Subdivision 1. No later than ten days after the enrollment of any pupil in an instructional program for limited English proficient students, the school district in which the pupil resides shall notify the parent or guardian by mail. This notice shall:*

- (a) Be in writing in English and in the primary language of the pupil's parents;*
- (b) Inform the parents that their child has been enrolled in an instructional program for limited English proficient students;*
- (c) Contain a simple, nontechnical description of the purposes, method and content of the program;*
- (d) Inform the parents that they have the right to visit the educational program for limited English proficient students in which their child is enrolled;*
- (e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and*
- (f) Inform the parents of their rights to withdraw their child from an educational program for limited English proficient students and the time and manner in which to do so.*



*Subd. 2. Any parent whose child is enrolled in an educational program for limited English proficient students shall have the right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed after withdrawal from the educational program for limited English proficient students. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English proficiency in an educational program for limited English proficient students.*

*Subd. 3. A district which receives monies pursuant to section 13 shall encourage involvement of parents of pupils enrolled in the educational program for limited English proficient students in this program. The district shall solicit the views of parents about the program and its effects upon their children.*

**Sec. 15. [GENERAL REQUIREMENTS FOR PROGRAMS.]**

*Subdivision 1. A district which receives aid pursuant to section 13 shall comply with the following program requirements:*

*(a) To the extent possible, the district shall avoid isolating children of limited English proficiency for a substantial part of the school day; and*

*(b) In predominantly nonverbal subjects, such as art, music, and physical education, pupils of limited English proficiency shall be permitted to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the school district shall assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.*

**Sec. 16. [EXEMPTION FROM TEACHING LICENSURE.]**

*Subdivision 1. The commissioner of education may grant an exemption from the licensure requirement in the hiring of teachers of English as a second language or bilingual education teachers to a school district if the commissioner finds that compliance would impose a hardship upon the district in the securing of teachers for its educational programs for limited English proficient students. The commissioner of education shall notify the board of teaching of any exemptions granted pursuant to this section.*



Subd. 2. A teacher serving under an exemption as provided in subdivision 1 shall be granted a license as soon as that teacher qualifies for it. Not more than one year of service by a teacher under an exemption shall be credited to the teacher for the purposes of section 125.12, and not more than two years shall be credited to the teacher for purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which the teacher becomes licensed.

Sec. 17. [TEACHER AIDES.] A district providing an educational program for limited English proficient students may employ teachers' aides to perform services for limited English proficient pupils under the supervision of a bilingual teacher, English as a second language teacher, or other teacher. Teachers' aides shall not be employed to supplant bilingual education teachers or English as a second language teachers.

Sec. 18. [TECHNICAL ASSISTANCE.] The state board of education shall provide technical assistance to school districts receiving aid pursuant to section 13 and to post-secondary institutions for preservice and inservice training for bilingual education teachers, English as a second language teachers, and teachers' aides employed in educational programs for limited English proficient students, teaching methods, curriculum development, testing and testing mechanisms, and the development of instructional materials for educational programs for limited English proficient students.

Sec. 19. [DEPARTMENT OF EDUCATION STAFF COMPLEMENT; FUNDS FROM OTHER SOURCES.] Subdivision 1. In order to carry out the duties of the commissioner of education pursuant to sections 13, 16, and 18, the department of education may add two professional positions and one clerical position with moneys appropriated to the commissioner of education for this purpose in section 24, subdivision 3. In addition, if the commissioner of education receives moneys for that purpose pursuant to Title IV of the Civil Rights Act of 1964 (P.L. 88-352), as amended, or Title VII of the Elementary and Secondary Education Act of 1965 (P.L. 89-10), as amended, the department may add two professional positions and one clerical position and pay the salaries for the positions from the federal moneys.

Subd. 2. The state board of education may apply for moneys which are or may become available under federal refugee assistance and other programs for administration, demonstration projects, training, technical assistance, planning, and evaluation of programs for limited English proficient students.

Sec. 20. [CONSTRUCTION.] Nothing in the provisions of sections 11 to 19 shall be construed to violate the provisions of section 127.08 or Chapter 363. Programs and activities pursuant to sections 11 to 19 shall be deemed to be positive action programs to combat discrimination.



Sec. 21. [REPEALER.] *Minnesota Statutes 1978, Sections 126.31; 126.32; 126.33; 126.34; 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6, and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4, 6 and 7; and Minnesota Statutes, 1979 Supplement, Sections 126.39, Subdivision 10; 126.41, Subdivision 1; and 126.52, Subdivision 10, are repealed.*

Sec. 22. [APPROPRIATION.] *The sum of \$600,000 is appropriated from the general fund to the department of education for the purpose of making the grants authorized by section 7 and shall be available until June 30, 1981.*

Sec. 23. [APPROPRIATION; INDIAN EDUCATION.] *For certain Indian education programs there is appropriated:*

\$398,000 ..... 1981.

*This appropriation is available for expenditure with the approval of the governor after consultation with the legislative advisory commission in the manner provided in section 3.30. Each district which wishes to receive monies under the provisions of this section shall submit to the commissioner of education by September 1, 1980 a financial management plan showing a balanced budget. The estimated amount of each affected district's net positive unappropriated fund balance in all operating budgets as of June 30, 1980 shall be reviewed by the commissioner. The commissioner of education, in consultation with the commissioner of finance, shall make a recommendation to the legislative advisory commission regarding the release of moneys appropriated in this section. Prior to making this recommendation, the commissioners shall review and evaluate each affected district's financial management plan, fund balances, and compliance with other state laws. This appropriation is available July 1, 1980, but only if there will not be available for the districts enumerated in this section for the 1980-1981 school year any operational support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, P.L. 73-167 or 25 CFR 273.31, or equivalent money from the same or another source. This appropriation may be distributed as follows: \$125,000 to Independent School District No. 309—Pine Point school; \$22,000 to Independent School District No. 166; \$34,000 to Independent School District No. 432; \$32,000 to Independent School District No. 435; \$96,000 to Independent School District No. 707; and \$89,000 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.*

*The governor shall not approve the appropriation of these amounts to a school district unless that school district is in compliance with all applicable laws of this state.*



**Sec. 24. [APPROPRIATION.]** *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the department of education for the purposes specified in subdivisions 2 and 3 of this section and shall be available until June 31, 1981.*

*Subd. 2. For aid to educational programs for limited English proficient students as provided in section 13, there is appropriated \$3,813,000.*

*Subd. 3. To increase the state paid complement as provided in section 19, there is appropriated \$87,000.*

*Subd. 4. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to the purpose specified in subdivision 2 of this section is insufficient, the aid shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriation in subdivision 2 of this section for this purpose.*

**Sec. 25.** *Section 10 of this article shall be effective the day following final enactment.*

#### ARTICLE IV

#### OTHER AIDS AND LEVIES

**Section 1.** Minnesota Statutes 1978, Section 121.88, is amended by adding a subdivision to read:

*Subd. 5. Each council shall adopt a comprehensive policy and procedures to minimize chemical use problems pursuant to section 8.*

**Sec. 2.** Minnesota Statutes 1978, Section 124.214, Subdivision 2, is amended to read:

**Subd. 2. [ABATEMENTS.]** Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and whenever the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon such changed valuations, the county auditor shall, prior to February 1 of each year, (BEGINNING IN 1979,) certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. In August of each year, (BEGINNING IN 1979, WHEN THE DISTRICT'S NET REVENUE LOSS DURING THE PRECEDING YEAR EXCEEDS \$1 PER PUPIL UNIT IN THE DISTRICT IN THE MOST RECENT SCHOOL YEAR FOR WHICH DATA



IS AVAILABLE,) the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. The amount of the abatement adjustment shall be the product of (1) the net revenue loss as certified by the county auditor, times (2) the ratio of the sum of the amounts of the district's levy limitations in the preceding October pursuant to section 275.125, subdivision 2a, clause (1) or (2), and (SUBDIVISION) subdivisions 5, 6c, and (SUBDIVISION 13,) 7a to the total amount of the district's maximum levy limitation in the preceding October pursuant to section 275.125. *For purposes of this computation, the district's levy limitation pursuant to section 275.125, subdivision 5, shall not include the amounts authorized to be levied for bus purchases or because of extraordinary traffic hazards.* The abatement adjustment shall be recognized as revenue in the fiscal year in which it is received.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 124.245, Subdivision 1, is amended to read:

124.245 [CAPITAL EXPENDITURE EQUALIZATION AID.] Subdivision 1. The state shall pay a school district the difference by which an amount equal to (\$80) \$90 per pupil unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, (\$85) \$95 per pupil unit in that school year, exceeds the amount raised by (TEN) seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this section in any year, a district must have levied the full (TEN) seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 124.245, Subdivision 2, is amended to read:

Subd. 2. As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7). Beginning in the 1980-1981 school year, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5); *provided that notwithstanding the expiration of Minnesota Statutes, 1979 Supplement, Section 124.17, Subdivision 1, Clauses (6) and (7), pupil units identified in those clauses shall also be included for purposes of the computation of capital expenditure aid for the 1980-1981 school year.*

Sec. 5. *Notwithstanding the provisions of Minnesota Statutes, 1979 Supplement, Section 275.125, subdivision 11a, regarding pupil units, the computation of 1979 payable 1980 capital expenditure levy limitations by the department of education pur-*



suant to that subdivision using pupil units identified in Minnesota Statutes, 1979 Supplement, section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7), and the certification of 1979 payable 1980 capital expenditure levies by districts in accordance with these levy limitations are hereby sanctioned.

Sec. 6. Notwithstanding any law to the contrary, for any district which made its 1979 payable 1980 capital expenditure levy in an amount less than the maximum limitations computed by the department of education in order to comply with the provisions of Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 11a, regarding pupil units, the 1980 payable 1981 capital expenditure levy limitation shall be increased by the difference between the amount of the 1979 payable 1980 capital expenditure levy limitation certified by the department of education and the amount of the 1979 payable 1980 capital expenditure levy certified by the district. In order to qualify for the increased levy limitation provided by this section, the clerk of the school board of the district shall notify the commissioner in writing by September 1, 1980, stating the amount by which the district's 1979 payable 1980 capital expenditure levy was reduced, and stating the school board's desire to have its 1980 payable 1981 capital expenditure levy limitation increased accordingly.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 11a, is amended to read:

Subd. 11a. (a) A school district may levy an amount not to exceed the amount equal to (\$80) \$90 per pupil unit or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, (\$85) \$95 per pupil unit. For purposes of computing allowable levies under section 275.125, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5). No levy under this subdivision shall exceed (TEN) seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year, notwithstanding the provisions of sections 272.64 and 275.49.

(b) The proceeds of the tax may be used only to acquire land, to equip and reequip buildings and permanent attached fixtures, to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116H.126, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may



not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals.

(c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

Sec. 8. [CHEMICAL USE PROBLEMS.] *Subdivision 1. [STATEMENT OF PURPOSE.] The legislature finds that the development of local policies to minimize chemical use problems among school pupils and a report to the legislature on these local policies are necessary for the legislature to determine what legislative action is needed to assist school districts in addressing these chemical use problems.*

*Subd. 2. [COMPREHENSIVE POLICY AND PROCEDURES.] A comprehensive policy and procedures to minimize chemical use problems among pupils in grades kindergarten through twelve in each school district shall be developed by the citizens advisory council for community schools established pursuant to section 121.88, subdivision 2. If no such citizens advisory council has been appointed in the district, the curriculum advisory committee established pursuant to section 123.741, subdivision 3 shall develop the policy and procedures. If neither a citizens advisory council nor a curriculum advisory committee has been appointed in the district, the school board shall develop the policy and procedures.*

*Subd. 3. [SCHOOL BOARD AND STAFF INVOLVEMENT.] The school board and district staff are encouraged to cooperate in the development of the comprehensive policy and procedures to minimize chemical use problems in every district*



where a citizens advisory council or curriculum advisory committee is developing the policy and procedures. The completed policy and procedures shall be submitted to the school board, and the school board is encouraged to adopt them.

Subd. 4. [DEVELOPMENT ACTIVITIES.] To develop the policy and procedures required by subdivision 1, a citizens advisory council, curriculum advisory council or school board, as applicable, is encouraged to do the following:

(a) assess the magnitude of the chemical use problem as it affects pupils in the district in grades kindergarten through twelve;

(b) identify and evaluate existing policies and programs in the schools of the district for minimizing chemical use problems;

(c) assess the needs of pupils in grades kindergarten through twelve for additional chemical abuse prevention, intervention, and referral programs and for support programs for pupils who have or have had chemical abuse problems;

(d) define the role of the school and the family in minimizing chemical use problems in the community;

(e) identify public and private community resources available to assist the school in minimizing chemical use problems among pupils in the district;

(f) study the feasibility of cooperative efforts among the school district and public and private agencies, including law enforcement agencies, to minimize chemical use problems among pupils;

(g) examine research studies for assistance in formulating the policy and procedures required pursuant to subdivision 1;

(h) assess school district staff training needs for a program to minimize chemical use problems among pupils;

(i) evaluate the need for community chemical abuse awareness programs; and

(j) take any other action deemed appropriate to develop the policy and procedures required by subdivision 1.

Subd. 5. [TECHNICAL ASSISTANCE.] The department of education shall provide technical assistance to a citizens advisory council, curriculum advisory committee or school board, as applicable, which requests the assistance of the department in performing the duties imposed by this section.



Subd. 6. [REPORT.] *By February 15, 1981, the appropriate state agency, designated by the governor, shall report to the legislature on the policies and procedures developed by school districts pursuant to subdivision 1. The report shall include any other information deemed pertinent to the needs of school districts in their efforts to minimize chemical use problems among school pupils.*

Sec. 9. Laws 1979, Chapter 334, Article VI, Section 35, Subdivision 9 is amended to read:

Subd. 9. [FOOD STORAGE AND TRANSPORTATION.] *For food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:*

\$578,800 ..... 1980,

\$665,500 ..... 1981

*Any unexpended balance from the appropriations in this subdivision may be expended, in addition to the amounts appropriated in subdivision 8, for school lunch aid pursuant to section 124.646.*

Sec. 10. [DEFICIENCY APPROPRIATION; SCHOOL LUNCH AID.] *There is appropriated from the general fund to the department of education the sum of \$162,000 for the fiscal year ending June 30, 1980, and the sum of \$160,000 for the fiscal year ending June 30, 1981, for the payment of deficiencies in funds available for school lunch aid pursuant to section 124.646 in those years. These appropriations shall be added to the sums appropriated for fiscal years 1980 and 1981 for school lunch aid in Laws 1979, Chapter 334, Article VI, Section 35, Subdivision 8.*

Sec. 11. [APPROPRIATION.] *The sum of \$150,000 is appropriated from the general fund to the department of education for the purpose of financing the technical assistance program pursuant to section 8, subdivision 5 and is available until June 30, 1981. During fiscal year 1981, the department may use this amount to employ up to three staff members beyond existing complement.*

Sec. 12. [EFFECTIVE DATE.] *Subdivision 1. Sections 1, 5, 8, 9, 10 and 11 of this article shall be effective the day following final enactment.*

Subd. 2. *Section 3 of this article shall be effective July 1, 1981.*



## ARTICLE V

## VOCATIONAL EDUCATION

Section 1. Minnesota Statutes, 1979 Supplement, Section 124.11, Subdivision 2a, is amended to read:

Subd. 2a. Ninety percent of the estimated post-secondary vocational instructional aid shall be paid to each district in 12 equal monthly payments on the 15th of each month beginning in July 1980. A final payment of the remainder of the post-secondary vocational instructional aid for each fiscal year shall be made to each district in September of the following fiscal year. The September 1980 payment shall be adjusted to reflect any deficit or excess in post-secondary vocational foundation aid received by a district in fiscal year 1980. The September 1981 final payment *and the September final payment in each year thereafter* shall be adjusted to reflect the actual average daily membership for the previous fiscal year. (THE FINAL PAYMENT IN SEPTEMBER 1982 AND EACH YEAR THEREAFTER SHALL BE ADJUSTED TO REFLECT THE ACTUAL ANNUAL STUDENT COUNT FOR THE PREVIOUS FISCAL YEAR. FOR) *Beginning with the 1980-1981 school year, 90 percent of the estimated post-secondary vocational instructional aid shall be paid on the basis of the department of education's estimates of the current year's average daily membership adjusted in September, December, March and June to reflect any increases or decreases in enrollment. (BEGINNING WITH THE 1981-1982 SCHOOL YEAR, THE ESTIMATED POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID SHALL BE PAID ON THE BASIS OF THE DEPARTMENT OF EDUCATION'S ESTIMATES OF THE CURRENT YEAR'S ANNUAL STUDENT COUNT, ADJUSTED IN SEPTEMBER, DECEMBER, MARCH AND JUNE TO REFLECT ANY INCREASES OR DECREASES IN ENROLLMENT, PURSUANT TO SECTION 124.5621, SUBDIVISION 11.)*

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 124.11, Subdivision 2b, is amended to read:

Subd. 2b. Post-secondary vocational supply aid (,) *and support services aid (AND EQUIPMENT AID)* shall be paid to districts in equal installments on or before August 1, (DECEMBER) *November 1, (MARCH) February 1, and (JUNE) May 1* of each year. (ADDITIONAL POST-SECONDARY VOCATIONAL SUPPLY AID, SUPPORT SERVICES AID, AND EQUIPMENT AID MAY BE DISTRIBUTED ON OR BEFORE MARCH AND JUNE 1 OF EACH YEAR IF IT IS APPORTIONED AT A CONSOLIDATED PUBLIC HEARING HELD BEFORE FEBRUARY 15 OF THAT YEAR IN THE MANNER SPECIFIED IN SECTION 124.561, SUBDIVISION 3A.) *Eighty percent of post-secondary vocational capital expenditure aid shall be paid to districts on or before August 1 of each year. The remaining 20 percent of post-secondary vocational capital*



*expenditure aid shall be paid to districts on or before May 1 of each year.*

Sec. 3. Minnesota Statutes 1978, Section 124.11, is amended by adding a subdivision to read:

*Subd. 2c. Additional post secondary vocational supply aid, support services aid and capital expenditure aid may be distributed on or before May 1 of each year if it is apportioned at a consolidated public hearing held before February 15 of that year pursuant to section 124.561, subdivision 3a.*

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 124.561, Subdivision 3a, is amended to read:

Subd. 3a. [HEARING.] The consolidated public hearing held by the state board pursuant to (SUBDIVISIONS) *subdivision 2a* (AND 3) shall take place with at least six board members present and shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. In 1980 and each year thereafter the state board shall authorize the allocations of post-secondary vocational supply aid, support services aid and capital expenditure aid for the following fiscal year at this hearing. Notice of intention to hold the hearing shall be given at least 20 days prior to the date set for the hearing by United States mail to each district submitting a post-secondary vocational school budget, to other interested persons, representatives, and organizations who register their names with the commissioner of education for that purpose, and in the state register. The department of education shall make available at least one free copy of the proposed (DISPOSITION OF BUDGETS OR) allocations of aids to the education committees of the legislature and to any person requesting it. Unless the commissioner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, provided that the request is in writing and the cost of preparing the transcript is borne by the requesting person. After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the commissioner of education shall proceed as promptly as possible to write a report containing the final proposed (FINAL DISPOSITION OF BUDGETS OR) allocations of aids. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the final proposed (FINAL DISPOSITION OR) allocations. The report shall be available to all affected school districts upon request for at least 15 days before the state board takes final action (DISPOSING OF THE BUDGETS OR) allocating aids. Any district which is adversely affected by the final proposed (DISPOSITION OF BUDGETS OR) allocations of aids may demand and shall be given an opportunity to be heard in support of modification of the proposed (DISPOSITION OR) allocations of aids at the meeting at which the state



board takes final action (DISPOSING OF THE BUDGETS OR) allocating aids; provided, the state board may place reasonable restrictions on the length of time allowed for testimony.

Sec. 5. Minnesota Statutes 1979 Supplement, Section 124.-562, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in post-secondary vocational-technical schools shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day a pupil completes his program and permanently leaves the school, or for a pupil who permanently leaves the school after the fifteenth school day of a quarter without completing his program, the day he is scheduled to complete his program, the day when the school fills the vacancy created by his leaving, or the last day of the quarter during which he permanently leaves the school, whichever occurs first; provided that any pupil who has been absent from school for 15 consecutive school days shall be deemed to have permanently left the school; provided further that a pupil who permanently leaves the school on or before the fifteenth school day of a quarter shall be deemed not to have entered the school during that quarter. No pupil who is counted in average daily membership pursuant to this section shall be counted in average daily membership in any district pursuant to section 124.17, subdivision 2, unless he is eligible to earn foundation aid pursuant to section 120.80 or is attending a post-secondary vocational-technical school course on a part time basis in addition to spending six hours per day in a secondary program. Average daily membership for pupils who are enrolled in post-secondary vocational-technical schools, but not including adult vocational pupils, shall equal (a) the sum for all pupils of the number of days of the school year each pupil is enrolled in a post-secondary vocational-technical school in the district, counted from the date of entry until the date of withdrawal as defined in this subdivision, times the number of hours per day each student is enrolled divided by six (b) divided by 175. The number of hours which are counted for average daily membership for any pupil in any one program shall not exceed the number of hours approved by the state board for completion of the program, except that (THE COMMISSIONER MAY GRANT) a district (PERMISSION TO) *may* count additional hours for membership (, NOT TO EXCEED TEN PERCENT OF THE APPROVED NUMBER OF HOURS FOR THE PROGRAM, IF) *to the extent* additional hours are necessary for a pupil who is identified by the district as disadvantaged or handicapped to complete the program. For a post-secondary vocational-technical school, the normal school year shall be at least the number of session days required by section 124.19, subdivision 1. In all post-secondary vocational-technical schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours. Exceptions may be made by the local school administration for



approved post-secondary vocational-technical programs provided on a part time or extended day basis to meet the needs of individual students or classes; provided, these exceptions are authorized only for programs originally provided on a full time basis.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 124.562, Subdivision 3, is amended to read:

Subd. 3. All (FUNDS) *monies*, whether state, federal, or from other sources, which may be made available to the department of education for carrying out the purposes of post-secondary vocational-technical education shall be apportioned by the state board for vocational education to the various school districts in accordance with law and shall be distributed by the state aids, statistics and research section of the state department of education. State board approval shall not be required for the adjustment of average daily membership (OR FOR THE ADJUSTMENT OF THE ANNUAL STUDENT COUNT), pursuant to section 124.11, subdivisions 2 and 2a.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 124.562, Subdivision 4, is amended to read:

Subd. 4. Each district providing post-secondary vocational-technical education programs shall establish and maintain (AC-COUNTS) *funds* separate from all other district accounts for the receipt and disbursement of all (FUNDS) *monies* related to these post-secondary vocational-technical education programs. All post-secondary vocational aids, all (FUNDS) *monies* received pursuant to the levy authorized by section 275.125, subdivision 13 and all tuition authorized by section 124.565 shall be utilized solely for the purposes of post-secondary vocational-technical education programs.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 124.5621, Subdivision 11, is amended to read:

Subd. 11. (1) "Student growth or decline factor" for the 1980-1981 school year means the following ratio, adjusted according to clause ((4)) (2):

(a) The current year's average daily membership as defined in section 124.562, subdivision 2, for a particular AVTI, divided by:

(b) The second prior year's average daily membership for that AVTI.

((2) BEGINNING IN THE 1979-1980 SCHOOL YEAR, EACH AVTI SHALL TAKE A COUNT OF ALL FULL TIME



EQUIVALENT STUDENTS IN ATTENDANCE ON THE FIFTEENTH DAY OF EACH QUARTER THAT FULL TIME POST-SECONDARY VOCATIONAL PROGRAMS ARE OFFERED BY THAT AVTI. THESE QUARTERLY COUNTS SHALL BE TOALED TO PRODUCE AN ANNUAL STUDENT COUNT.)

((3) BEGINNING IN THE 1981-1982 school year, "STUDENT GROWTH OR DECLINE FACTOR" MEANS THE FOLLOWING RATIO, ADJUSTED ACCORDING TO CLAUSE (4).)

((A) THE CURRENT YEAR'S ANNUAL STUDENT COUNT FOR A PARTICULAR AVTI, DIVIDED BY)

((B) THE ANNUAL STUDENT COUNT FOR THE SECOND PRIOR YEAR FOR THAT AVTI.)

((4)) (2) If the ratio in (1) (OR (3)) is greater than .95 but less than 1.05, the ratio shall equal 1.0. If the ratio is .95 or less, the ratio shall be adjusted by adding .05. If the ratio is 1.05 or greater, the ratio shall be adjusted by subtracting .05.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 124.5624, Subdivision 6, is amended to read:

Subd. 6. Before August 1, 1980 and before August 1 of each subsequent year, the commissioner shall issue a report on the capital expenditure aid allocation to each AVTI. This report shall include recommended aid allocations for each capital expenditure category and an explanation comparing the amount of the authorized capital expenditure aid allocation to the budget submitted for each AVTI. The fund balances used by the state board in determining the capital expenditure aid allocation shall be included.

Before August 1, 1980 and before August 1 of each subsequent year the commissioner shall also report on the equipment inventory of each AVTI, including original cost, (AMORTIZATION SCHEDULE AND) current value *and estimated remaining useful life*.

These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 124.5625, is amended to read:

124.5625 [POST-SECONDARY VOCATIONAL CONTINGENCY FUND.] There is established a post-secondary (AND ADULT) vocational contingency fund. This fund shall be used for the start-up costs of *new full time* post-secondary vocational



programs (, INCLUDING JOB TRAINING PROGRAMS PROVIDED AT THE REQUEST OF INDUSTRY. THIS FUND SHALL ALSO BE USED FOR SHORT TERM TRAINING OF EMPLOYEES AT THE REQUEST OF BUSINESS AND INDUSTRY, WHEN THAT TRAINING IS SPECIALIZED AND NOT AVAILABLE FROM ANY OTHER SOURCE). The commissioner shall establish rules for the administration of this fund. The rules shall conform, where applicable, to the rules and procedures for the approval of new post-secondary (AND ADULT) vocational programs.

Sec. 11. Minnesota Statutes 1978, Chapter 124, is amended by adding a section to read:

[124.5626] [ADULT NEW JOBS FUND.] *There is established a new jobs fund. This fund shall be used for the short term training of employees at the request of business and industry, when that training is specialized and not available from any other source. The commissioner shall establish rules for the administration of this fund. The rules shall conform, where applicable, to the rules and procedures for the approval of new adult vocational programs.*

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 124.565, Subdivision 6, is amended to read:

Subd. 6. For purposes of the tuition charges established in this section, a quarter shall consist of 60 school days. The state board for vocational education shall adopt rules providing for proportionate tuition charges for quarters which are shorter or longer than 60 days and for (PUPILS WHO ENROLL ON A) part time (OR) and extended day (BASIS) enrollment, for individualized programs, and for programs which begin or end during a quarter. (THE STATE BOARD SHALL ADOPT RULES PROVIDING FOR TUITION CHARGES BASED ON APPROVED PROGRAM LENGTHS FOR PROGRAMS OFFERED ON AN INDIVIDUALIZED BASIS.)

Sec. 13. Minnesota Statutes, 1979 Supplement, Section 124.566, is amended to read:

124.566 [USE OF POST-SECONDARY VOCATIONAL AID APPROPRIATIONS.] Notwithstanding the provisions of section 16A.57 or any other law to the contrary, the state board for vocational education may expend amounts appropriated by the legislature for post-secondary vocational categorical aid to pay post-secondary vocational foundation aid for the 1979-1980 school year if the appropriation for post-secondary vocational foundation aid is insufficient because of an increase in average daily membership. *Beginning with the 1980-1981 school year*, the state board may expend amounts appropriated by the legislature for post-secondary vocational support services aid to pay post-secondary vocational instructional aid (IN THE 1980-1981



SCHOOL YEAR) if the appropriation for post-secondary vocational instructional aid is insufficient because of an increase in average daily membership (, OR IN THE 1981-1982 SCHOOL YEAR, AND EACH YEAR THEREAFTER, WHEN THE APPROPRIATION FOR POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID IS INSUFFICIENT BECAUSE OF AN INCREASE IN THE ANNUAL STUDENT COUNT). Beginning in the 1980-1981 school year, the state board may expend amounts appropriated by the legislature for post-secondary vocational instructional aid to pay post-secondary vocational support services aid in any year when the state board determines that the appropriation for instructional aid is excessive. On the date of any expenditure pursuant to this section, the state board shall report the expenditure to the appropriate committees of the legislature.

Sec. 14. Minnesota Statutes, 1979 Supplement, Section 124.572, Subdivision 2, is amended to read:

Subd. 2. The state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The commissioner may withhold all or any portion of this aid for an adult vocational education program which receives (FUNDS) *monies* from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to (FUNDS) *monies* from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

Sec. 15. Minnesota Statutes 1978, Section 124.572, Subdivision 7, is amended to read:

Subd. 7. Each district providing adult vocational education shall establish and maintain separate (ACCOUNTS) *funds* for the receipt and disbursement of all (FUNDS) *monies* related to these adult vocational education programs. All adult vocational education aid received by the district from any source shall be utilized solely for the purposes of adult vocational education programs.

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":



(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$250 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part-time employees other than firefighters who receive monthly compensation not exceeding \$250, and part-time employees other than firefighters and elected officials whose annual compensation is stipulated in advance to be not more than \$3,000 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed \$250 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.



(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and nuns who have taken a vow of poverty as members of a religious order.

(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full-time by a governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of \$250 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) Volunteer firefighters as defined in subdivision 34.

(t) *Adult vocational education instructors who teach less than 300 hours per year on an adult supplementary license, unless the person has as of the date of employment sufficient*



*service credits to meet the minimum vesting requirements for a deferred retirement annuity or agrees in writing on forms provided by the executive director to become a member of the fund.*

Sec. 17. Minnesota Statutes 1978, Section 354.05, Subdivision 2, is amended to read:

Subd. 2. [TEACHER.] The word "teacher" includes any person who has rendered, is rendering, or shall hereafter render, service as a teacher, supervisor, principal, superintendent, or librarian in the public schools of the state, located outside of the corporate limits of the cities of the first class, in the state universities, or in any charitable or state institution including penal and corrective institutions supported, in whole or in part, by public funds, or who has been engaged, is engaged, or shall hereafter be engaged, in educational administration in connection with the state public school system, including the state university system and state community college system, but excluding the university of Minnesota, whether the position be a public office or an employment, not including members of any general governing or managing board or body connected with such systems, or the officers of common, independent, special, or associated school districts, or unorganized territory. The term shall also include an employee of the teachers retirement association employed subsequent to July 1, 1969, and any nurse, counselor, social worker or psychologist who has rendered, is rendering or shall hereafter render service in the public schools as defined above or in state universities. The term shall also include any person who renders teaching service on a part time basis and who also renders other services for a school district. In such cases, the teachers retirement association shall have the authority to determine whether all or none of such combined employment will be covered by the teachers retirement association. The term does not mean any person who works for such school or institution as an independent contractor. During any fiscal year, the term also does not mean a person who works for a school or institution on a part time basis where the person has certified that he has established and is contributing to an individual retirement account; provided that the certification is made annually and is made on a form prescribed by the executive director. The term shall not include any person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the



required employee contribution. *The term shall not include an adult vocational education instructor who teaches less than 300 hours per year on an adult supplementary license, unless the person has as of the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or agrees in writing on forms provided by the executive director to become a member of the fund.*

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 354A.-011, Subdivision 27, is amended to read:

Subd. 27. [TEACHER.] "Teacher" means any person who renders service in a public school district located in the corporate limits of one of the cities of the first class which was so classified on January 1, 1979 as any of the following:

(a) a full time employee in a position for which a valid license from the state board of education is required;

(b) an employee of the teachers retirement fund association located in the city of the first class unless the employee has exercised the option pursuant to Laws 1955, Chapter 10, Section 1, to retain membership in the Minneapolis municipal employees retirement fund established pursuant to chapter 422A;

(c) a part time employee in a position for which a valid license from the state board of education is required who also renders other non-teaching services for the school district unless the board of trustees of the teachers retirement fund association determines that the combined employment is on the whole so substantially dissimilar to teaching service that the service shall not be covered by the association.

The term shall not mean any person who renders service in the school district as any of the following:

(1) an independent contractor or the employee of an independent contractor;

(2) a part time employee who, in the calendar year, has certified that he has established and is contributing to an individual retirement account established pursuant to federal law where certification is provided annually or upon request on a form prescribed by the board of the teachers retirement fund association;

(3) for the Duluth and St. Paul teachers retirement fund associations, and for the Minneapolis teachers retirement fund association, unless the person is designated by the board of education of special school district number 1 pursuant to section 356.451 as a provisional member of the teachers retirement fund association, a person employed in subsidized on-the-job train-



ing, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978, or the date of employment, sufficient service credit in the teachers retirement fund association to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing to make the required employer contributions, including any employer additional contributions, in addition to the required employee or member contributions;

(4) an employee who is a full time teacher covered by another teachers retirement fund association established pursuant to this chapter (.) ;

(5) *an adult vocational education instructor who teaches less than 300 hours per year on an adult supplementary license, unless the person has as of the date of employment sufficient service credit in the teachers retirement fund association to meet the minimum vesting requirements for a deferred retirement annuity or agrees in writing to become a member of that teachers retirement fund association.*

Sec. 19. [REPEALER.] *Laws 1979, Chapter 334, Article V, Section 29, Subdivision 4, is repealed.*

Sec. 20. [APPROPRIATION.] *There is appropriated from the general fund in the state treasury to the department of education the sum of \$650,000 for the purpose of the adult new jobs fund established in section 124.5626 for the biennium ending June 30, 1981.*

Sec. 21. [EFFECTIVE DATE.] *Sections 4, 9, 10, 11, 12, 19 and 20 of this article shall be effective the day following final enactment.*

## ARTICLE VI

### MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes, 1979 Supplement, Section 120.075, is amended by adding a subdivision to read:

*Subd. 3a. Any child who was born on or before January 1, 1978 but who was adopted after January 1, 1978 and whose adoptive parent on January 1, 1978 owned property residence upon which would have qualified the child for enrollment pursuant to Minnesota Statutes 1976, Section 120.065, in a school district*



*of which the child was not a resident may enroll in that district. Any child who was born on or before January 1, 1978 but who was adopted after January 1, 1978 and whose adoptive parent on January 1, 1978 owned or was a tenant upon property so as to qualify a child for enrollment pursuant to Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a, in a school district of which the child was not a resident may enroll in that district.*

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 120.075, Subdivision 4, is amended to read:

Subd. 4. Subdivisions 1, 2 (AND) 3 and 3a shall also apply to any brother or sister of a qualified pupil who is related to that pupil by blood, adoption or marriage and to any foster child of that pupil's parents. The enrollment of any pupil pursuant to this section shall remain subject to the provisions of Minnesota Statutes 1976, Section 120.065 and Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a, as they read on January 1, 1978.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 121.912, Subdivision 1, is amended to read:

121.912 [PERMANENT FUND TRANSFERS.] Subdivision 1. (AFTER JULY 1, 1977,) No school district shall permanently transfer money from an operating fund to a nonoperating fund except as provided in this subdivision. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. *With the approval of the commissioner, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund.* Permanent transfers may be made from the general fund to the capital expenditure fund of a post-secondary vocational-technical school in the amount and for the purposes authorized by the state board for vocational education in approving the school's budget pursuant to section 124.561; provided, the state board shall not approve any permanent transfer for the purpose of an acquisition or betterment of lands or buildings or a capital improvement which requires the expenditure of an amount equal to or greater than \$50,000, which changes the perimeter walls of an existing facility, which adds more than 1,000 square feet to a post-secondary vocational facility, or which requires the issuance of school district bonds; provided further, the state board shall not approve the permanent transfer for any other purpose of any amount which exceeds \$150,000.

Sec. 4. Minnesota Statutes 1978, Section 122.22, Subdivision 2, is amended to read:



Subd. 2. Proceedings under this section may be instituted by:

(a) Resolution of the county board of the county containing the greatest land area of the district proposed for dissolution when (SUCH) *the* district is dissolved pursuant to sections 122.32 to 122.52.

(b) Petition executed by a majority of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a,* of the district proposed for dissolution and addressed to the county board of the county containing the greatest land area of the district.

(c) Certification by the clerk of the district proposed for dissolution to the county board of the county containing the greatest land area of the district to the effect that a majority of votes cast at an election were in favor of dissolving the district.

Sec. 5. Minnesota Statutes 1978, Section 122.22, Subdivision 4, is amended to read:

Subd. 4. Petition executed pursuant to subdivision 2(b) shall be filed with the auditor and shall contain:

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory (;) and that petitioners are (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a,* of the district.

(b) An identification of the district.

(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. (SUCH) *The* recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

(d) The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the petition are (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a,* of the district and that they signed in the presence of one of the circulators.

(e) The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Sec. 6. Minnesota Statutes 1978, Section 122.23, Subdivision 9, is amended to read:



Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each (such) board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, of any (SUCH) district (SHALL) petition the clerk of the district, within 30 days after the publication of (SUCH) the notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in (SUCH) the district at an election held in the manner provided in subdivisions 11, 12 and 13.

Sec. 7. Minnesota Statutes 1978, Section 122.23, Subdivision 10, is amended to read:

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the the residents of (SUCH) the land area within 60 days of approval of plat by the state board in the following manner:

A petition calling upon the county auditor to call and conduct an election on the question of adoption or rejection of the plat may be circulated in (SUCH) the land area by any person residing in (SUCH AREAS) the area. Upon the filing of (SUCH) the petition with the county auditor, executed by at least 25 percent of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, in each district or part of a district contained in (SUCH) the land area, the county auditor shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means (AND SHALL BE CONSTRUED TO INCLUDE) any person (OR PERSONS) residing on any remaining portion of land, a part of which is included in the consolidation plat. Any (FREEHOLDER) *eligible voter, as defined in section 123.32, subdivision 1a*, owning land included in (SUCH) the plat who lives upon land adjacent or contiguous to that part of his land included in (SUCH) the plat shall be included and counted in computing the 25 percent of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, necessary to sign (SUCH) the petition and shall also be qualified to sign (SUCH) the petition. Failure to file (SUCH) the petition within 60 days of approval of plat by the state board terminates the proceedings.

Sec. 8. Minnesota Statutes 1978, Section 122.25, Subdivision 1, is amended to read:

122.25. [COMMON DISTRICT TO INDEPENDENT DISTRICT.] Subdivision 1. If six or more (RESIDENT FREE-



HOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, of a common district desire to change the organization of their district to an independent district, they may call for a vote upon the question at the next annual meeting by filing a petition therefor with the clerk. In the notice for the meeting, the clerk shall include a statement that the question will be voted upon at the meeting.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 122.-541, Subdivision 5, is amended to read:

Subd. 5. If compatible plans are not negotiated pursuant to subdivision 4 before the (JUNE) March 1 preceding any year of the agreement permitted by subdivision 1, the cooperating districts shall be governed by the provisions of this subdivision. Insofar as possible, teachers who have acquired continuing contract rights and whose positions are discontinued as a result of the agreement shall be employed by a cooperating district or assigned to teach in a cooperating district as exchange teachers pursuant to section 125.13. If necessary, teachers whose positions are discontinued as a result of the agreement and who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by a cooperating district, according to a combined seniority list of teachers in the cooperating districts.

Sec. 10. Minnesota Statutes 1978, Section 123.11, Subdivision 7, is amended to read:

Subd. 7. Upon the filing of a petition therefor, executed by five (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, of the common district, specifying the business to be acted upon, or upon the adoption of a proper resolution (,) so specifying, signed by a majority of the members of the board, the clerk shall forthwith call a special meeting of the district upon ten days' posted notice and one week's published notice if there be a newspaper printed in (SUCH) the district and specify in (SUCH) the notice the business named in (SUCH) the request or resolution and the time and place of the meeting. If there be no clerk in the district or if he fails for three days after receiving (SUCH) a request or resolution to give notice of (SUCH) a meeting, it may be called by like notice by five (FREEHOLDERS QUALIFIED TO VOTE) *eligible voters, as defined in section 123.32, subdivision 1a*, of the district. No business except that named in the notice shall be transacted at (SUCH) the meeting. If there are not five (VOTERS WHO ARE FREEHOLDERS IN THE DISTRICT) *eligible voters, as defined in section 123.32, subdivision 1a*, or if there is not a board therein, the county superintendent may call a special meeting by giving notice thereof as provided in this section. The voters at a special meeting have power to repeal or modify their proceedings.



Sec. 11. Minnesota Statutes, 1979 Supplement, Section 123.35, Subdivision 15, is amended to read:

Subd. 15. When payment of a claim cannot be deferred until the next board meeting without loss to the district of a discount privilege, *or when payment of a claim cannot be deferred until the next board meeting because of contract terms, purchase order terms, or a vendor's standard terms which are part of the contract*, the claim may be paid prior to board approval, providing that the board:

(a) Has delegated authority to the clerk or a designated business administrator to make a payment prior to board approval and

(b) Requires that payment made prior to board approval be acted upon at the next board meeting.

Payment prior to board approval shall not affect the right of the district or a taxpayer to challenge the validity of a claim.

Sec. 12. Minnesota Statutes 1978, Section 123.36, is amended by adding a subdivision to read:

*Subd. 10a. Except as otherwise provided in this subdivision, the board shall place the proceeds from the sale or exchange of sites, buildings and equipment in the capital expenditure fund of the district. If a district has an outstanding debt on the site, building or equipment which is sold or exchanged, the board may elect to first place enough proceeds in its debt service fund to cover the principal of the outstanding debt and then to place the remaining net proceeds in the capital expenditure fund of the district.*

Sec. 13. Minnesota Statutes 1978, Section 123.39, Subdivision 3, is amended to read:

Subd. 3. The board may purchase buses on the installment plan, the installments to be all paid within a period of not to exceed three years from the date of purchase and the deferred payments to bear a rate of interest (OF NOT TO EXCEED SIX PERCENT PER ANNUM) *to be negotiated by the parties.*

Sec. 14. Minnesota Statutes 1978, Section 123.932, is amended by adding a subdivision to read:

*Subd. 3a. "Nonsectarian nonpublic school" means any nonpublic school as defined in subdivision 3, which is not church related, is not controlled by a church, and does not promote a religious belief.*



Sec. 15. Minnesota Statutes 1978, Section 123.932, Subdivision 9, is amended to read:

Subd. 9. "Neutral site" means a public center, a *nonsectarian nonpublic school*, a mobile unit located off the nonpublic school premises, or any other location off the nonpublic school premises which is neither physically nor educationally identified with the functions of the nonpublic school.

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 124.-247, Subdivision 3, is amended to read:

Subd. 3. [AID.] A district which establishes program for gifted and talented students shall receive for the purpose of this program an amount equal to \$30 times the number of gifted and talented students in the district. No more than 2-1/2 percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the (FUNDS) *monies* received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.

Sec. 17. Minnesota Statutes, 1979 Supplement, Section 124.-247, Subdivision 4 is amended to read:

Subd. 4. [FUNDS.] A district which receives (FUNDS) under this section shall maintain a separate (ACCOUNT) *fund* for the receipt and disbursement of (FUNDS) *monies* allocated to the district for the purpose of this section, and the (FUNDS) *monies* shall be spent only for the purpose of the program for gifted and talented students.

Sec. 18. Minnesota Statutes 1978, Chapter 125, is amended by adding a section to read:

[125.611.] [TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.] *Subdivision 1. For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who is employed in the public elementary, secondary or area vocational-technical schools in the state, who has not less than 15 total years of full time teaching service in elementary, secondary and area vocational-technical schools, and who has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made.*

*Subd. 2. For purposes of this section, "retirement" means termination of services in the employing district and withdrawal from active teaching service.*



*Subd. 3. A teacher meeting the requirements of subdivision 1 may apply to the school board of the employing district for a contract for termination of his services, withdrawal from active teaching service, and payment of an early retirement incentive. This application shall be submitted on or before June 1 of the school year at the end of which the teacher wishes to retire, and shall be submitted on the form established by the commissioner of education for this purpose.*

*Subd. 4. A school board receiving an application submitted by a teacher pursuant to subdivision 3 shall approve or deny the application within 30 days after it is received by the board, and shall notify the teacher by United States mail of the board's approval or denial within seven days after the board's decision is made. The notification of approval shall state that no agreement for termination of services with an early retirement incentive shall be made unless and until the board receives authorization from the commissioner of education.*

*Subd. 5. If the school board approves the teacher's application, the board shall apply to the commissioner of education for authorization to enter into a contract with the teacher for termination of his services and payment of an early retirement incentive. The school board's application shall be submitted on the form required by the commissioner and must be received by the commissioner by the July 15 immediately following the school board's approval of the teacher's application. The commissioner of education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section. Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.*

*Subd. 6. Notwithstanding the time limitations imposed by subdivisions 4 and 5, the commissioner of education may approve applications received from school boards after the time limit established in subdivision 4 if the teacher's application was submitted to the school board within the time limit and in the form required by subdivision 3, unless the failure of the school board to meet the time limit of subdivision 4 was caused by conduct of that teacher.*

*Subd. 7. A teacher whose early retirement pursuant to this section has been approved by the commissioner of education shall be offered a contract for termination of services in the employing district, withdrawal from active teaching service, and payment of an early retirement incentive by the employing school district. An offer may be accepted by the teacher by submitting a written resignation to the school board of the employing district.*



Subd. 8. *An eligible teacher who is or will be 55 years of age as of the end of the school year during which an application for an early retirement incentive is made and accepted shall receive an early retirement incentive in the amount of \$10,000. This amount shall be reduced by \$500 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,500 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.*

Subd. 9. *Notwithstanding the provisions of subdivision 8, an eligible teacher who wishes to retire at the end of the 1979-1980, 1980-1981, or 1981-1982 school year, who is employed by a school district which is implementing a desegregation plan ordered by federal court or approved by the state board, and who is offered and accepts an early retirement incentive contract pursuant to subdivision 7, shall receive an early retirement incentive in the amount of \$15,000. This amount shall be reduced by \$750 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$2,250 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.*

Subd. 10. *The early retirement incentive shall be paid by the employing school district at the time and in the manner mutually agreed upon by a teacher and the board. The state shall reimburse the district for 50 percent of any amount or amounts paid out as an early retirement incentive pursuant to this section. An early retirement incentive shall not be paid to any teacher who is discharged by a school district.*

Subd. 11. *Notwithstanding the provisions of subdivisions 2, 3, 5 and 7, a teacher who has entered into an agreement for termination of services and withdrawal from active teaching service with an early retirement incentive may be employed as a substitute teacher after his retirement.*

Subd. 12. *Any amount of unemployment insurance which the teacher receives and for which the district is required to pay into the unemployment compensation fund pursuant to section 268.06, subdivision 25, at any time after the teacher has entered into an agreement pursuant to subdivision 7, may be deducted by the district from the amount of the teacher's early retirement incentive or recovered by the district from the teacher up to the amount of the early retirement incentive. The district shall pay 50 percent of any amount so deducted or recovered to the department of education, and any amount so received by the department shall be deposited in the state treasury.*

Sec. 19. *Minnesota Statutes 1978, Section 127.09, is amended to read:*



**127.09 [REFUSING TO SERVE ON SCHOOL BOARD.]** Any person accepting an election or appointment upon any school board and refusing or neglecting to qualify or to serve or to perform any of the duties of (SUCH) *the* office, shall forfeit for each offense the sum of \$10 to be collected in an action before a justice of the peace, to be prosecuted in the name of the district by any school board member of the district or by any (FREEHOLDER THEREOF) *eligible voter, as defined in section 123.32, subdivision 1a, of the district.*

Sec. 20. Minnesota Statutes 1978, Section 127.11, is amended to read:

**127.11 [DRAWING ILLEGAL ORDER.]** Any school district clerk who (SHALL) illegally (DRAW) *draws* an order upon the treasurer, any chairman or other officer who (SHALL ATTEST SUCH) *attests the order,* and any school district treasurer who (SHALL) knowingly (PAY) *pays* the (SAME) *order,* shall each forfeit to the district twice the amount of (SUCH) *the order,* to be collected in an action brought in the name of the district by any (FREEHOLDER THEREOF) *eligible voter, as defined in section 123.32, subdivision 1a, of the district.*

Sec. 21. Minnesota Statutes 1978, Section 127.21, is amended to read:

**127.21 [COMBINATION TO CONTROL PRICES.]** If at any time any publisher shall enter into any understanding, agreement, or combination to control the prices or to restrict competition in the adoption or sale of school books, (THEN THE ATTORNEY GENERAL SHALL INSTITUTE AND PROSECUTE LEGAL PROCEEDINGS FOR THE FORFEITURE OF THE BOND OF THE PUBLISHER AND FOR THE REVOCATION OF HIS LICENSE TO SELL SCHOOL BOOKS IN THIS STATE AND) each and every contract made by the publisher (UNDER THIS CHAPTER) shall thereupon become null and void at the option of the other parties thereto.

Section 22. Minnesota Statutes 1978, Section 134.03, is amended to read:

**134.03. [TAX LEVY.]** *Subdivision 1.* In cities of less than 2,000 inhabitants not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the district and provide ample and suitable rooms for its use in the school buildings or the district.

Upon a library being so established in any such school district, whose library building has been erected with funds acquired by gift or donation, the school board is empowered to appoint a library board of nine members, of which each member of the school board shall be a member *ex officio.*



The remaining members of such library board shall be appointed by the school board, one of which remaining members shall hold office for one year, one for two years, and one for three years if the school board has only six members, from the first Saturday of September following their appointment, the term of office of each being specified in such appointment; annually thereafter, such school board shall appoint a member of the library board for the term of three years and until his successor shall qualify. Such school board may remove any member so appointed for misconduct or neglect. Vacancies in such board shall be filled by appointment for the unexpired term. Members of such board shall receive no compensation for their services as such.

Immediately after appointment, such board shall organize by electing one of its members as president and one as secretary and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the school district in an amount fixed by the library board, conditioned for the faithful discharge of his official duties. The library board shall adopt such bylaws and regulations for the government of the library and reading-room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditures of all money collected for, or placed to the credit of, the library funds, and of the rooms and buildings provided for library purposes. All moneys received for such library fund shall be kept in the treasury of the school district, credited to the library fund, and be paid out only upon itemized vouchers approved by the library board. The library board may fix the compensation of employees and remove any of them at pleasure.

All books or other property given, granted, conveyed, donated, devised, or bequeathed to, or purchased by, such library shall vest in, and be held in the name of, such school district. Every library and reading-room established hereunder shall be free to the use of the inhabitants of the school district, subject to such reasonable regulations as the directors may adopt.

When so established, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

When so established, in cases where the building has been erected with funds so donated, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

*Subd. 2. Notwithstanding subdivision 1, if the library building of a library established pursuant to this section has been erected with funds acquired by gift or donation, a school board may, if authorized by the vote of a majority of all members of the school board and the vote of a majority of all members of the*



*governing body of the city, permanently transfer the responsibility for maintaining the library to the city.*

Sec. 23. Minnesota Statutes 1978, Section 134.08, is amended to read:

134.08 [WHEN ESTABLISHED BY VOTE; EXISTING LIBRARIES.] If (SUCH) a library or reading-room (BE) is not otherwise established, the governing body of the municipality, upon the petition of 50 (FREEHOLDERS THEREOF) eligible voters, as defined in section 200.02, subdivision 25, of the municipality, shall submit the question of (SUCH) the establishment to the voters at the next municipal election. If two-thirds of the votes cast on the question (BE) are in the affirmative, the governing body shall establish the library or reading-room and levy a yearly tax for its support, within the limits fixed by section 134.07. All public libraries and reading-rooms heretofore established and now existing in cities are continued and all ordinances setting apart public property for their support are hereby confirmed. Nothing in sections 134.08 to 134.15 shall be construed as abridging any power or duty in respect to libraries conferred by any city charter.

Sec. 24. Minnesota Statutes, 1979 Supplement, Section 465.72, is amended to read:

465.72 [SEVERANCE PAY.] Except as may otherwise be provided in Laws 1959, Chapter 690, as amended, (ALL COUNTIES, CITIES, TOWNSHIPS AND SCHOOL DISTRICTS ARE HEREBY AUTHORIZED AND EMPOWERED TO) any county, city, township and school district may pay severance pay to (ALL OF) its employees and (TO ESTABLISH, PRESCRIBE AND) promulgate (PROVISIONS,) rules (AND REGULATIONS) for the payment of (SUCH) severance pay (UPON LEAVING) to an employee who leaves employment (PRIOR TO) before the normal retirement date. (SUCH) The severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits (, AND). It shall be paid in a manner mutually agreeable to the employee and employer over a period not to exceed five years from termination of employment. (IN THE EVENT THAT) If a terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate. In no event shall severance pay provided for an employee leaving employment, except a teacher as defined in section (179.63) 125.03, subdivision (13) 1, (LEAVING EMPLOYMENT) exceed an amount equivalent to 100 days pay. Severance pay for a teacher as defined in section (179.63) 125.03, subdivision (13) 1, shall not exceed an amount equivalent to one year of pay.

Sec. 25. Laws 1979, Chapter 69, Section 2, is amended to read:



Sec. 2. The board of Independent School District No. 275 may propose in its resolution for consolidation that the proposed new district be governed at first by the board of another pre-existing district and that one member of the board of Independent School District No. 275 serve as an additional member of the board of the new district for a specific period. These proposals shall be deemed to be part of the consolidation plat. If the plat containing the proposals is finally approved by all affected school boards and at each election held on the plat in an affected district, the new district shall be governed by the board of a pre-existing district as provided in the plat, and a member of the board of Independent School District No. 275 shall serve as an additional member of the board of the new district for the period specified in the plat. *This governing board of the new district shall be deemed to be the newly elected board of the new district for purposes of Minnesota Statutes, Sections 122.23 and 122.532.* As the terms of the members of the board of the pre-existing district expire, their successors shall be elected by the legally qualified voters of the new district. The members of the last board of Independent School District No. 275 to exist before the consolidation shall select the member of that board who shall serve as an additional member of the board of the new district and shall also select one of their number to replace that member if before the specified period elapses the member dies, resigns, ceases to be a resident of the area formerly contained in Independent School District No. 275 or is found by resolution of the board of the new district to be unable to serve on the board for a period of 90 days or more because of illness or prolonged absence from the district.

Sec. 26. Laws 1979, Chapter 69, Section 5, is amended to read:

Sec. 5. If the effective date of the consolidation is not July 1 of an odd-numbered year and if the new district is governed by the board of a pre-existing district as provided in section 2, the contract between the board of the pre-existing district and the exclusive bargaining representative of teachers in that district shall continue in effect for the remainder of its term and shall also govern the terms and conditions of employment in the new district of the teachers previously employed by Independent School District No. 275 and, *if applicable* any placement of those teachers on unrequested leave of absence by (THE NEW DISTRICT) *that board* during the school year before the consolidation becomes effective.

Sec. 27. [APPLICABILITY.] *On their effective date, sections 25 and 26 apply to Independent School District No. 275, Golden Valley.*

Sec. 28. Subdivision 1. [FUND TRANSFER AUTHORITY.] *Notwithstanding Minnesota Statutes, Section 475.61, Subdivision 4, the board of Independent School District No. 283, St. Louis Park, may transfer the amount not needed to pay out-*



*standing obligations and interest thereon, but not to exceed \$510,000, from the district's debt service fund to its capital expenditure fund, and this amount shall not be used to reduce the district's maintenance levy authorized pursuant to Minnesota Statutes, Section 275.125, Subdivision 2a.*

*Subd. 2. [EXPIRATION OF AUTHORITY.] The authority to transfer funds which is given by subdivision 1 shall expire when the board of Independent School District No. 283, St. Louis Park, has made the authorized transfer of funds.*

*Subd. 3. [APPLICABILITY.] On their effective date, subdivisions 1 and 2 apply to Independent School District No. 283, St. Louis Park.*

*Sec. 29. Laws 1979, Chapter 334, Article VIII, Section 29, is amended to read:*

*Sec. 29. [APPROPRIATION.] To meet the state's obligation prescribed in Minnesota Statutes, Sections 125.61, Section 18 of this article, 354.094, 354.66, 354A.091 and 354A.22, there is appropriated from the general fund to the department of education the sum of \$1,247,000 for the fiscal year ending June 30, 1980 and the sum of \$1,532,800 for the fiscal year ending June 30, 1981.*

*(a) Any unexpended balance remaining from the appropriation in this section for fiscal year 1980 shall not cancel but shall be available for the second year of the biennium. If the appropriation amount attributable to either year for the purposes indicated is insufficient, the state shall not be obligated for any amount in excess of the appropriation in this section for this purpose.*

*(b) Notwithstanding the provisions of Minnesota Statutes, Sections 354.43 and 354A.12, the state's obligations prescribed in Minnesota Statutes, Sections 354.094, 354.66, 354A.091 and 354A.22 shall not be financed out of standing appropriations for the state's obligations pursuant to Minnesota Statutes, Chapter 354 or 354A.*

*Sec. 30. [REPEALER.] Minnesota Statutes 1978, Sections 125.61, as amended by Laws 1979, Chapter 334, Article VIII, Sections 7 to 13; and 127.22, are repealed.*

*Sec. 31. [EFFECTIVE DATE.] Subdivision 1. Sections 1 to 24, 29 and 30 of this article shall be effective the day following final enactment.*

*Subd. 2. Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), Sections 25, 26 and 28 of this article*



*shall be effective without local approval on the day following final enactment."*

Further, delete the title and insert:

"A bill for an act relating to education; providing for aids to education, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the commissioner of education, the department of education and others; aid for education of pupils of limited English proficiency; requiring the establishment of local policies to minimize chemical use problems; appropriating money; amending Minnesota Statutes 1978, Sections 120.095, Subdivision 6; 120.10, Subdivision 2; 121.88, by adding a subdivision; 122.22, Subdivisions 2 and 4; 122.23, Subdivisions 9 and 10; 122.25, Subdivision 1; 122.531, by adding subdivisions; 123.11, Subdivision 7; 123.36, by adding a subdivision; 123.39, Subdivision 3; 123.932, Subdivision 9, and by adding a subdivision; 124.20; 124.214, Subdivision 2; 124.572, Subdivision 7; 126.07; 126.36, Subdivision 3; 126.52, Subdivision 5, and by adding a subdivision; 126.54, Subdivisions 5 and 6; 127.09; 127.11; 127.21; 134.03; 134.08; 275.125, Subdivisions 5 and 5a; 354.05, Subdivision 2; Chapter 124, by adding a section; Chapter 125, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 120.075, Subdivision 4, and by adding a subdivision; 121.912, Subdivision 1; 122.541, Subdivision 5; 123.35, Subdivision 15; 124.01; 124.11, Subdivisions 2a and 2b, and by adding a subdivision; 124.19, Subdivision 4; 124.212, Subdivision 7d; 124.223; 124.225; 124.245, Subdivisions 1 and 2; 124.247, Subdivisions 3 and 4; 126.54, Subdivision 1; 124.561, Subdivision 3a; 124.562, Subdivisions 2, 3 and 4; 124.5621, Subdivision 11; 124.5624, Subdivision 6; 124.5625; 124.565, Subdivision 6; 124.566; 124.572, Subdivision 2; 275.125, Subdivisions 2a, 2b, 7a, 7b, 11a and 20; 353.01, Subdivision 2b; 354A.011, Subdivision 27; 465.72; Laws 1979, Chapter 69, Sections 2 and 5; Chapter 334, Article VI, Section 35, Subdivision 9; Article VIII, Section 29; repealing Minnesota Statutes 1978, Sections 122.531, Subdivision 3; 125.61, as amended; 126.31 to 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6 and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4, 6 and 7; 127.22; Minnesota Statutes, 1979 Supplement, Sections 124.222, Subdivision 3; 126.39, Subdivision 10; 126.41, Subdivision 1; 126.52, Subdivision 10; Laws 1979, Chapter 334, Article V, Section 29."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:



H. F. No. 1794, A bill for an act relating to courts; providing for elections in a county court district.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. In the county court district 8c, consisting of the counties of Big Stone, Grant, Pope, Stevens, Traverse and Wilkin, in order to make judicial services available to the widest geographical area, no more than one county court judge may reside in any one county unless there is a resident judge in each county of that district.

Sec. 2. County court district 8c is effective for election purposes on the effective date of this act and the entire county court district shall be the election district for county court judges on the effective date of this act.

Sec. 3. This act is effective on the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1795, A bill for an act relating to historic sites; designating the Canadian National Depot in Warroad as an historic site; requiring notice to the Minnesota historical society when the state or a political subdivision of the state acquires certain property; amending Minnesota Statutes 1978, Section 138.59.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1798, A bill for an act relating to courts; second judicial district; providing for the appointment of the juvenile court clerk; amending Laws 1951, Chapter 653, Section 1, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.



The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1823, A bill for an act relating to transportation; permitting informational notations on recorded maps and plats; simplifying correction of errors on them; amending Minnesota Statutes 1978, Section 160.085, Subdivision 1, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1825, A bill for an act relating to children; specifying rights of stepparents to visit certain children.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1835, A bill for an act relating to motor vehicles; setting due dates for installment payments of motor vehicle registration taxes; extending the coroner's reporting time of deaths resulting from motor vehicle accidents; authorizing the use of accident reports by certain agencies for accident analysis purposes; requiring bumpers on certain motor vehicles, and requiring rear rigid safeguards on certain trucks, trailers and semi-trailers; amending Minnesota Statutes 1978, Sections 168.-31, Subdivision 4; 169.09, Subdivisions 11 and 13, and 169.73, Subdivision 2; repealing Minnesota Statutes 1978, Section 169.-73, Subdivisions 1, 3, 4 and 5.

Reported the same back with the following amendments:

Page 3, line 28, reinstate the stricken language

Page 3, line 29, delete the new language

Page 3, line 31, delete the new language and reinstate the stricken language



Page 4, line 31, after "publications" insert "*and licensed radio and television stations*"

Page 5, line 4, after "publications" insert "*and licensed radio and television stations*"

Page 5, line 8, after "publication" insert "*or broadcast*"

Page 5, line 12, delete the new language and reinstate the stricken language

Page 5, line 14, reinstate the stricken language

Page 5, line 15, delete the new language

Pages 5 and 6, delete Sections 4 and 5 and renumber the remaining section

Further amend the title as follows:

Line 7, delete "analysis" and insert "prevention"

Line 7, delete "requiring"

Delete lines 8 and 9

Line 10, delete "and semi-trailers;"

Line 11, before "169.09" insert "and"

Line 12, delete ", and 169.73, Subdivision 2;"

Lines 13 and 14, delete the language up to the period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1844, A bill for an act relating to health; authorizing the commissioner of health to investigate complaints under certain circumstances; amending Minnesota Statutes 1978, Section 214.13, by adding subdivisions.

Reported the same back with the following amendments:

Page 2, line 6, after the period insert "*For the purposes of subdivisions 6 and 7, the*" and delete the balance of the line



With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1846, A bill for an act relating to highway traffic regulations; authorizing certain identification rights on motor vehicles operated by certificated volunteer ambulance drivers; amending Minnesota Statutes 1978, Section 169.58, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1856, A bill for an act relating to financial institutions; permitting banks or trust companies to invest up to 20 percent of their capital and surplus in certain agricultural credit corporations; amending Minnesota Statutes 1978, Section 48.61, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1866, A bill for an act relating to taxation; authorizing the revenue department to set off tax refunds due a debtor against debts owed to the state or to county welfare boards; providing for notice and hearing procedures; establishing priorities for claims; providing for an exemption to data privacy requirements and imposing a penalty for misuse of data; authorizing the promulgation of rules; appropriating money.

Reported the same back with the following amendments:

Page 2, line 3, delete "any county welfare board" and insert "public agency responsible for child support enforcement"



Page 2, line 13, after the period insert, "A debt does not include any legal obligation of a current recipient of assistance which is based on overpayment of an assistance grant."

Page 5, line 10, after "hearing" insert a period

Page 5, line 11, delete "before the claimant agency."

Page 5, line 17, delete "county welfare board" and insert "public agency responsible for child support enforcement"

Page 5, line 23, delete "County welfare boards" and insert "The public agency responsible for child support enforcement"

Page 6, line 7, delete "290.17" and insert "290A.17"

Further, amend the title as follows:

Page 1, line 4, delete "county" and insert, "public agency responsible for child support enforcement;"

Page 1, line 5, delete "welfare boards;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H.F. No. 1872, A bill for an act relating to drivers licenses; providing for distinctive Minnesota identification cards for senior citizens and prescribing the fee; providing for its use for certain identification purposes; authorizing its issuance to holders of drivers licenses; amending Minnesota Statutes 1978, Section 171.07, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 171.07, is amended by adding a subdivision to read:

*Subd. 3a. A Minnesota identification card issued to an applicant 65 years of age or over shall be of a distinguishing color and plainly marked "senior". The fee for the card issued to an applicant 65 years of age or over shall be one-half the required fee for a class C driver's license. A Minnesota identification card or a Minnesota driver's license issued to a person 65 years of age or*



*over shall be valid identification for the purpose of qualifying for reduced rates, free licenses or services provided by any board, commission, agency or institution that is wholly or partially funded by state appropriations.*

Sec. 2. Minnesota Statutes 1978, Section 171.07, Subdivision 1, is amended to read:

171.07 [DEPARTMENT TO ISSUE LICENSE AND NON-QUALIFICATION CERTIFICATES; ANATOMICAL GIFT INDICATION.] Subdivision 1. The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license designating the type or class of vehicles he is authorized to drive as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a description of the licensee in such manner as the commissioner deems necessary, and a space upon which the licensee shall write his usual signature with pen and ink. No license shall be valid until it has been so signed by the licensee. Except in the case of an instruction permit, every license shall bear thereon a colored photograph of the licensee. Every license issued to an applicant under the age of 18 shall be of a distinguishing color and plainly marked "provisional." The department shall use such process or processes in the issuance of licenses that prohibits as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a photo on such licenses without ready detection. Each license certificate issued shall be on an all plastic or laminated plastic card with the identifying information embossed thereon. *A license issued to an applicant of age 65 or over shall be plainly marked "senior" if requested by the applicant.*

Further, amend the title as follows:

Page 1, line 8, after the comma, insert "Subdivision 1, and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1890, A bill for an act relating to courts; Hennepin and Ramsey county district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1978, Section 260.019, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:



"Section 1. Minnesota Statutes 1978, Section 260.019, Subdivision 3, is amended to read:

Subd. 3. The chief judge shall (NOT) designate any judge to hear cases arising under sections 260.011 to 260.301 as his principal or exclusive assignment for no more than three years out of any six year period in Ramsey county, and for no more than six years out of any 12 year period in Hennepin county.

Sec. 2. [EFFECTIVE DATE.] *This bill shall become effective the day after final enactment and be applicable to incumbent juvenile court judges."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1892, A bill for an act relating to courts; providing that courts may acquire electronic data processing services through supreme court contracts; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

Reported the same back with the following amendments:

Page 1, line 19, after the period insert *"The state court administrator shall grant this authority only pursuant to the implementation of justice information systems compatible with systems participating on the Minnesota criminal justice information systems communications network administered by the department of public safety."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1895, A bill for an act relating to human rights; further defining certain unfair discriminatory practices related to reprisals; defining the scope of a class for class action suits; increasing a penalty by increasing allowable punitive damages; amending Minnesota Statutes 1978, Sections 363.03, Subdivision 7; 363.071, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 363.06, Subdivision 4.



Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1909, A bill for an act relating to children; setting the basis for jurisdiction in paternity proceedings; providing that blood and genetic tests may be required and used as evidence in paternity proceedings.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1913, A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1978, Sections 256.872 and 256.873; and Minnesota Statutes, 1979 Supplement, Section 518.611.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1930, A bill for an act relating to corrections; altering the provisions related to the granting of furloughs for persons on work release; clarifying the provisions relating to the accrual of good time by inmates of state correctional facilities; amending Minnesota Statutes 1978, Sections 241.26, Subdivision 3; and 244.04, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1978, Section 241.26, Subdivision 1, is amended to read:

241.26 [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUN-



ITY.] Subdivision 1. [BOARD.] When consistent with the public interest and the public safety, the board may, with the recommendation of the commissioner, conditionally release an inmate *who is eligible and being considered for parole under section 243.05*, to work at paid employment, seek employment, or participate in a vocational training or educational program (, IF THE INMATE HAS SERVED AT LEAST ONE-HALF OF HIS TERM OF IMPRISONMENT AS REDUCED BY GOOD TIME EARNED BY THE INMATE). Release under this subdivision constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Sec. 2. Minnesota Statutes 1978, Section 241.26, Subdivision 2, is amended to read:

Subd. 2. [USE OF LOCAL DETENTION FACILITIES.] The commissioner of corrections shall designate state correctional institutions for participation in the program authorized in subdivision 1 and shall adapt facilities of such institutions to provide housing and supervision of inmates participating in such program. He may also enter into contractual agreements with appropriate city and county authorities for the confinement of and provision of other correctional services to such inmates whose employment, *educational* or vocational training programs so require, and such city and county authorities are hereby authorized to make and enter such contracts and agreements. When determined by the commissioner that the circumstances of a participant in the program authorized by subdivision 1 do not require the security of a public detention facility, he may contract with public and private agencies for the custody and separate care of such participant or house him in a community correction center.

Sec. 3. Minnesota Statutes 1978, Section 241.26, Subdivision 4, is amended to read:

Subd. 4. [REVOCATION.] The willful failure of an inmate to report to or return from planned employment, the seeking of employment, *educational* or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules as provided for in subdivision 3, his work placement, *educational* or vocational training privileges may be withdrawn by the board granting such conditional release.



Sec. 4. Minnesota Statutes 1978, Section 243.18, is amended to read:

243.18 [DIMINUTION OF SENTENCE.] Every (CONVICT) *inmate* sentenced for any term other than life, (WHETHER) confined in (THE STATE PRISON, THE STATE REFORMATORY, OR THE MINNESOTA CORRECTIONAL INSTITUTION FOR WOMEN,) *a state adult correctional facility* or on parole therefrom, may diminish the term of his sentence (AS FOLLOWS:)

((1) FOR EACH MONTH, COMMENCING ON THE DAY OF HIS ARRIVAL,) *one day for each two days* during which he has not violated any prison rule or discipline (, AND HAS LABORED WITH DILIGENCE AND FIDELITY, FIVE DAYS;)

((2) AFTER ONE YEAR OF SUCH CONDUCT, SEVEN DAYS FOR EACH MONTH;)

((3) AFTER TWO YEARS OF SUCH CONDUCT, NINE DAYS FOR EACH MONTH;)

((4) AFTER THREE YEARS, TEN DAYS FOR EACH MONTH FOR THE ENTIRE TIME THEREAFTER).

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the (CONVICT) *inmate*, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away.

Sec. 5. Minnesota Statutes 1978, Chapter 244, is amended by adding a section to read:

[244.065] [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.] *When consistent with the public interest and the public safety, the Minnesota corrections board may, with the recommendation of the commissioner, conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one-half of his term of imprisonment as reduced by good time earned by the inmate.*

Sec. 6. Minnesota Statutes 1978, Section 244.01, Subdivision 1, is amended to read:

[244.01] [DEFINITIONS.] Subdivision 1. For purposes of sections 244.01 to 244.11, and section 5, the following terms shall have the meanings given them.



Sec. 7. Minnesota Statutes 1978, Section 244.01, Subdivision 2, is amended to read:

Subd. 2. "Inmate" means any person who is convicted of a felony, is committed to the custody of the commissioner of corrections and is confined in a state correctional institution or released from a state correctional institution pursuant to sections (241.26, SUBDIVISION 1) 5, 244.05, and 244.07."

Page 2, line 20, delete "3" and insert "8"

Page 3, after line 10, insert:

"Sec. 9. Minnesota Statutes 1978, Section 244.08, is amended to read:

244.08 [MINNESOTA CORRECTIONS BOARD; COMMISSIONER.] Subdivision 1. Effective May 1, 1980, the Minnesota corrections board shall have only those powers and duties vested in and imposed upon it in sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, with relation to persons sentenced for crimes committed on or after May 1, 1980.

The Minnesota corrections board shall retain all powers and duties presently vested in and imposed upon it with relation to persons sentenced for crimes committed on or before April 30, 1980.

The Minnesota corrections board shall take into consideration, but not be bound by, the sentence terms embodied in the sentencing guidelines promulgated by the Minnesota sentencing guidelines commission and the penal philosophy embodied in sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before April 30, 1980.

Subd. 2. Nothing in sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in which case those powers and duties shall be superseded by sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1.



Sec. 10. Laws 1978, Chapter 723, Article I, Section 19, is amended to read:

Sec. 19. [REPEALER.] Minnesota Statutes 1976, Sections (243.14; 243.18;) 246.43, as amended by Laws 1977; Chapter 130, Section 1; and 609.16 are repealed."

Page 3, line 11, delete "4" and insert "11"

Page 3, line 11, delete "*This act*" and insert "*Sections 1 to 9*"

Page 3, line 12, after the period insert "*Section 10 shall be effective the day following final enactment.*"

Delete the title in its entirety and insert:

"A bill for an act relating to corrections; clarifying provisions relating to work release and temporary parole; amending provisions concerning good time; amending Minnesota Statutes 1978, Sections 241.26, Subdivisions 1, 2 and 4; 243.18; Chapter 244, by adding a section; 244.01, Subdivisions 1 and 2; 244.04, Subdivision 2, and 244.08; Laws 1978, Chapter 723, Article I, Section 19."

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1931, A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1945, A bill for an act relating to regional railroad authorities; providing for their organization and governmental purpose, powers and duties.

Reported the same back with the following amendments:

Page 5, line 21, after the period insert: "The board shall provide for the keeping of a full and accurate record of all proceed-



ings and of resolutions, regulations, and orders issued or adopted; the state auditor shall, as time and resources permit, annually audit the books of said regional railroad authority."

Amend the title as follows:

Page 1, line 4, before the period insert "; providing for audits"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1949, A bill for an act relating to zoning; providing for notice of hearings; changing notice provisions for variance hearings; amending Minnesota Statutes 1978, Section 394.26, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 10, reinstate "(WITHIN 500 FEET OF THE AFFECTED PROPERTY)"

Page 2, line 12, delete "of"

Page 2, delete line 13

Page 2, line 14, delete "*affected property*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1962, A bill for an act relating to motor vehicles; permitting the use of foreign state dealer plates in certain circumstances; restricting sales of new motor vehicles by wholesalers; authorizing the use of in-transit plates on used vehicles; imposing certain duties on the registrar of motor vehicles; amending Minnesota Statutes 1978, Sections 168.181, Subdivision 2; 168.27, Subdivisions 6 and 17; and 168A.15, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, delete Section 4 and renumber the remaining section

Further amend the title as follows:



Line 10, delete “; and 168A.15, by adding a subdivision”

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1964, A bill for an act relating to retirement; providing for an increase in employer contributions for teachers retirement funds; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1984, A bill for an act relating to energy; providing for a community development and assistance program; requiring inspection of combustion air intakes; regulating rates of cogenerating power plants; authorizing tax levies for energy conservation measures; authorizing income tax credits for commuter van purchases; inspection of insulation materials; renewable energy grants, ride sharing, fuelwood management, ethanol plant demonstration; appropriating funds; amending Minnesota Statutes 1978, Sections 116H.087; 116H.12, Subdivision 11; 116H.129, Subdivision 5; and by adding a subdivision; 275.125, by adding a subdivision; 275.50, by adding a subdivision; 290.06, by adding a subdivision; and 325.986, by adding subdivisions; Chapters 116H and 216B, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; and 116H.22; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes, 1979 Supplement, Section 116H.02, Subdivision 5, is amended to read:

Subd. 5. “Large energy facility” means:

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more, or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for



which an installation permit has not been applied for by May 19, 1977 pursuant to Minn. Reg. APC 3(a);

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and with more than 50 miles of its length in Minnesota; or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or their derivatives, unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site;

(d) Any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or their derivatives;

(e) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

(f) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas;

(g) Any underground gas storage facility requiring permit pursuant to section 84.57;

(h) Any facility designed or capable of transferring more than 300 tons of coal per hour or with an annual throughput of more than 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation;

(i) Any facility designed for or capable of storing more than (7,500) 75,000 tons of coal or with an annual throughput of more than 125,000 tons of coal;

(j) Any petroleum refinery;

(k) Any nuclear fuel processing or nuclear waste storage or disposal facility; and

(l) Any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of 25 tons of the material per hour.

Sec. 2. Minnesota Statutes 1978, Section 116H.087, is amended to read:



116H.087 [ENERGY CONSERVATION PUBLICITY.] The director of the energy agency in consultation with (THE DIRECTOR OF THE HOUSING FINANCE AGENCY) *other affected agencies or departments* shall develop *informational materials, pamphlets and radio and television messages on (THE) energy conservation and housing programs available in Minnesota, renewable energy resources, and energy supply and demand.* The (PAMPHLETS) *printed and broadcast materials* shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation and *renewable resource measures.* (BEFORE THE PAMPHLETS OR MEDIA MESSAGES ARE RELEASED FOR GENERAL DISTRIBUTION THEY) *Copies of printed materials shall be (REVIEWED BY) distributed to members of the appropriate standing committees of the legislature.*

Sec. 3. Minnesota Statutes 1978, Section 116H.12, Subdivision 11, is amended to read:

Subd. 11. Beginning January 1, 1979, no new residential

(a) forced air type central furnace,

(b) cooking appliance manufactured with an electrical supply cord, or

(c) clothes drying equipment designed to burn natural gas equipped with a continuously burning pilot shall be sold or installed in Minnesota. *This subdivision shall not apply to forced air type furnaces designed for installation in mobile homes.*

Sec. 4. Minnesota Statutes 1978, Section 275.50, is amended by adding a subdivision to read:

*Subd. 7. The cost to a governmental subdivision of implementing certain energy related activities is a "special levy" and is not subject to tax levy limitations contained in sections 275.50 to 275.56. Activities which may be financed pursuant to this subdivision are the administrative costs of energy planning, energy committees and energy conservation programs; the costs of making grants for energy conservation and renewable energy resource demonstrations; and the costs of energy conservation measures installed in buildings owned by the governmental subdivision which are indicated in a maxi-audit as defined in section 116H.02. No more than one mill on each dollar of the assessed valuation of taxable property in the governmental subdivision may be levied by each governmental subdivision for this purpose.*



Sec. 5. Minnesota Statutes, 1979 Supplement, Section 116H.22, is amended to read:

116H.22 [FUNDS FOR SCHOOLS AND GOVERNING BODIES.] Funds to pay part or all of the actual costs of mini-audits, maxi-audits and energy conservation measures performed by or for schools and governing bodies shall be available from legislative appropriations made for that purpose in accordance with the priorities established in section 116H.23. *Funds appropriated pursuant to this section shall be available to school districts and local governmental units which submitted acceptable mini-audits or maxi-audits after April 9, 1976 and prior to July 1, 1979.*

Sec. 6. [504.28] [TENANT REMEDIES.] Subdivision 1. [GENERALLY.] *If a landlord breaches a provision of a rental agreement for residential premises and fails to remedy the breach within the period of time set forth in subdivision 3, the tenant may remedy the breach and deduct the actual expense from the rent in accordance with the provisions of this section.*

Subd. 2. [DEFINITIONS.] *As used in this section, the following terms shall have the meanings given:*

(a) "Landlord" means an owner, defined in Minnesota Statutes, Section 566.18, Subdivision 3.

(b) "Tenant" means a tenant as defined in Minnesota Statutes, Section 566.18, Subdivision 2.

(c) "Rental agreement" includes oral or written agreements and leases. For purposes of this section "provisions of a rental agreement" is limited to those standards mandated by section 116H.129, subdivision 3 which relate to caulking and weather-stripping.

Subd. 3. [TIME FOR REMEDY BY LANDLORD.] *For the purpose of this section only, the landlord's period of time to remedy the breach shall be as set forth in this subdivision.*

(a) *The period shall commence when a written statement describing the breach and indicating the tenant's intention to remedy it has been deposited in the United States mail with first class postage prepaid, properly addressed to the landlord, his agent, his caretaker, or the person to whom rent is paid, or when such a statement is delivered to one of such persons, and shall terminate 60 days thereafter.*

(b) *Notwithstanding any provision to the contrary in this subdivision, the period shall commence upon the occurrence of the breach, whether or not the tenant attempts to inform the*



*landlord of the breach, and shall terminate as otherwise provided in this subdivision, if:*

*(1) The landlord has failed to comply with Minnesota Statutes, Section 504.22, Subdivisions 2 and 3; and*

*(2) The tenant does not know and is unable to learn the name and address of the landlord, his agent, his caretaker, or the person to whom rent is paid.*

*Subd. 4. [ACTIONS INVOLVING NONPAYMENT OF RENT.] In any proceeding for restitution of the premises on the ground of nonpayment of rent or in any other proceeding in which the tenant's rental obligation is an issue:*

*(a) If the tenant proves that the landlord breached a provision of the rental agreement, that the landlord failed to remedy the breach within the period of time set forth in subdivision 3, and that thereafter the rent was expended for the purpose of remedying the breach and that the breach was remedied, the court shall abate the tenant's rental obligation by the amount so expended and enter judgment accordingly, unless the landlord establishes by clear and convincing evidence that the tenant acted unreasonably.*

*(b) If the tenant proves that the landlord breached a provision of the rental agreement and that the rent was expended for the purposes of remedying the breach, but fails to prove that the landlord was given the period of time to remedy the breach set forth in subdivision 3, or if the landlord proves that during the period of time set forth in subdivision 3 the tenant unreasonably refused the landlord or his agent entry to the premises for the purpose of remedying the breach, the court shall, upon a finding that the tenant acted in good faith, abate the tenant's rental obligation by the amount which the landlord proves would have been the reasonable cost to him of remedying the breach and, in proceedings for restitution of the premises, enter an order establishing a reasonable payment schedule for the difference, if any, between the reasonable cost to the landlord of remedying the breach and the amount actually deducted; if the tenant fails to comply with such payment schedule, the landlord may, upon three days' written notice to the tenant, move for an order for judgment of restitution of the premises.*

*(c) In proceedings for restitution of the premises, if the tenant fails to prove that the condition which he remedied constituted a breach of a provision of the rental agreement, the court shall, upon a finding that the tenant acted in good faith, enter an order establishing a reasonable payment schedule for the rent so expended; if the tenant fails to comply with such payment schedule, the landlord may, upon three days' written notice to the tenant, move for an order for judgment of restitution of the premises.*



**Subd. 5. [TENDER NOT REQUIRED.]** *The court shall not require that the amount alleged by the tenant to have been expended under this section be tendered to the court or to the landlord as a condition to the assertion of rights under this section, provided that the court may require the tenant to produce receipts concerning the amount so expended as a condition to the assertion of rights under this section. The court may continue the proceeding for not more than two days in order to allow the tenant an opportunity to produce such receipts.*

**Subd. 6. [LIMITATION.]** *In any calendar year, a tenant may not deduct under this section an amount greater than the total of two months' rent.*

**Subd. 7. [LIMITATIONS; WAIVER PROHIBITED; RIGHTS AS ADDITIONAL.]** *The rights afforded to the tenant under this section:*

(a) *Shall not extend to conditions caused by the willful, malicious, or negligent conduct of the tenant or of a person under his direction or control;*

(b) *May not be waived or modified; and*

(c) *Are in addition to and shall not limit other rights available to the tenant; including the right to damages or to additional abatement of the rental obligation based upon the landlord's breach and the right to restoration of possession of the premises afforded by Minnesota Statutes, Section 504.02.*

**Sec. 7. [AVAILABILITY OF MATCHING FUNDS; POSITIONS.]** *Money appropriated by Extra Session Laws 1979, Chapter 2, Section 45, Subdivision 2, Clause (i) shall be available for use in matching federal, local or private money for district heating systems when the federal or local government or private sources, or a combination thereof, issues a letter of intent to finance the project at the rate of \$3 for each \$1 of state money. Positions authorized by Extra Session Laws 1979, Chapter 2, Section 45, Subdivision 2, may be in the classified or unclassified service.*

**Sec. 8. [RENEWABLE ENERGY RESOURCE RESEARCH AND DEVELOPMENT GRANTS.]** *The Minnesota energy agency may make grants to implement research projects and demonstrations of the use of wind and wood or agricultural residues. The director of the agency shall make grants to projects which will further the development of renewable energy technologies which utilize Minnesota energy resources. Funds shall be released to successful applicants pursuant to this section by the commissioner of finance when the federal government, a local government, private sources or a combination thereof issues a letter of intent to finance the project. State funding shall not exceed a maximum of one-third of the total cost of any project.*



*Funds shall be appropriated to the Minnesota energy agency for the year beginning July 1, 1980, for research on the potential of using Minnesota wetlands for plant biomass production for energy. A report of this research shall be presented to the appropriate standing committee of the legislature by March 1, 1982.*

**Sec. 9. [ENERGY EFFICIENT BUILDING EDUCATION.]** *The energy agency shall develop a program to provide information and training to contractors, engineers and architects on techniques and standards for the design and construction of buildings which maximize energy efficiency. The program may include the production of printed materials and the development of training courses.*

**Sec. 10. [ENERGY AUDITS.]** *The energy agency and the consumer services division of the department of commerce shall develop a state plan for and carry out the state's responsibilities under a federally-mandated program of energy audits of residential and commercial buildings. The program shall be operated in compliance with standards established pursuant to Title 42 United States Code 8211.*

**Sec. 11. [ETHANOL PLANT DEMONSTRATION.]** *The university of Minnesota shall construct and operate a small scale plant for the production of ethanol. The plant shall produce ethanol from more than one resource. The plant shall operate for at least two years and shall be instrumented and monitored. The university shall determine the feasibility of utilization of byproducts produced by the plant. The plant shall be designed for easy replication by farmers. The university shall develop and print easily understandable plans and blueprints which demonstrate the construction of a small scale ethanol plant. The plans and blueprints shall be available at no cost from the agricultural extension service.*

**Sec. 12.** Minnesota Statutes, 1979 Supplement, Section 116H.085, is amended to read:

**116H.085 [ENERGY INFORMATION CENTER.]** *The director shall establish an energy (CONSERVATION) information center in the agency's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and (THE) alternative sources of energy.*



*The energy information center shall serve as the official Minnesota alcohol fuels information center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.*

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The agency shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

**Sec. 13. [APPROPRIATIONS.]** *Subdivision 1. The sum of \$2,740,000 is appropriated from the general fund to the agencies and for the purposes indicated in this section, to be available until June 30, 1981, except as otherwise provided in this section. Approved complement positions may be in the classified or unclassified service and shall be for the balance of the biennium ending June 30, 1981 only.*

*Subd. 2. To the Minnesota energy agency:*

*(a) Expansion of the energy conservation information center established pursuant to Minnesota Statutes, Section 116H.085* ..... **\$123,000**

*Approved complement — 3.*

*(b) Energy conservation publicity pursuant to section 2* ..... **\$380,000**

*Approved complement — 4.*

*(c) Continued operation of fuel allocation program* ..... **\$182,000**

*Approved complement — 8.*

*(d) Energy supply emergency plan development* .. **\$ 60,000**

*Approved complement — 2.*

*(e) Renewable energy resource research and development grants pursuant to section 8* ..... **\$350,000**

*(f) Wetlands for the plant biomass research pursuant to section 8, subdivision 1* ..... **\$250,000**

*(g) Energy efficient building education pursuant to section 9* ..... **\$ 70,000**



Approved complement — 1.

(h) Development of energy audit program for residential and commercial buildings pursuant to section 10 ..... \$ 70,000

Approved complement — 1.

(i) There is appropriated from the general fund to the energy agency \$25,000 for the purposes of the alcohol fuels information center established pursuant to section 12. The approved complement of the energy agency is increased by one unclassified position.

Subd. 3. To the department of natural resources for developing and implementing a fuelwood management program to increase the availability of fuelwood on public and private lands by the application of sound forest management techniques including timber stand improvements and utilization of wood residues resulting from timber harvesting and site conversion ..... \$400,000

Notwithstanding any law to the contrary the department may make contracts for professional, technical or consulting services to implement this program.

Approved complement — 1.

Subd. 4. To the University of Minnesota for construction and operation of small scale ethanol plant and production of plans and blueprints pursuant to section 11 ..... \$300,000

Subd. 5. To the department of administration for the purchase of 50 commuter vans for use in the state employee commuter van program established pursuant to Minnesota Statutes, Section 16.756 ..... \$500,000

Subd. 6. To the department of commerce for development of energy audit program for commercial and residential buildings ..... \$ 30,000

Approved complement — 1.

Sec. 14. [REPEALER.] Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2, are repealed.

Sec. 15. [EFFECTIVE DATE.] This act is effective the day following final enactment. Section 4 is effective for taxes levied in 1980 and thereafter and payable in 1981 and thereafter."



Delete the title and insert:

"A bill for an act relating to energy; defining large energy facilities; energy conservation publicity; governmental levies for energy activities; energy resource research and development grants; energy efficient building education; energy audits; ethanol plant demonstration project; creating the alcohol fuels information center; tenant's remedies for landlord's breach of duty; appropriating funds; amending Minnesota Statutes 1978, Sections 116H.087; 116H.12, Subdivision 11; and 275.50, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; 116H.085; and 116H.22; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1995, A bill for an act relating to health care; further defining "qualified expense" as it relates to catastrophic health expense protection; amending Minnesota Statutes 1978, Section 62E.52, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 62E.12, is amended to read:

62E.12 [MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.] The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a number one qualified plan, a number two qualified plan and a qualified medicare supplement plan. They shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has agreed to make the coverage available and has been selected as a writing carrier. *Notwithstanding the provisions of section 62E.06 the state plan shall exclude coverage of services of a private duty nurse other than on an inpatient basis and any charges for treatment in a hospital located outside of the state of Minnesota in which the covered person is receiving treatment for a mental or nervous disorder.*

Sec. 2. Minnesota Statutes 1978, Section 62E.14, Subdivision 3, is amended to to read:



Subd. 3. [PRE-EXISTING CONDITIONS.] No person who obtains coverage pursuant to this section shall be covered for any pre-existing condition during the first (SIX) 12 months of coverage under the state plan if the person was diagnosed or treated for that condition during the 90 days immediately preceding the filing of an application.

Sec. 3. Minnesota Statutes 1978, Section 62E.53, is amended by adding a subdivision to read:

*Subd. 4. Health services provided outside Minnesota to eligible persons are qualified expenses in the following situations:*

*(1) when it is general practice for residents of Minnesota to use health services beyond the borders of this state; or*

*(2) when the availability of necessary medical care, services, or supplementary resources make it necessary for an individual to use health services outside the state; or*

*(3) where an emergency arises from accident or illness and the individual is outside the state; or*

*(4) where the health of the individual would be endangered if the care and services were postponed until he returns to Minnesota; or*

*(5) where the health of the individual would be endangered if he attempted to return to Minnesota in order to receive medical care.*

Sec. 4. Laws 1979, Chapter 272, Section 12, is amended to read:

Sec. 12. [EFFECTIVE DATE.] This act is effective the day following its final enactment. (THE PROVISIONS OF SECTION 62E.11, SUBDIVISION 8, SHALL EXPIRE ON JULY 1, 1981.)

Sec. 5. *Section 1 of this act is effective on August 1, 1980 and shall apply to all hospitalizations occurring on or after said date. Section 2 is effective for policies issued on or after August 1, 1980. The remaining sections are effective the day following final enactment.*

Further, delete the title in its entirety and insert:

"A bill for an act relating to health care; excluding coverage of certain services in the Comprehensive Health Insurance Plan; extending the pre-existing condition period; qualifying certain services covered by the Catastrophic Health Expense Protection



program; repealing certain provisions; amending Minnesota Statutes 1978, Section 62E.12; 62E.14, Subdivision 3; 62E.53, by adding a subdivision; and Laws 1979, Chapter 272, Section 12."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2023, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, Subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, Subdivision 3, and by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 728, Section 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE I

### CITATION, PURPOSE, AND DEFINITIONS

Section 1. [CITATION.] *Articles I to VIII shall be known as the waste management act of 1980.*

Sec. 2. [LEGISLATIVE DECLARATION OF POLICY; PURPOSES.] *It is the goal of articles I to VIII to improve waste management in the state to serve the following purposes:*

(a) *Reduction in waste generated;*



(b) *Separation and recovery of materials and energy from waste;*

(c) *Reduction in indiscriminate dependence on disposal of waste;*

(d) *Coordination of solid waste management among political subdivisions;*

(e) *Orderly and deliberate development and financial security of waste facilities including disposal facilities.*

Sec. 3. [DEFINITIONS.] *Subdivision 1. For the purposes of articles I to VIII, the terms defined in this section have the meanings given them, unless the context requires otherwise.*

*Subd. 2. "Agency" means the pollution control agency.*

*Subd. 3. "Board" means the waste management board established in article II, section 1.*

*Subd. 4. "Cities" means statutory and home rule charter cities and towns authorized to plan under sections 462.351 to 462.364.*

*Subd. 5. "Collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.*

*Subd. 6. "Commercial waste facility" means a waste facility established and permitted to sell waste processing or disposal services to generators other than the owner and operator of the facility.*

*Subd. 7. "Degree of intrinsic hazard" of a waste means the relative propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the relative significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of such inherent or induced attributes of the waste as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.*

*Subd. 8. "Development region" means a region designated pursuant to sections 462.381 to 462.397.*

*Subd. 9. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.*



Subd. 10. "Disposal facility" means a waste facility permitted by the agency that is designed or operated for the purpose of disposing of waste on or in the land.

Subd. 11. "Generation" means the act or process of producing waste.

Subd. 12. "Generator" means any person who generates waste.

Subd. 13. "Hazardous waste" has the meaning given it in section 116.06, subdivision 13.

Subd. 14. "Intrinsic suitability" of a land area or site means that, because of the inherent and natural attributes, physical features, and location of the land area or site, the waste facility proposed to be located in the area or site would not be likely to result in material harm to the public health and safety and natural resources and that therefore the proposed facility can reasonably be expected to be permissible in accordance with agency rules.

Subd. 15. "Legislative commission on waste management" or "legislative commission" means the commission established in article II, section 11.

Subd. 16. "Local government unit" means cities, towns, and counties.

Subd. 17. "Metropolitan area" has the meaning given it in section 473.121.

Subd. 18. "Metropolitan council" means the council established in Chapter 473.

Subd. 19. "Metropolitan waste control commission" or "waste control commission" means the waste control commission established in Chapter 473.

Subd. 20. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, demolition and construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 21. "Natural resources" has the meaning given it in Chapter 116B.

Subd. 22. "Person" has the meaning given it in section 116.06, but does not include the board.



Subd. 23. "Political subdivision" means any municipal corporation, governmental subdivision of the state, local government unit, special district, or local or regional board, commission, or authority authorized by law to plan or provide for waste management.

Subd. 24. "Processing" means the treatment of waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.

Subd. 25. "Regional development commission" means a commission established pursuant to sections 462.381 to 462.397.

Subd. 26. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 27. "Resource recovery facility" means a waste facility established and used primarily for resource recovery.

Subd. 28. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant for disposal at a sewage sludge disposal facility. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Subd. 29. "Sewage sludge disposal facility" means property owned by a political subdivision and used for interim or final disposal or land spreading of sewage sludge.

Subd. 30. "Solid waste" has the meaning given it in section 116.06, subdivision 10.

Subd. 31. "Solid waste management district" or "waste district" means a geographic area extending into two or more counties in which the management of solid waste is vested in a special district established pursuant to article VIII, section 2.

Subd. 32. "Transfer station" means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subd. 33. "Waste" means solid waste, sewage sludge, and hazardous waste.

Subd. 34. "Waste facility" means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the



waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

Subd. 35. "Waste management" means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.

## ARTICLE II

### WASTE MANAGEMENT BOARD; LEGISLATIVE COMMISSION ON WASTE MANAGEMENT; STATE GOVERNMENT RESOURCE RECOVERY PROGRAM

Section 1. [WASTE MANAGEMENT BOARD; CREATION.] *There is created in the executive branch a waste management board.*

Sec. 2. [BOARD MEMBERSHIP.] Subdivision 1. [GENERAL.] *The board shall be composed of eight permanent members. Temporary members shall be added pursuant to subdivision 3.*

Subd. 2. [PERMANENT MEMBERS.] *The permanent voting members of the board are: (1) the commissioner of health; (2) the commissioner of natural resources, (3) the commissioner of agriculture, (4) the director of the energy agency; (5) the director of the pollution control agency; and (6) the commissioner of economic development; or their designees in the unclassified service. The chairperson and seventh permanent voting member of the board shall be appointed by the governor with the advice and consent of the senate to serve at the pleasure of the governor. The chairperson shall not be a representative of a state agency. The chairperson shall not hold other elected or appointed public office or employment. The director of the planning agency, or the director's designee in the unclassified service, shall serve, ex officio, as the eighth permanent member of the board.*

Subd. 3. [TEMPORARY MEMBERS.] *For the purposes of each project review conducted by the board under article III and article IV, and for the purpose of preparing and adopting the hazardous waste facilities development and disposal abatement plan under section 8 and making decisions on the elements of the certification of need for disposal required under article III, six local representatives shall be added to the board as temporary voting members, as provided in article III, section 6, subdivision 4, and article IV, section 2, subdivision 3, and section 3, subdivision 3.*

Sec. 3. [POWERS OF THE BOARD.] Subdivision 1. [GENERAL.] *The board shall have such powers and duties*



as are prescribed by articles I to VIII and all powers necessary or convenient to discharge its duties.

Subd. 2. [RULES.] The board may promulgate rules necessary or required to govern its activities and implement articles I to VIII. The rules shall be promulgated in accordance with chapter 15.

Subd. 3. [ACTIONS.] The board may sue and be sued.

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer and impact areas surrounding sites for hazardous waste facilities approved by the board pursuant to articles III and IV. Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with article VII. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds and the public costs of evaluating the eligibility of the property for inclusion in the inventory under section 7 or candidacy under article III. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. The value of any property for uses other than the highest and best use permitted by law prior to the identification of the property as a preferred or candidate site for a facility shall not be considered in establishing the value of the property in the condemnation proceeding.

Subd. 5. [RIGHT OF ACCESS.] Whenever the board deems it necessary to the accomplishment of its purposes, the board



or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damages to the property caused by the entrance and activity.

Subd. 6. [GIFTS AND GRANTS.] The board or the commissioner of administration may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of the purposes of the board, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Subd. 7. [PROPERTY EXEMPT FROM TAXATION.] Any real or personal property owned, leased, controlled, used, or occupied by the board or the commissioner of administration for any purpose referred to in articles I to VIII is declared to be acquired, owned, leased, controlled, used, and occupied for public and governmental purposes, and shall be exempt from taxation by the state or any political subdivision of or other governmental unit of or within the state, provided that those properties shall be subject to special assessments levied for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for hazardous waste management at the time shall be considered in determining the special benefit received by the properties.

Subd. 8. [CONTRACTS.] The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 9. [JOINT POWERS.] The board may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action.

Subd. 10. [RESEARCH.] The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.

Subd. 11. [EMPLOYEES; CONTRACTS FOR SERVICES.] The board may employ persons and contract for services to perform research, engineering, legal, or other services necessary to carry out its functions.



Subd. 12. [INSURANCE.] *The board may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.*

Sec. 4. [DUTIES OF THE BOARD; GENERAL.] *Subdivision 1. [INTERAGENCY COORDINATION.] The board shall inform the state planning agency of its activities in accordance with section 4.191. The board shall keep the pollution control agency informed of its activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency. The rules of the board shall provide for such communication and coordination.*

Subd. 2. [BIENNIAL REPORT.] *Before November 15 of each even-numbered year the board shall prepare and submit to the legislative commission a report of its operations and activities pursuant to Articles I to VIII and any recommendations which it wishes to make for legislative action. The report shall include a proposed work plan for the following biennium.*

Sec. 5. [DUTIES OF THE AGENCY; SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] *Commencing July 1, 1981, the agency shall be the state agency responsible for providing technical and financial assistance to political subdivisions of the state for solid waste management planning and demonstration projects pursuant to articles V and VI. The board may contract for the delivery of technical assistance by the agency in accordance with rules of the board.*

Sec. 6. [DUTIES OF THE BOARD; HAZARDOUS WASTE MANAGEMENT REPORTS.] *Subdivision 1. [REPORT ON LIABILITY AND LONG-TERM CARE.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on the management and financing of liability and post-closure monitoring and care for hazardous waste facilities in the state. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.*

Subd. 2. [REPORT ON PRIVATE INVESTMENT IN HAZARDOUS WASTE MANAGEMENT.] *By January 1, 1981, the board shall report and make recommendations to the legislative commission on alternative state strategies to promote and secure private investment in hazardous waste management services, technologies, and facilities. The report at least shall*



evaluate: (a) strategies to promote and secure investments by generators in waste reduction, separation, pretreatment, and recovery; (b) strategies to secure generator assistance in the establishment and financing of hazardous waste facilities either directly through joint investment or indirectly through taxation; (c) strategies to protect the public against business failure by owners and operators of hazardous waste facilities; (d) strategies to promote and secure investment by the private waste management industry in hazardous waste facilities in the state. The report shall recommend priorities, objectives, and appropriate legislation for promoting and securing private investment in hazardous waste management. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 3. [REPORT ON INTERSTATE COOPERATION.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on actions to develop interstate cooperation in hazardous waste planning and management. The board shall make recommendations on uniformity of state laws, regulations, and enforcement and on coordination of decisions on facility development and use. The director of the state planning agency shall conduct background research and shall report to the board by July 1, 1980, on the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT STRATEGIES.] By January 1, 1982, the board shall report to the legislative commission on hazardous waste management strategies. The report shall include at least the following elements:

(a) an estimate of the types and volumes of waste for which disposal facilities are and will be needed through the year 2000, based on existing and projected hazardous waste generation rates without regard to potential waste reduction, separation, pretreatment, processing, and resource recovery activity except that provided by services and facilities in operation or under construction;

(b) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications;

(c) an analysis of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(d) an analysis and evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation,



*pretreatment, processing, and resource recovery, and the potential of such alternatives to reduce the need for and practice of disposal;*

(e) *a description of specific and quantifiable alternative disposal abatement objective and degrees of abatement, along with hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement.*

**Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.]** *By January 1, 1982, the board shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.*

**Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES v. PUBLIC INVOLVEMENT.]** *By January 1, 1981, the board shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board shall encourage public debate and discussion of the issues relating to the reports. The board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility sites prepared pursuant to section 7. The board shall follow the procedures set out in article III, section 6, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. The board shall request recommendations from the private waste management industry, the advisory committee, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The board shall summarize in its reports the comments received and the board's response to the comments.*

**Subd. 7. [GRANTS.]** *To assist it in preparing the report required by subdivision 4, the board may make grants to institu-*



tions of higher learning for research, feasibility studies, and public education and participation programs relating to the subjects required to be considered in the reports. To assist it in preparing the reports required by subdivisions 4 and 5, the board shall make grants to each local project review committee established for a candidate site for disposal identified under article III, section 5. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants.

**Sec. 7. [DUTIES OF THE BOARD; INVENTORY OF PREFERRED SITES FOR HAZARDOUS WASTE PROCESSING FACILITIES.]** *Subdivision 1. [BOARD RESPONSIBILITY.]* By October 1, 1981, the board shall prepare and adopt an inventory of preferred sites for commercial hazardous waste processing facilities. The inventory shall include at least three sites for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

*Subd. 2. [INVENTORY PREPARATION PROCEDURES.]* By June 1, 1981, the board shall propose the inventory of sites. Any county in which a site is proposed for inclusion in the inventory may propose an alternative site or sites to the board. The board shall evaluate the sites in consultation with the advisory committee, the affected counties and regions, generators of hazardous waste, and prospective facility developers. In its evaluation the board shall consider at least the consistency of sites with state and federal regulations, local land use and land use controls, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential sites, and the location of hazardous waste generators. No site shall be included in the inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis. No land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable for the use intended.

*Subd. 3. [ADOPTION; EFFECT.]* The inventory of sites shall be adopted by October 1, 1981. The inventory shall not exclude other locations in the state from consideration as sites, but appearance in the inventory shall signify that a site is available for facility development and shall qualify it for supplementary review under article IV. When any site in the inventory becomes unavailable as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, provided, however, that during the period when the inventory is being amended any other site in the inventory may be reviewed and approved under article IV.



*Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board shall make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.*

**Sec. 8. [DUTIES OF THE BOARD; HAZARDOUS WASTE FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.]** *Subdivision 1. [PREFERENCE FOR PRIVATE ENTERPRISE.] The board shall encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of articles I to VIII and the board's facilities development and disposal abatement plan. In preparing the reports under section 6 and the inventory of processing facility sites under section 7, in adopting the facilities development and disposal abatement plan under subdivision 2 of this section, and in its actions and decisions under articles III and IV, the board shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state.*

*Subd. 2. [FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] By May 1, 1982, the board shall adopt a facilities development and disposal abatement plan. The plan shall include at least the following elements:*

*(a) a certificate or certificates of need for disposal facilities issued pursuant to and in accordance with article III, section 9;*

*(b) a strategy, including specific and quantifiable objectives, for developing the alternatives to disposal determined by the board to be feasible and prudent, along with a description of the methods, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the implementation of the disposal abatement strategy and the achievement of the disposal abatement objectives.*

*Subd. 3. [SELECTING PERMITTEES; STANDARDS AND PROCEDURES.] The board shall promulgate rules for accepting, evaluating, and selecting applications for permits for the construction and operation of facilities at sites preferred or selected by the board pursuant to section 7 or article III. The rules shall include standards and procedures for making determinations on the minimum qualifications, including technical competence and financial capability, of permit applicants. The rules shall include standards and procedures for soliciting and accepting bids or permit applications and for selecting developers and*



operators of hazardous waste disposal facilities at sites chosen by the board pursuant to article III, which shall include a preference for qualified permit applicants who control a site chosen by the board.

Sec. 9. [BOARD; FEDERAL FUNDS.] Federal funds received by the state under PL 94-580, the Resource Conservation and Recovery Act of 1976, shall be allocated to the board for its responsibilities in accordance with the applicable provisions and amendments of PL 94-580 and guidelines and regulations promulgated pursuant thereto.

Sec. 10. [ADVISORY COMMITTEES.] Subdivision 1. [SOLID WASTE MANAGEMENT.] The agency shall establish a solid waste management advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The committee shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery. The chairperson of the advisory committee shall be appointed by the agency. The agency shall provide administrative and staff services for the advisory committee.

Subd. 2. [HAZARDOUS WASTE MANAGEMENT PLANNING.] The board shall establish a hazardous waste management planning advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms.

The chairperson of the advisory committee shall be appointed by the board. The board and its constituent agencies shall provide administrative and staff services for the advisory committee.

Subd. 3. [DUTIES AND AUTHORITY.] The advisory committees shall have such duties as are assigned by law or the board or agency. The solid waste management advisory committee shall make recommendations to the agency on its solid waste management activities. The hazardous waste management planning advisory committee shall make recommendations to the board on its activities under article II, sections 6, 7, and 8 and article III, sections 3 and 5.

Subd. 4. [COMPENSATION.] Members of the advisory committees shall serve without compensation but shall be reim-



bursed for their reasonable expenses as determined by the board or agency.

Sec. 11. [BOARD; EXPIRATION.] *The board shall cease to exist on June 30, 1987.*

Sec. 12. [LEGISLATIVE COMMISSION ON WASTE MANAGEMENT.] *Subdivision 1. [CREATION, MEMBERSHIP, VACANCIES.] There is created in the legislative branch a legislative commission on waste management. The commission shall consist of 14 members appointed as follows:*

(1) *Seven members of the senate to be appointed by the subcommittee on committees and to serve until their successors are appointed;*

(2) *Seven members of the house to be appointed by the speaker and to serve until their successors are appointed;*

(3) *Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the functions thereof, and such vacancies shall be filled in the same manner as the original positions.*

Subd. 2. [STAFF] *The commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of such additional legal and other personnel and consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege.*

Subd. 3. [DATA FROM STATE AGENCIES; AVAILABILITY.] *The commission may request information from any state officer or agency in order to assist it in carrying out its duties and such officer or agency is authorized and directed to promptly furnish any data required.*

Subd. 4. [POWERS AND DUTIES.] *The commission shall review and approve the biennial report of the board. The commission shall oversee the activities of the board and direct such changes or additions in the work plan of the board as it deems fit. The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chairperson of the respective committee.*

Subd. 5. [EXPIRATION.] *The commission shall cease to exist on June 30, 1985.*



**Sec. 13. [STATE GOVERNMENT RESOURCE RECOVERY.] Subdivision 1. [ESTABLISHMENT OF PROGRAM.]**

*There is established within state government a resource recovery program to promote the reduction of waste generated by state agencies, the separation and recovery of recyclable and reuseable commodities, the procurement of recycable commodities and commodities containing recycled materials, and the uniform disposition of recovered materials and surplus property. The program shall be administered by the commissioner of administration.*

**Subd. 2. [DUTIES OF COMMISSIONER.]** *The commissioner of administration shall develop policies to reduce the volume of waste generated by state agencies. The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an on going basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in administrative programs to reduce, separate, and recover waste materials. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in the resource recovery program.*

**Subd. 3. [POWERS OF COMMISSIONER.]** *The commissioner of administration shall have such powers as are necessary to implement and operate the program. All state agencies shall comply with the policies, guidelines, and procedures established by the commissioner pursuant to this section. The commissioner shall have the power to issue orders to compel such compliance.*

**Subd. 4. [STAFF.]** *The commissioner of administration shall employ an administrator to manage the resource recovery program and such other staff and consultants as are necessary to carry out the program.*

**Subd. 5. [REPORTS.]** *By January 1, 1981, and each odd-numbered year thereafter, the commissioner of administration shall submit a report to the governor and to the legislative commission summarizing past activities and proposed goals of the program for the following biennium. By July 1, 1980, and thereafter within three months following the commissioner's report to the legislative commission, the directors of the energy agency*



and the pollution control agency shall submit recommendations to the commissioner regarding the operation of the program.

**Subd. 6. [RESOURCE RECOVERY REVOLVING ACCOUNT.]** Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program and all revenues resulting from the sale of used commodities made available for sale as a result of the resource recovery program. The account may be used for all activities associated with the program including payment of administrative and operating costs.

### ARTICLE III

#### COMMERCIAL HAZARDOUS WASTE DISPOSAL FACILITIES

**Section 1. [LEGISLATIVE FINDINGS; PURPOSE.]** The legislature finds that proper management of hazardous waste generated in the state is needed to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens, that the establishment of safe disposal facilities is necessary to properly manage the waste, that this cannot be accomplished solely by the activities of private persons and political subdivisions acting alone or jointly, and that therefore it is necessary to provide a procedure for making final determinations on the locations, sizes, types, and functions of such facilities.

**Sec. 2. [PROCEDURE NOT EXCLUSIVE.]** The procedure established by this article for the permitting of hazardous waste disposal facilities is not exclusive and shall not preclude the issuance of other permits by the agency pursuant to section 116.07.

**Sec. 3. [SITE EVALUATION FACTORS.]** In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

(a) economic feasibility and viability and proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) willingness of qualified private waste management firms to establish a facility at the site, as indicated by facility proposals and permit applications;

(c) intrinsic suitability of the sites;



(d) federal and state pollution control and environmental protection rules;

(e) the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;

(f) the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(g) the adverse effects of a facility at the site on the natural environment, resources, and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and requirements respecting the design and operation of a disposal facility at the proposed site.

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 4. [RULES NOT REQUIRED.] The board shall not be required to promulgate rules pursuant to chapter 15 governing its activities under this article.

Sec. 5. [CANDIDATE SITES.] Subdivision 1. [SELECTION.] By July 1, 1981, the board shall select six locations in the state as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the board or agency. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency on July 1, 1981, may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites.

Subd. 2. [PROCEDURE.] As soon as practicable, the board shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. By January 1, 1981, for the purpose only of informing the selection of candidate sites under this section, the board shall select conceptual design and operating specifications for a variety of hazardous waste disposal facilities



*in sufficient detail and extent in the judgment of the board to allow the evaluation of sites and the selection of candidate sites. By January 1, 1981, the board shall notify each regional development commission, or the metropolitan council, and each county, city, and town within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize the conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under this article and the hazardous waste reports and plans required under article II. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and county, city, and town on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board shall make a written response to any recommendations, explaining its disposition of the recommendations.*

*Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on all development, except hazardous waste facilities, within each candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and at least equal in area to the site. The moratorium shall extend until six months following final action of the board pursuant to this article. No such development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.*

**Sec. 6. [PARTICIPATION BY AFFECTED LOCALITIES.]**  
*Subdivision 1. [GENERAL.] In order systematically to involve those who would be affected most directly by disposal facilities in all decisions leading to their establishment, the board's decisions on the preliminary specifications under section 7, the reports referred to in section 8 and the certification of need required under section 9 shall not be made until after the establishment of local project review committees for each candidate site, with representation on the board, pursuant to this section.*

*Subd. 2. [ESTABLISHMENT OF LOCAL PROJECT REVIEW COMMITTEES.] A local project review committee shall be established for each location selected as a candidate site. The local committee shall exist, and its members shall serve, so long as the location for which the committee was formed is a candidate site or, for the site or sites finally chosen, until the commencement of the operation of the facility at that site.*

*Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By August 1, 1981, the governor shall appoint the chairperson and members of each local project review committee, ensuring*



*a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor or by the governor upon motion of the committee or the board.*

**Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]** *By September 1, 1981, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under this article. Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located.*

**Subd. 5. [DUTIES OF LOCAL COMMITTEES.]** *During the review, the local project review committee shall: inform affected local communities, government units, and residents of the proposed land containment and disposal facilities and of the planning and environmental review process relating to the proposed facilities; solicit and record local attitudes and concerns respecting the proposed facilities and represent and communicate such attitudes and concerns to the board, the legislative commission, the environmental quality board, the agency, and other units and agencies of government; and act as a forum for the exchange of local attitudes and concerns and the development, where possible, of local consensus.*

**Subd. 6. [TECHNICAL ASSISTANCE; GRANTS.]** *To assist local project review committees to participate in the certification of need and the review process, the board shall make grants to the committees to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the committees of technical information and assistance by appropriate state agencies.*

**Sec. 7. [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.]** *By January 1, 1982, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste, in sufficient detail and extent in the judgement of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 10. The preliminary design and operating specifications shall describe the facility alternatives which will be considered at each site but shall not foreclose the subsequent addition by the board or agency of other disposal facility alternatives to be considered.*

**Sec. 8. [HAZARDOUS WASTE MANAGEMENT REPORTS.]** *The board shall prepare and submit the hazardous waste management reports required by Article II, section 6, subdivisions 4 and 5, in consultation with the local project review*



committees. The board shall request recommendations from the local committees and shall consult with the committees on the board's intended disposition of the recommendations. In its reports, the board shall summarize the recommendations of the committees and the board's response to the recommendations. Before submitting the reports, the board shall hold at least one public meeting in each county in which a candidate site is located. Notice of the public meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facilities, the proposed location, the purpose of the board's report to the legislature, and the subsequent and related activities of the board.

**Sec. 9. [CERTIFICATION OF NEED.]** By May 1, 1982, as part of its facilities development and disposal abatement plan adopted under article II, section 8, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, and general design, operating character, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. The certification shall be the final determination required on the matters decided by the certificate or certificates of need. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities having the waste management capabilities described in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

**Sec. 10. [AGENCY; ENVIRONMENTAL REVIEW PROCEDURES.]** Subdivision 1. **[ENVIRONMENTAL IMPACT STATEMENT.]** An environmental impact statement meeting the requirements of chapter 116D shall be completed by the agency. The parts of the statement required by the board to prepare the reports required by article II, section 6, subdivisions 4 and 5, the plan required by article II, section 8, and the certification of need required by section 9 of this article shall be finally accepted or rejected at least 90 days before the report, plan, or



certification is required. The parts of the statement required to make decisions pursuant to sections 11 and 12 on disposal facilities at each candidate site shall be finally accepted or rejected within 120 days following the issuance of a certificate or certificates of need under section 9.

Subd. 2. [PUBLIC DISCLOSURE.] Before commencing preparation of the environmental impact statement, the agency shall issue a document summarizing and making full disclosure of the intended objectives and contents of the environmental impact statement and the environmental review. Announcement of the disclosure shall be published in the state register. The disclosure shall:

- (a) identify the candidate sites;
- (b) summarize preliminary design and operating specifications and indicate where and when the specifications are available for inspection;
- (c) describe as fully as possible the object of the review, including the significant actions, issues, alternatives, types of impacts, and compensation and mitigation measures expected to be addressed in the statement; the depth of the analysis expected; and subjects which the statement will not address in depth because they have been disposed of previously or because they are believed to be insignificant or remote and speculative;
- (d) identify, by reference and brief summary, any related planning activities and environmental reviews which have been, are being, or will be conducted, and the substantive, chronological, and procedural relationship between the proposed review and the other activities and reviews;
- (e) identify the membership and address of the local project review committees and the names of the local representatives on the board;
- (f) summarize the comments and suggestions received from the public pursuant to subdivision 3 and the agency's response.

Subd. 3. [PUBLIC PARTICIPATION PROCEDURES.] The public disclosure document shall be issued following diligent effort to involve the public in determining the objective and contents of the environmental impact statement. At least one public meeting shall be held in each county with a candidate site. The advice of the board, facility developers, state agencies, the local project review committees, and local units of government shall be actively solicited. The agency may engage the state hearing examiner to conduct meetings and make recommendations concerning the review. Each local project review committee shall present to the agency a written report summarizing local concerns and attitudes about the proposed action and the specific



issues which the local communities and residents wish to see addressed in the environmental review.

**Sec. 11. [AGENCIES; PERMIT CONDITIONS.]** *Within 60 days following the acceptance of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, the permitting state agency or agencies shall finally indicate the conditions and terms of agency approval for all permits needed at each candidate site for construction of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.*

**Sec. 12. [FINAL ACTION.] Subdivision 1. [DECISION OF BOARD.]** *Within 60 days following the agency decisions on permit conditions, and after consulting with private facility developers, the agency, affected local government units, and the local project review committees, the board shall finally select the site or sites for the facilities and shall submit or cause to be submitted final permit applications. The final permit applications shall contain the provisions required by the permitting agencies, plus other stipulations, conditions, and requirements of the board relating to the facility as may be consistent with the certification of need and the agency rules and permit conditions. The board's decision shall finally resolve any conflicts among state agency permit terms and conditions. The board's decision and the permit applications shall provide for the establishment of facilities having the waste management capabilities described in the board's certification of need.*

**Subd. 2. [BOARD'S DECISION PARAMOUNT.]** *To assure the paramount and controlling effect of the review process conducted under this article, the board's decision pursuant to subdivision 1 shall be final and shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agencies shall issue permits within 30 days in accordance with the board's final decision and the final permit applications. All construction and operating permits shall conform to the terms of the decision and applications. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of a facility in accordance with the final decision of the board.*

**Sec. 13. [RECONCILIATION AND INTERVENTION PROCEDURES.] Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.]** *At least 30 days before making final decisions on final site selection and permit application under section 12, the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. The report shall not raise issues previously decided by*



the board's certification of need. In any such report the board may request the commission to intervene in the review.

**Subd. 2. [PRE-INTERVENTION ASSESSMENT.]** If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which were not decided by the certification of need and which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

**Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.]** Following the report of the intervenor, the legislative commission may suspend the review process for an additional period not to exceed 90 days for an intervention proceeding. The intervention proceeding shall not consider issues previously decided by the board's certification of need. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairperson of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.

**Sec. 14. [JUDICIAL REVIEW.]** Any civil action maintained by or against the agency or board under this article shall be brought in the county where the site is located and shall take precedence over all other matters of a civil nature and be expe-



dited to the maximum extent possible. Any person aggrieved by a final decision of the board authorizing facilities under this Article may appeal therefrom within 30 days as provided in chapter 15. No civil action shall be maintained pursuant to section 116B.03 with respect to conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the board under this article. Notwithstanding any provision of chapter 116B to the contrary, in any action brought under that chapter with respect to any decision or conduct undertaken by any person or the board or agency pursuant to this article after the period for appeal under this section has lapsed, the plaintiff shall have the burden of proving that the evidence required under section 116B.10 was not reasonably available within the time provided for appeal. The trial court shall, upon motion of any prevailing non-governmental party, award costs, disbursements, reasonable attorney's fees, and reasonable expert witness fees, if the court finds the action hereunder was commenced or defended in bad faith or was frivolous.

## ARTICLE IV

### WASTE FACILITIES: SUPPLEMENTARY REVIEW BY BOARD

Section 1. [RULES.] The board shall promulgate rules pursuant to chapter 15 governing its activities under article IV.

Sec. 2. [SOLID WASTE AND SEWAGE SLUDGE FACILITIES.] Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of sewage sludge within the state which has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; and (b) a political subdivision which has been issued permits by the agency for a solid waste facility which is no larger than 250 acres and located outside the metropolitan area.

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency, and that a political subdivision has refused to approve the establishment or operation of the facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a sewage sludge disposal facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a solid waste facility with a proposed permitted life of longer than four years. For requests for review under subdivision 1, clause (b), the board may require completion of a plan conforming to the requirements of article V, section 5, before granting review.



**Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]** *Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.*

**Subd. 4. [REVIEW PROCEDURE.]** *The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairman shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.*

**Subd. 5. [SCOPE AND CONTENT OF REVIEW.]** *In its review and final decision on the proposed facility, the board shall consider at least the following matters:*

(a) *the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;*

(b) *the consistency of the proposed facility with, and its effect on, existing and planned local land use and development;*



local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, the availability of alternative sites, and opportunities to mitigate or eliminate need by additional and alternative solid waste management strategies or actions of a significantly different nature;

(f) whether, in the case of resource recovery facilities, the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional solid waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative solid waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 3. [HAZARDOUS WASTE FACILITIES.] Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of hazardous waste within the



state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator exclusively for managing the hazardous wastes produced by the generator; (b) a generator of hazardous waste within the state, or an entity composed of or under contract to such generators, which has been issued permits by the agency for an interim storage facility for hazardous waste pursuant to article XI, section 9; and (c) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to article II, section 7.

**Subd. 2. [REQUEST FOR REVIEW.]** An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency and that another state agency or political subdivision has refused to approve the establishment or operation of the facility.

**Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]** Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

**Subd. 4. [REVIEW PROCEDURE.]** The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairperson shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper



or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.

**Subd. 5. [SCOPE AND CONTENT OF REVIEW.]** In its review and final decision on the proposed facility, the board shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to the facility or at the facility, water, air, and land pollution, and fire or explosion;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, especially its contribution to abating disposal, and opportunities to mitigate or eliminate need by additional and alternative waste management strategies or actions of a significantly different nature.

**Subd. 6. [DECISION OF BOARD.]** In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the



agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 4. [BOARD'S DECISION PARAMOUNT.] To assure the paramount and controlling effect of the reviews conducted under this article, the board's decisions under sections 2 and 3, shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agency or agencies shall withdraw, modify, or issue the permits for the facility in accordance with the decision of the board following a supplementary review under article IV. All permits issued by the agency or agencies shall conform to the terms of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of the facility in accordance with the board's final decision.

Sec. 5. [RECONCILIATION AND INTERVENTION PROCEDURES.] Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] At least 30 days before making a final decision under section 3 the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. In any such report the board may request the commission to intervene in the review.

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;



(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

*Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] Following the report of the intervenor, the legislative commission may suspend the review process of an additional period not to exceed 90 days for an intervention proceeding. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairman of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.*

*Sec. 6. [JUDICIAL REVIEW.] Judicial review with respect to conduct or decisions in reviews brought pursuant to section 3 of this article shall be as provided in article III, section 14.*

## ARTICLE V

### SOLID WASTE MANAGEMENT PLANNING ASSISTANCE PROGRAM

*Section 1. [ESTABLISHMENT AND ADMINISTRATION.] Commencing July 1, 1981, there is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the purpose of encouraging and improving regional and local solid waste management planning activities and efforts. The program shall be administered by the agency, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The agency shall promulgate rules pursuant to chapter 15 for its administration of the program outside the metropolitan area. The agency and the metropolitan council shall ensure conformance with existing agency rules and federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.*

*Sec. 2. [ELIGIBLE RECIPIENTS.] Political subdivisions shall be eligible for assistance under the program.*



Sec. 3. [FINANCIAL ASSISTANCE.] *Eligible recipients may receive grants for up to 50 percent of the cost of the planning activity, except that planning by a regional development commission and joint planning by two or more contiguous counties or contiguous political subdivisions located within two or more counties may receive grants for up to 100 percent of the cost of the planning activity. Financial assistance provided under the program may be used to employ staff, contract with other units of government or qualified consultants, and pay such other planning expenses as the agency or metropolitan council may allow.*

Sec. 4. [TECHNICAL ASSISTANCE.] *The agency and metropolitan council shall provide for technical assistance for eligible recipients. The agency and metropolitan council shall provide model plans for regional and local solid waste management. The agency and metropolitan council may contract for the delivery of technical assistance by a regional development commission, any state or federal agency, or private consultants. The agency shall prepare and publish an inventory of sources of technical assistance for solid waste planning, including studies, publications, agencies, and persons available.*

Sec. 5. [CONTENTS.] *Plans prepared by local units of government in the metropolitan area shall conform to the requirements of chapter 473. Plans prepared by political subdivisions outside the metropolitan area with assistance from the program shall conform to the requirements of this section. The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. The plans shall contain an assessment of opportunities to reduce the need for land disposal through waste reduction and resource recovery, the alternative degrees of reduction achievable, and a comparison of the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures. Plans for location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for*



ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. The plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. The plans shall address the establishment of joint powers management programs or waste districts where appropriate. The plans shall address such other matters as the rules of the agency may require consistent with the purposes of article V.

## ARTICLE VI

### SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM

Section 1. [DEMONSTRATION PROGRAM; ESTABLISHMENT; ADMINISTRATION.] Commencing July 1, 1981, there is established a solid waste management demonstration program to encourage and assist cities, counties, and solid waste management districts in the development and implementation of solid waste management projects of potential state wide application or significance and to transfer the knowledge and experience gained from such projects to other communities in the state. The program shall be administered so as to demonstrate the application of all feasible and prudent waste processing methods, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program shall be administered by the agency in accordance with the requirements of article VI and rules promulgated by the agency pursuant to chapter 15.

Sec. 2. [TECHNICAL ASSISTANCE FOR DEMONSTRATION PROJECTS.] The agency shall ensure the delivery of the technical assistance necessary to proper implementation of each demonstration project funded under the program. The agency may contract for the delivery of technical assistance by any state or federal agency, a regional development commission, the metropolitan council, or private consultants and may use program funds to reimburse the agency, commission, council, or consultants. The agency shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The agency shall ensure state wide benefit from projects assisted under the demonstration program by developing exchange and training programs for local officials and employees and by using the experience gained in demonstration projects to provide technical assistance and education for other solid waste management projects in the state. With at least one contract for financial assistance under the demonstration program, the agency shall provide a locally-based agent, approved by the recipient of the assistance, who shall be the chief project officer responsible to the recipient for technical assistance and implementation of the project.



Sec. 3. [ELIGIBLE PROJECTS; PRIORITIES.] *The program shall be limited to projects which are determined by the agency to serve one of the following objectives: (a) the reduction of dependence on land disposal of solid waste; (b) the development of resource recovery facilities; (c) the development of systems for the separation of materials from solid waste for reuse or recycling; (d) the reduction of waste generation. In administering the program, the agency shall give priority to: (a) areas where natural geologic and soil conditions are unsuitable for land disposal of solid waste; (b) areas where the capacity of existing solid waste disposal facilities is determined by the agency to be less than five years; (c) projects demonstrating, in order of preference, waste reduction, waste separation, and waste processing. In administering the program, the agency shall allocate at least 15 percent of program funds, excluding those available under sections 6 to 8, to projects in each of the following categories: waste reduction; waste separation; and alternative methods of waste processing.*

Sec. 4. [ELIGIBLE RECIPIENTS AND ACTIVITIES.] *Eligible recipients for assistance under the program shall be limited to cities, counties, and solid waste management districts established pursuant to article VIII. Eligible recipients may apply for assistance for other persons. Activities eligible for assistance under the program include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the implementation of a demonstration project. Preliminary planning and development, feasibility study, and conceptual design costs shall also be eligible activities, but no more than 20 percent of the money appropriated for the demonstration program shall be used to fund such activities. Acquisition and construction costs for resource recovery facilities are eligible for capital assistance under sections 6 to 8.*

Sec. 5. [APPLICATION REQUIREMENTS.] *Applications for assistance under the program shall demonstrate: (a) that the project is conceptually and technically feasible; (b) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project; (c) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; (d) that the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The agency may require completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5 before accepting an application.*



**Sec. 6. [RESOURCE RECOVERY FACILITY DEMONSTRATION PROGRAM.]** *As part of the demonstration program established under article VI, the agency shall provide assistance pursuant to sections 6 to 8 to eligible recipients for the acquisition and betterment of demonstration resource recovery facilities or systems.*

**Sec. 7. [PURPOSES; PUBLIC INTEREST; DECLARATION OF POLICY.]** *The legislature finds that the establishment of resource recovery facilities and systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that opportunities to establish such facilities and systems are not being fully realized by individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to provide capital assistance for demonstration resource recovery facilities and systems to stimulate and encourage the acquisition and betterment of such facilities and systems.*

**Sec. 8. [FINANCIAL ASSISTANCE.] Subdivision 1. [GRANTS AND LOANS.]** *Of revenues derived from the issuance of bonds authorized by article VII, section 2, for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall be distributed as grants. An individual project may receive assistance totaling up to 100 percent of the capital cost of the project and grants up to 50 percent of the capital cost of the project.*

**Subd. 2. [CAPITAL COSTS; ASSURANCE OF FUNDS.]** *No grant or loan shall be disbursed to any recipient until the agency has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.*

**Subd. 3. [OBLIGATIONS OF RECIPIENT.]** *No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that*



they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the agency and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the agency. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

## ARTICLE VII

### STATE WASTE MANAGEMENT BONDS

Section 1. [WASTE MANAGEMENT FUND.] Subdivision 1. [CREATION; RECEIPTS.] The commissioner of finance shall maintain a Minnesota state waste management fund. The fund shall receive the proceeds of state bonds and other money appropriated to the fund and disburse money for the acquisition of real property and interests in real property for hazardous waste facility sites and surrounding buffer and impact areas, as authorized by article II, section 3, subdivision 4 and money to be granted or loaned to political subdivisions pursuant to the capital assistance program created by article VI, sections 6 to 8. The commissioner of finance and state treasurer shall deposit in the fund as received (a) all proceeds of Minnesota state waste management bonds, except accrued interest and premiums received upon the sale of the bonds; (b) all other money appropriated by law for purposes stated in article VII, and (c) all money granted to the state for those purposes by the federal government or any agency thereof. All the receipts are annually appropriated for the purposes of the fund, and shall remain available until expended.

Subd. 2. [DISBURSEMENTS.] Disbursements from the fund shall be made at the times and in the amounts authorized by the agency or board in accordance with applicable state laws and the agency's or board's rules.

Sec. 2. [MINNESOTA STATE WASTE MANAGEMENT BONDS.] Subdivision 1. [AUTHORITY TO ISSUE BONDS.] The commissioner of finance shall sell bonds of the state of Minnesota for the prompt and full payment of which, together with interest, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be sold only



upon request of the agency and in the amount as may otherwise be authorized by this or a subsequently enacted law which authorizes the sale of additional bonds and the deposit of the proceeds in the state waste management fund. Any authorized amount of bonds in this law or any subsequently enacted law authorizing the issuance of bonds for the purposes of the state waste management fund, together with this section, constitute complete authority for the issue. The bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. [ISSUANCE OF BONDS.] Upon request by the agency and upon authorization as provided in subdivision 1, the commissioner of finance shall sell Minnesota state waste management bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price, in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds), and in accordance with any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. [EXPENSES.] All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for these purposes, and any expenses of litigation relating to the validity of the bonds, shall be paid from the waste management fund, and the amounts necessary are appropriated from that fund.

Subd. 4. [DEBT SERVICE ACCOUNT IN THE STATE WASTE MANAGEMENT FUND.] The commissioner of finance shall maintain in the Minnesota state waste management fund a separate account to be called the state waste management debt service account. It shall record receipts of premium and accrued interest, loan repayments, project revenue or other



money transferred to the fund and income from the investment of the money and record any disbursements to pay the principal and interest on waste management bonds. Income from investment shall be credited to the account in each fiscal year. The amount credited shall be equal to the average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

**Subd. 5. [APPROPRIATIONS TO DEBT SERVICE ACCOUNT; APPROPRIATION FROM ACCOUNT TO PAY DEBT SERVICE.]** The premium and accrued interest received on each issue of Minnesota waste management bonds, and all payments received in repayment of loans and other revenue received are appropriated to the debt service account. All income from the investment of the Minnesota state waste management fund is appropriated to the debt service account. In order to reduce the amount of taxes otherwise required to be levied, there is also appropriated to the debt service account from any funds available in the general fund on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand, to pay all principal and interest on Minnesota waste management bonds due and to become due before July 1 in the second ensuing year. So much of the debt service account of the state waste management fund as is necessary to pay principal and interest on waste management bonds is annually appropriated from the debt service account for the payment of principal and interest of the waste management bonds. All funds appropriated by this subdivision shall be available in the debt service account prior to any levy of the tax in any year required by the Minnesota Constitution, Article XI, Section 7.

**Subd. 6. [SECURITY.]** On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money currently credited to the debt service account, to pay the entire amount of principal and interest currently due and the principal and interest to become due before July 1 in the second year thereafter on Minnesota waste management bonds. This 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 Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all the bonds and interest thereon are fully paid. The proceeds of this tax are appropriated to the debt service account. The principal of an interest on the bonds are payable from the proceeds of this tax.

**Sec. 3. [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.]** The commissioner of finance is authorized, upon request of the agency, to sell Minnesota state waste management bonds in the amount of up to \$100,000,000 in the manner and upon the conditions prescribed in article VII, section 2, and in the Minnesota Constitution, Article XI, Sections



4 to 7. Of this amount, up to five percent may be issued for the purpose of acquiring real property and interests in real property for hazardous waste facility sites as authorized by article II, section 3, subdivision 4 and the remainder may be issued for the purposes of the capital assistance program established pursuant to article VI, sections 6 to 8. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state waste management fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the waste management fund equal to the aggregate amount of the loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the agency.

## ARTICLE VIII

### SOLID WASTE MANAGEMENT DISTRICTS

Section 1. [PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.] *The legislature finds that the development of integrated and coordinated solid waste management systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that this need cannot always be met solely by the activities of individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to establish a procedure for the creation of solid waste management districts having the powers and performing the functions prescribed in article VIII.*

Sec. 2. [SOLID WASTE MANAGEMENT DISTRICTS.]  
Subdivision 1. [LEGAL STATUS.] *Solid waste management districts established pursuant to article VIII shall be public corporations and political subdivisions of the state.*

Subd. 2. [ESTABLISHMENT BY AGENCY.] *The agency may establish waste districts as public corporations and political subdivisions of the state, define the powers of such districts in accordance with article VIII, define and alter the boundaries of such districts as provided in section 3, and terminate districts as provided in section 5. The agency shall promulgate rules pursuant to chapter 15 governing the establishment, alteration, and termination of districts.*

Subd. 3. [RESTRICTIONS.] *No waste district shall be established within the boundaries of the western lake superior sanitary district established by Laws 1971, Chapter 478, as amended. No waste district shall be established wholly within one county. The agency shall not establish a waste district within or extending into the metropolitan area, nor define or alter the powers or boundaries of such a district, without the approval of the metropolitan council. The council shall not approve such*



a district unless the articles of incorporation of the district require that the district will have the same procedural and substantive responsibilities, duties, and relationship to the metropolitan agencies as a metropolitan county. The agency shall not establish a district unless it determines that the petitioners would be unable to fulfill the purposes of the district through joint action under Minnesota Statutes, Section 471.59. The agency may require the completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5, by petitioners seeking to establish a district.

**Sec. 3. [PROCEDURE FOR ESTABLISHMENT AND ALTERATION.]** **Subdivision 1. [LOCAL PETITION.]** Waste districts shall be established and their powers and boundaries defined or altered by the agency only after petition requesting such action jointly submitted by the governing bodies of petitioners comprising at least one-half of the counties partly or wholly within the district. A petition for alteration shall include a resolution by the board of directors of the district approving the alteration.

**Subd. 2. [PETITION CONTENTS.]** A petition requesting establishment or alteration of a waste district shall contain such information as the agency may require, including at least the following:

- (a) the name of the proposed district;
- (b) a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration;
- (c) resolutions of support for the district, as proposed to the agency, from the governing body of each of the petitioning counties;
- (d) a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district and the purposes for waste resource districts stated in article VIII;
- (e) articles of incorporation stating the powers of the district consistent with article VIII, including a statement of powers proposed pursuant to sections 9 and 10.

After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners filed with the agency.



**Subd. 3. [LOCAL REVIEW AND COMMENT.]** At least 60 days before submitting the petition to the agency, the petitioners shall publish notice of the petition in newspapers of general circulation in the proposed district and shall cause a copy of the petition to be served upon the agency and the governing body of each political subdivision which is wholly or partly within the proposed district or is affected by the proposed alteration. Each entity receiving service shall have 60 days within which to comment to the petitioners on the petition and the proposed district or alteration. Proof of service, along with any comments received, shall be attached to the petition when it is submitted to the agency.

**Subd. 4. [REVIEW PROCEDURES.]** Upon receipt of the petition, the director of the agency shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the director shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the director shall request the office of hearing examiners to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 15 for contested cases.

**Subd. 5. [CORRECTIONS ALLOWED.]** No petition submitted by the requisite number of counties shall be void or dismissed on account of defects exposed in the hearing documents or report. The agency shall permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or any other defects.

**Subd. 6. [AGENCY ORDER.]** After considering of the report of the hearing examiner and at least considering of whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are approximately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program, the agency shall make a final decision on the petition. If the agency finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of article VIII, it shall, by its decision, dismiss the proceedings and mail a copy of its decision to the governing body of each affected political subdivision. If the agency finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve the purposes of articles VIII, it shall, by order, establish the district, define its boundaries, and



give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the agency with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in article VIII and the order of the agency. At the time of filing, a copy of the order shall be mailed by the agency to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

Sec. 4. [PERPETUAL EXISTENCE.] A waste district created under the provisions of article VIII shall have perpetual existence to the extent necessary to perform all acts necessary and proper for carrying out and exercising the powers and duties expressly given in it. A district shall not be terminated except pursuant to section 5.

Sec. 5. [TERMINATION.] Subdivision 1. [PETITION.] Proceedings for the termination of a district shall be initiated by the filing of a petition with the agency. The petition shall be submitted by the governing bodies of not less than 50 percent of the counties which are in the district. The petition shall state that the existence of the district is no longer in the public interest. The petitioners shall publish notice of the petition in newspapers of general circulation in the district and shall cause to be served upon each political subdivision wholly or partly within the district a copy of the petition, and proof of service shall be attached to the petition filed with the agency.

Subd. 2. [BOND; PAYMENT OF COSTS.] If the petition is dismissed or denied, the petitioners shall be required to pay all costs and expenses of the proceeding for termination. At the time of filing the petition a bond shall be filed by the petitioners with the agency in such sum as the agency determines to be necessary to ensure payment of costs.

Subd. 3. [HEARING; DECISION.] If objection is made to the agency against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 15. If the agency determines after the hearing that the termination of the district as proposed in the petition would not be in the public interest, the agency shall dismiss the petition and all costs of the proceeding shall be assessed against the petitioner. If the agency determines that the existence of the district is no longer in the public interest, the agency shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

Subd. 4. [LIMITATION.] The agency shall not entertain a petition for termination of a district within five years from



*the date of the formation of the district nor shall the agency entertain a petition for termination of the same district more often than once in five years.*

**Sec. 6. [ORGANIZATION OF DISTRICT.]** *The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district. The first chairperson of the board of directors shall be appointed by the agency and shall be a local elected official within the district. The first chairperson shall serve for a term of two years. Thereafter the chairperson shall be elected from outside the board of directors by majority vote of the board of directors. The first meeting of the board of directors shall be held at the call of the chairperson, after notice, for the purpose of proposing the by laws, electing officers and for any other business that comes before the meeting. The by laws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The by laws shall state:*

*(a) the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;*

*(b) the title, manner of selection, and term of office of officers of the district;*

*(c) the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;*

*(d) the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;*

*(e) the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;*

*(f) the compensation and reimbursement for expenses for members of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3;*

*(g) such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.*

**Sec. 7. [REGISTERED OFFICE.]** *Every district shall maintain an office in this state to be known as its registered office. When a district desires to change the location of its registered office, it shall file with the secretary of state and the director of the agency, a certificate stating the new location by city, town, or other community and effective date of change.*



*When the certificate has been duly filed, the board of directors may make the change without any further action.*

Sec. 8. [POWERS.] Subdivision 1. [GENERAL.] *A district shall have all powers necessary or convenient to perform its duties, including the powers provided in this section.*

Subd. 2. [ACTIONS.] *The district may sue and be sued, and shall be a public body within the meaning of chapter 562.*

Subd. 3. [ACQUISITION OF PROPERTY.] *The district may acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real or personal property deemed necessary for the exercise of its powers or the accomplishment of its purposes, including positive and negative easements and water and air rights. Any local government unit and the commissioners of transportation, natural resources, and administration may convey to or permit the use of any property or facilities by the district, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. The district may hold the property for its purposes, and may lease or rent the property so far as not needed for its purposes, upon the terms and in the manner as it deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with Minnesota Statutes, Chapter 117. The district may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.*

Subd. 4. [RIGHT OF ENTRY.] *Whenever the district deems it necessary to the accomplishment of its purposes, the district or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.*

Subd. 5. [GIFTS AND GRANTS.] *The district may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.*

Subd. 6. [PROPERTY EXEMPT FROM TAXATION.] *Any real or personal property owned, leased, controlled, used, or occupied by the district for any authorized purpose is declared to be acquired, owned, leased, controlled, used and occupied for public and governmental purposes, and shall be exempt-*



ed from taxation by the state or any political subdivision of the state, provided that those properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for solid waste management at the time shall be considered in determining the special benefit received by the properties. All bonds, certificates of indebtedness or other obligations of the district shall be exempted from taxation by the state or any political subdivision of the state. Interest on the obligations of the district shall be exempted from taxation in the same manner provided for interest on obligations qualifying under section 290.08, subdivision 7.

**Subd. 7. [FACILITIES AND SERVICES.]** The district may construct, equip, develop, enlarge, improve, and operate solid waste facilities and services as it deems necessary and may negotiate contracts for the use of public or private facilities and services. Whenever practicable, the district shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.

**Subd. 8. [RATES; CHARGES.]** The district may establish and collect rates and charges for the facilities and services provided and may negotiate and collect rates and charges for facilities and services contracted for by the district. The board of directors of the district may agree with the holders of district obligations which are secured by revenues of the district as to the maximum or minimum amounts which the district shall charge and collect for services provided by the district. Before establishing or raising any rates and charges the board of directors shall hold a public hearing regarding the proposed rates and charges. Notice of the hearing shall be published at least once in a legal newspaper of general circulation throughout the area affected by the rates and charges. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

**Subd. 9. [DISPOSITION OF PROPERTY.]** The district may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by Minnesota Statutes, Section 458.196, insofar as practical. The district shall give notice of sale which it deems appropriate. When the district determines that any property which has been acquired from a government unit without compensation is no longer required, the district shall transfer it to the government unit.

**Subd. 10. [DISPOSITION OF PRODUCTS AND ENERGY.]** The district may use, sell, or otherwise dispose of all of the products and energy produced by its facilities. The



*district may, on a competitive basis, enter into short or long term contracts, make spot sales, solicit bids, enter into direct negotiations, deal with brokers, or use such other methods of disposal as it chooses, provided that the dealings of the district shall be on a competitive basis so as not create an unfair or unreasonable advantage or restraint of trade on the part of the district. The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet constitutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.*

**Subd. 11. [CONTRACTS.]** *The district may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.*

**Subd. 12. [JOINT POWERS.]** *The district may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action between government units.*

**Subd. 13. [RESEARCH.]** *The district may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.*

**Subd. 14. [EMPLOYEES; CONTRACTS FOR SERVICES.]** *The district may employ persons or firms and contract for services to perform engineering, legal or other services necessary to carry out its functions.*

**Subd. 15. [INSURANCE.]** *The district may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board of directors and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.*

**Subd. 16. [REVIEW OF PROJECTS.]** *The district may require that persons shall not acquire, construct, alter, reconstruct or operate a solid waste facility within the district without prior consultation with and approval of the district.*

**Subd. 17. [COLLECTION SERVICES; LIMITATION OF POWER.]** *A district shall not provide collection service unless it is unable to secure the service from private providers.*



Sec. 9. [DESIGNATION OF RESOURCE RECOVERY FACILITIES; REQUIRED USE.] Subdivision 1. [GENERAL.] A district may be authorized by the order and articles of incorporation establishing the district to require that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be taken for processing to a resource recovery facility designated by the district or a transfer station serving such a facility.

Subd. 2. [STANDARDS.] In determining whether to designate and require use of resource recovery facilities the district shall consider whether:

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility;

(d) less restrictive methods for ensuring an adequate solid waste supply are available;

(e) the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the affects of all such alternatives on the cost to generators.

Subd. 3. [EXEMPTION.] The district shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.

Subd. 4. [PROCEDURE.] The district shall proceed as follows when designating and requiring use of facilities:

(a) The district shall notify those persons whom the district has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the district shall negotiate with the persons within



*the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.*

*(b) If contracts have not been made at the end of the 90 day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).*

*(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district may order any person identified in the notice of the district to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.*

**Subd. 5. [SERVICE GUARANTEE.]** *The district shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person or without just cause.*

**Subd. 6. [TERMINATION.]** *Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the district that the solid waste has value and that arrangements have been made by the person sufficient to justify exemption under subdivision 3, unless the district determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the district facilities.*

**Sec. 10. [BONDING AND TAXING POWERS.]** **Subdivision 1. [GENERAL.]** *A district may exercise any or all of the bonding and taxing powers provided in this section to the extent such powers are authorized by the order of the agency establishing the district and by its articles of incorporation.*

**Subd. 2. [DEBT.]** *The district's bonds shall be sold, issued, and secured in the manner provided in chapter 475 and the district shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. No election shall be required. The bonds may be sold at any price and at public or private sale as determined by the district and shall not be subject to any limitation as to rate.*

**Subd. 3. [REVENUE BONDS.]** *A district may borrow money and incur indebtedness by issuing bonds and obligations which are payable solely:*



(a) from revenues, income, receipts, and profits derived by the district from its operation and management of solid waste facilities;

(b) from the proceeds of warrants, notes, revenue bonds, debentures, or other evidence of indebtedness issued and sold by the district which are payable solely from such revenues, income, receipts, and profits;

(c) from federal or state grants, gifts, or other moneys received by the district which are available therefor.

Every issue of revenue bonds by the district shall be payable out of any funds or revenues from any facility of the district, subject only to agreements with the holders of particular bonds or notes pledging particular revenues or funds. If any facility of the district is funded in whole or in part by Minnesota state waste management bonds pursuant to articles VI and VII the state bonds shall take priority. The district may provide for priorities of liens in the revenues between the holders of district obligations issued at different times or under different resolutions. The district may provide for the refunding of any district obligation through the issuance of other district obligations entitled to rights and priorities similar in all respects to those held by the obligations that are refunded.

Subd. 4. [GENERAL OBLIGATION BONDS.] The district may borrow money and incur indebtedness by issuing its bonds and obligations for the payment of which the full faith and credit of the district are pledged. By October 1 of each year the treasurer of the board of directors shall examine the debt service fund of the district and determine whether or not there are sufficient funds to pay all principal and interest of bonds coming due the following year. If the available funds are insufficient, the treasurer shall notify and direct each county or city auditor within the district to levy a tax. If the tax is to be levied solely in proportion to the value of the property in the district, the commissioner of revenue is authorized to adjust the rate of taxation pursuant to section 270.12, subdivision 3. The tax shall be subject to no limitation of rate or amount until the money in the debt service fund becomes sufficient to pay all principal and interest payments coming due. Taxes levied by the district for the payment of its bonds in accordance with section 475.61 shall be included in computing the levy limitations under section 275.11. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon would, when added to the taxes levied by a political subdivision for all purposes in the year preceding such issue, exceed the limitations prescribed in section 275.11, the bonds shall not be issued without the consent by resolution of the governing body of the political subdivision.



Sec. 11. [AUDIT.] *The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by a certified public accountant or the state auditor. Copies of a written report of the audit, certified to by the auditors, shall be placed and kept on file at the principal place of business of the district and shall be filed with the secretary of state and the agency.*

## ARTICLE IX

### NONMETROPOLITAN COUNTIES

Section 1. Minnesota Statutes 1978, Section 400.03, Subdivision 1, is amended to read:

400.03 [DEFINITIONS.] Subdivision 1. For the purposes of sections 400.01 to 400.17 the terms defined in this section have the meaning given them. The terms defined in (MINNESOTA STATUTES 1969,) chapter 116 and article I, section 3, also apply to the terms used in sections 400.01 to 400.17.

Sec. 2. Minnesota Statutes 1978, Section 400.04, is amended to read:

400.04 [SOLID WASTE MANAGEMENT PROGRAM.] Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17.

Subd. 2. [ACQUISITION OF REAL PROPERTY.] A county may acquire by gift, lease, purchase or eminent domain as provided by law any land or interest in land upon such terms and conditions as it shall determine, including the use of contracts for deed, within or outside of the county, which the board deems suitable for these purposes; provided that no such land or interest in land situated in any other county shall be acquired without the approval by resolution of the county board thereof.

Subd. 3. [ACQUISITION, CONSTRUCTION AND OPERATION OF PROPERTY AND FACILITIES.] A county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all solid waste facilities and other property and facilities needed, used, or useful for a solid waste management (PROGRAM) purposes, and may purchase and lease materials, equipment, machinery and such other personal property as is necessary for such purposes upon terms and conditions determined by the board including the use of conditional sales contracts and lease-purchase agreements. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such property and facilities.



*Whenever practicable, a county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.*

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] A county may enter into contracts for the construction, installation, maintenance and operation of *property and facilities* on private or public lands and may contract for the furnishing of solid waste management services.

Subd. 5. [PLANS.] The county may provide for surveys and plans to determine locations available, appropriate, and suitable for *property and facilities* needed for the program, and plans for the improvement of (SITES) *property and facilities*.

Subd. 6. [EXPENDITURE OF FUNDS.] A county is authorized to expend funds for the purposes enumerated in this section and for any other activities necessary to an efficient solid waste *management* program.

Sec. 3. Minnesota Statutes 1978, Section 400.06, is amended to read:

400.06 [INSPECTION; COOPERATION WITH AGENCY.] All counties shall provide for the periodic inspection of *mixed municipal* solid waste (COLLECTION, STORAGE, TRANSPORTATION AND DISPOSAL) facilities and *mixed municipal solid waste management property and facilities* located and being operated within their respective boundaries to determine whether (SUCH) *the property and facilities* are being maintained and operated in compliance with applicable county ordinances and rules, regulations, standards, orders, permits, and requirements of the agency. In the event that (SUCH) *the property and facilities* are not so in compliance, the county board shall take (SUCH) actions (AS ARE) necessary to assure future compliance with all applicable ordinances, rules, regulations, standards and requirements, according to law, and shall cooperate with the agency in obtaining and maintaining (SUCH) compliance. *All inspectors provided or used by the county under this section shall be certified by the agency in accordance with section 116.41:*

Sec. 4. Minnesota Statutes 1978, Section 400.07, is amended to read:

400.07 [DEVELOPMENT OF RESOURCE RECOVERY SYSTEMS.] All counties shall cooperate with the agency in the *planning*, development and implementation of *resource recovery* systems (FOR THE RECOVERY AND USE OF MATERIALS AND ENERGY FROM SOLID WASTE), and toward that end, shall modify applicable county ordinances consistent with rules (, REGULATIONS) and standards of the agency (CONCERNING THIS SUBJECT).



Sec. 5. Minnesota Statutes 1978, Section 400.13, is amended to read:

400.13 [SOLID WASTE MANAGEMENT FUND.] Any county *owning or operating solid waste management property or facilities pursuant to section 400.04, subdivision 3, and establishing fees for the provision of services by the county pursuant to section 400.08, shall continuously maintain a special account on its official books and records designated as the solid waste management fund, to which it shall credit all receipts from the rates and charges authorized in section 400.08 and from the sale of real or personal property pertaining to (THE) solid waste (DISPOSAL SYSTEM) management purposes, and the proceeds of all gifts, grants, loans, and issues of bonds for (THE) such purposes (OF THE SYSTEM), and to which it shall charge all costs of the acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of (THE SYSTEM AND OF ALL FACILITIES INCLUDED THEREIN) property, facilities, and services. Separate accounts may be established within this fund for the segregation of revenues pledged for the payment of bonds or loans, or money granted or borrowed for use for a specific purpose.*

Sec. 6. Minnesota Statutes 1978, Section 400.16, is amended to read:

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards for solid waste *and sewage sludge* management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste (MANAGEMENT) facilities *and sewage sludge disposal facilities* by the county and any municipality or other public agency and by private operators; (b) the collection, (TRANSPORTATION, STORAGE) *processing, and disposal of solid waste and sewage sludge*; (c) the amount and type of equipment required in relation to the amount and type of material received at any *solid waste facility or sewage sludge disposal facility*; (d) the control of salvage operations, water or air or land pollution, and rodents *at such facilities*; (e) the termination or abandonment of *such facilities or activities*; and (f) (SUCH) other matters *relating to such facilities* as may be determined necessary for the public health, welfare, and safety. *The county shall adopt such ordinances for mixed municipal solid waste management.* The county (MAY ISSUE) *shall make provision for issuing permits or licenses for mixed municipal solid waste (MANAGEMENT) facilities and (MAY) shall require that such facilities be registered with an appropriate county office. The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any solid waste or sewage sludge disposal facility in accordance with certificates, permits and other approvals by state agencies pursuant to Article IV,*



*except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated the availability of sufficient solid waste to provide operating revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances, and rules. The county ordinance (MAY) shall require appropriate procedures for termination or abandonment of any mixed municipal solid waste facilities or services, which shall include provision for long term monitoring for possible land pollution, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing such procedures. In the event the operators or owners fail to complete such procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.*

Sec. 7. Minnesota Statutes 1978, Section 400.161, is amended to read:

400.161 [HAZARDOUS WASTE REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, transportation processing, disposal, and storage of hazardous waste, (d) (THE ULTIMATE DISPOSAL SITE OF THE HAZARDOUS WASTE, AND (E) SUCH) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. *The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such*



procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or regulations promulgated hereunder shall be (,) subject to review, denial, suspension, *modification*, and reversal by the (POLLUTION CONTROL) agency. The (POLLUTION CONTROL) agency shall after written notification have 15 days to review, *deny*, suspend, modify, or reverse the action of the county. After 15 days, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.

Sec. 8. Minnesota Statutes 1978, Chapter 400, is amended by adding a section to read:

[400.162] [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.] *Except within the metropolitan area, the western lake superior sanitary district established by Laws 1971, Chapter 478, as amended, and any solid waste management district established under article VIII, any county may require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or transfer station serving such a facility, provided that the designation is approved by the agency. The agency may require the county to complete a comprehensive solid waste management plan conforming to the requirements of article V, section 5. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exceptions, procedures, and other requirements provided in article VIII, section 9, subdivisions 2 to 6.*

## ARTICLE X

### SOLID WASTE AND SEWAGE SLUDGE MANAGEMENT: METROPOLITAN AREA

Section 1. Minnesota Statutes 1978, Section 473.121, is amended by adding a subdivision to read:

*Subd. 36. The definitions of terms relating to waste in chapter 116 and article I, section 3, also apply to the same terms relating to waste used in chapter 473.*



Sec. 2. Minnesota Statutes 1978, Section 473.149, is amended to read:

473.149 [SOLID WASTE COMPREHENSIVE PLANNING.] Subdivision 1. [POLICY PLAN; GENERAL REQUIREMENTS.] (BY JULY 1, 1978,) The metropolitan council shall prepare and by resolution adopt as part of its development guide a long range policy plan for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area. When adopted, the plan shall be followed in the metropolitan area. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council, *provided that no land shall be thereby excluded from consideration as a solid waste facility site except land determined by the agency to be intrinsically unsuitable for such use.* The plan shall include goals and policies for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for solid waste facilities and solid waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the plan shall include additional criteria and standards (RESPECTING FINANCIAL SELF SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *to ensure that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.* In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area; the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, (LOW COST,) competitive, and adaptable systems of waste (COLLECTION AND PROCESSING) *management*; and the orderly resolution of questions concerning changes in systems of waste (COLLECTION AND PROCESSING) *management*. Criteria and standards for solid (AND HAZARDOUS) waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and (SECTION 473.823. THE HAZARDOUS WASTE PORTION OF THE POLICY PLAN SHALL BE APPROVED BY THE POLLUTION CONTROL AGENCY IN ACCORDANCE WITH ITS STANDARDS AND REGULATIONS PRIOR TO ADOPTION BY THE COUNCIL) *shall be at least as stringent as the guidelines, regulations, and standards of the federal environmental protection agency.*



**Subd. 2. [DISPOSAL CAPACITY ESTIMATE.]** By July 1, 1980, the council shall adopt by resolution an estimate of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The council's estimate shall be based upon existing and projected solid waste generation rates without regard to potential waste reduction, separation, and recovery activity except that provided by services and facilities in operation or under construction.

**Subd. 3. [DISPOSAL ABATEMENT REPORT.]** By January 1, 1981, the council shall prepare and submit a report to metropolitan counties on potentials for abating the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area, for use by the counties in developing land disposal abatement plans pursuant to section 473.803, subdivision 3. The report shall contain an analysis of abatement achievable through waste reduction, waste separation, waste processing, and resource recovery. The report shall contain specific and quantifiable alternative abatement objectives and degrees of abatement, along with solid waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The report shall recommend priorities and objectives for abating, immediately and over specified time periods, the disposal of mixed municipal solid waste in the metropolitan area. During the preparation of the report, the council shall encourage public debate and discussion of the issues relating to land disposal abatement and shall hold a public meeting on the issues in each metropolitan county.

**Subd. 4. [INVENTORY OF SOLID WASTE DISPOSAL SITES.]** By October 1, 1981, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 2. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following such investigations by the council and such public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 2, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 2, shall extend until October 1, 1983.

**Subd. 5. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES.]** By January 1, 1982, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods



of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

**Subd. 6. [LAND DISPOSAL ABATEMENT PLAN; REPORT TO LEGISLATURE.]** By January 1, 1983, after considering county land disposal abatement proposals submitted pursuant to section 473.803, subdivision 3, the council shall amend its policy plan to include specific and quantifiable objectives for abating the land disposal of mixed municipal solid waste. The plan shall include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The objectives in the plan shall be based upon standards for county resource recovery and waste reduction and separation programs and activities. The plan shall include standards and procedures to be used by the council in determining that metropolitan counties have not implemented the council's land disposal abatement plan and have not met the standards for county abatement programs and activities. The council shall report to the legislative commission on its abatement plan and on legislation that may be required to implement the plan.

**Subd. 7. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.]** By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 15. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include standards, criteria, and procedures to be used by counties in selecting sites for acquisition pursuant to section 15. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights no longer needed for disposal facilities.



Subd. (3) 8. [PREPARATION AND ADOPTION.] The *solid waste* policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a *solid waste* facility is or may be located in accordance with the plan. Any comprehensive (SOLID AND HAZARDOUS WASTE) plan adopted by the council (PRIOR TO THE EFFECTIVE DATE OF THIS ACT) shall remain in force and effect (UNTIL A POLICY PLAN IS) *while new or amended plans are being prepared* (IN ACCORDANCE WITH SUBDIVISION 1) and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for *solid waste* facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any *solid waste* facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no *solid waste* facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Subd. (4) 9. [ADVISORY COMMITTEE.] The council shall establish an advisory committee to aid in the preparation of the policy plan (AND,) *the performance of the council's responsibilities under subdivisions 2 to 7*, the review of county master plans and reports and applications for permits for waste facilities, under sections 473.151 and 473.801 to 473.823 and sections 13 to 15, and other duties determined by the council. The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. *From October 1, 1981 to January 1, 1983, for the purpose only of participating in the preparation of the legislative report required by subdivision 5 and the land disposal abatement plan required by subdivision 6, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the councils' disposal site inventory.* A representative from the pollution control agency, *one from the waste management board established under article II, section 1*, and one from



the Minnesota health department shall serve as ex officio members of the committee.

Sec. 3. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.153] [COMPREHENSIVE DISPOSAL FACILITIES PLAN FOR SEWAGE SLUDGE AND SOLID WASTE FROM SEWAGE TREATMENT.] *Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and article IV, section 2, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish at least one facility for sewage sludge disposal and at least one facility for solid waste disposal.*

*Subd. 2. [CANDIDATE SITE SELECTION.] By July 1, 1981, the council shall select three candidate sites for the disposal of the commission's sewage sludge and three candidate sites for the disposal of the commission's solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its apparent intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the agency. In selecting candidate sites, the council shall prefer land which is suited and likely to be put to beneficial use after closure of a disposal facility.*

*Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on development within the area of each proposed site and buffer area selected by the council. The moratorium shall extend until six months following the council's decision under subdivision 6. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.*

*Subd. 4. [ADVISORY COMMITTEE.] For the purposes only of advising the council on decisions under this section, additional members shall be added to the advisory committee estab-*



lished by section 473.149, subdivision 9, sufficient to assure that each city and town containing a candidate site has at least one representative on the committee.

**Subd. 5. [ENVIRONMENTAL AND PERMIT REVIEW.]** *An environmental impact statement meeting the requirements of chapter 116D shall be completed on each candidate site, provided that the statement shall be finally accepted or rejected within 280 days of the selection of candidate sites. Within 90 days following the acceptance of the statement, the agency shall indicate the conditions and terms of approval of all permits needed at each candidate site.*

**Subd. 6. [COUNCIL SITE SELECTION.]** *Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission as a sewage sludge disposal facility and at least one of the candidate sites for acquisition and development by the commission as a solid waste disposal facility. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.*

**Subd. 7. [EXISTING FACILITIES EXEMPTED.]** *Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities.*

**Sec. 4.** Minnesota Statutes 1978, Section 473.502, is amended to read:

**473.502 [LEGISLATIVE PURPOSE AND POLICY.]** *The legislature determines that in the metropolitan area there are serious problems of water pollution and processing and disposal of sewage and waste resulting from sewage treatment, which cannot be effectively or economically dealt with by existing local government units in the area under existing laws. The legislature therefore declares that for the protection of the public health, safety, and welfare of the area, for the preservation and best use of waters and other natural resources of the state in the area, for the prevention, control and abatement of water pollution in the area, and for the efficient and economic collection, treatment and disposal of sewage and waste resulting from sewage treatment it is necessary to assign to the metropolitan council the responsibility of carrying on a continuous, long-range program of planning with respect thereto and to establish a waste control commission, which, together with the council, can take over, acquire, construct, operate, and maintain all interceptors and treatment works and waste facilities necessary for the collection, treatment and disposal of sewage and waste resulting from sewage treatment in the metropolitan area, and can take over, acquire, construct, operate, and maintain waste facilities in the metropolitan area.*



Sec. 5. Minnesota Statutes 1978, Section 473.516, is amended to read:

473.516 [WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.] *Subdivision 1.* [ACQUISITION AND OPERATION.] Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including *development rights*, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate (HAZARDOUS) waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of (HAZARDOUS) waste *resulting from sewage treatment*, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing (HAZARDOUS) waste derived from outside the metropolitan area in the state, as well as (HAZARDOUS) waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of (HAZARDOUS) waste as the commission determines to be reasonable.

*Subd. 2.* [GENERAL REQUIREMENTS.] With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council. *Whenever possible, the commission shall contract with private persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523.*

*Subd. 3.* [LOCAL RESTRICTIONS.] *Counties and local units of government may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the commission and conditions respecting the sale, gift, delivery, storage, use, and disposal of sewage sludge of the commission on private property as a soil conditioner or amendment, but only in the manner and only to the extent authorized and approved by the council and the agency as being consistent with the establishment and use of the commission's waste facilities and the disposal of the commission's sewage sludge on private property in accordance with the council's plan, adopted under section 3, and agency permits and rules. Counties may exercise the enforcement powers granted under section 473.811, subdivision 10, in the manner and to the extent authorized and approved in accordance with this subdivision.*



*Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities sites. Each such permit shall require a regular monitoring, inspection, and testing program to be carried out by the agency, or the state department of health or county under contract to the agency, to prevent impairment or threat of impairment of ground and surface water. The commission shall reimburse the agency quarterly for the cost of the program.*

Sec. 6. Minnesota Statutes 1978, Section 473.801, Subdivision 1, is amended to read:

473.801 [DEFINITIONS.] Subdivision 1. For the purposes of sections 473.801 to 473.823 and sections 13 to 16 the terms defined in this section have the meanings given them.

Sec. 7. Minnesota Statutes 1978, Section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic (COLLECTION AND PROCESSING) management of solid (AND HAZARDOUS) waste in the metropolitan area, it is necessary to (AUTHORIZE THE AGENCY TO REGULATE THE HANDLING OF HAZARDOUS WASTE AND THE LOCATION AND OPERATION OF WASTE FACILITIES IN THE AREA; TO) authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid (AND HAZARDOUS) waste (COLLECTION AND PROCESSING) management, (AND) to establish criteria and standards and approve permits for solid waste facilities in the area, and to provide funds for the acquisition of property for solid waste disposal purposes; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for and regulate solid waste collection services and facilities, to collect data on solid and hazardous waste (COLLECTION AND PROCESSING) management systems and procedures, and to assist state agencies to regulate the (HANDLING) management of hazardous waste. The legislature declares that a public purpose is served by the recovery and utilization of resources from solid (WASTE AND HAZARDOUS) waste where economically viable and compatible with source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, en-



courage ownership and operation of solid waste facilities by private industry.

Sec. 8. Minnesota Statutes 1978, Section 473.803, is amended to read:

473.803 [METROPOLITAN COUNTY PLANNING.] Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid (AND HAZARDOUS) waste policy plan and in accordance with the dates specified therein, and after consultation with all affected (MUNICIPALITIES) *local government units*, shall prepare and submit to the council for its approval, a county solid (AND HAZARDOUS) waste master plan to implement the policy plan. *The master plan shall be revised and resubmitted at such times as the council's policy plan may require.* The master plan shall describe county solid (AND HAZARDOUS) waste activities, functions, and facilities; the existing system of solid (AND HAZARDOUS) waste generation, collection, and processing, *and disposal* within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to *solid* waste facilities and (HAZARDOUS AND) solid waste generation, collection, and processing, *and disposal*; existing or proposed municipal, county, or private *solid* waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For *solid* waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure (FINANCIAL SELF-SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Subd. 2. [PROPOSED INVENTORY OF DISPOSAL SITES.] *By June 1, 1981, each county shall adopt, by resolution of its governing body, an inventory of three proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the dis-*



posal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is suited and likely to be put to beneficial use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be proposed by the county or approved by the council unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county or agency. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. The council shall evaluate each site with respect to local land use and land use controls, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. A moratorium is hereby imposed on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 4. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

**Subd. 3. [LAND DISPOSAL ABATEMENT.]** By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 3, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal shall include programs for waste reduction and separation



and resource recovery. The proposal shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal shall describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal shall include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. By June 1, 1983, each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 6, and shall submit the revised plan to the council for review under subdivision 4. The proposal and master plan revision required by this subdivision shall be prepared in consultation with cities and towns within the county, particularly the cities and towns in which a solid waste disposal facility is or may be located pursuant to the county master plan.

Subd. (2) 4. [COUNCIL REVIEW.] The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall *disapprove and* return the plan with its comments to the county for revision and resubmittal. *The county shall have 90 days to revise and resubmit the plan for council approval.* Any county solid (OR HAZARDOUS) waste plan or report approved by the council prior to April 9, 1976, shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Subd. (3) 5. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid (AND HAZARDOUS) waste generation (, COLLECTION, AND PROCESSING) and management within the county. *The report shall include a statement of progress in achieving the land disposal abatement objectives of the council's policy plan and county master plan.* The report shall include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 9. Minnesota Statutes 1978, Section 473.811, is amended to read:

473.811 [COUNTIES AND LOCAL UNITS OF GOVERNMENT; WASTE MANAGEMENT.] Subdivision 1. [COUNTY ACQUISITION OF FACILITIES.] To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, in-



cluding contracts for deed and conditional sales contracts, solid waste facilities or properties or easements or development rights for solid waste facilities which are in accordance with regulations adopted by the agency, the policy plan adopted by the council and the county master plan as approved by the council, and may improve or construct improvements on any property or facility so acquired. No metropolitan city, county or town shall own or operate a hazardous waste facility. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste facilities. If (SUCH) a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. (A) *Except as provided in subdivision 9, a metropolitan county may acquire property for and operate a solid waste disposal facility within the boundaries of any (CITY) other county or (TOWN IN THE METROPOLITAN AREA,) local unit of government without complying with the provisions of any (ZONING) ordinance (ADOPTED AFTER APRIL 15, 1969) of the other county or local unit, if the action is approved by the council as being in conformance with its policy plan. For facilities outside the metropolitan area, approval of the agency shall also be required, following review pursuant to article IV.*

Subd. 2 [RIGHT OF ACCESS.] *Whenever the county deems it necessary to the evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 4, and section 473.803, subdivision 2, or for final acquisition under section 15, the county or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.*

Subd. (2) 3. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce



the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. (3) 4. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.

Subd. (4) 5. [COUNTY CONTRACTS.] Each metropolitan county *may contract* for the use of existing public or private solid waste facilities and may contract with any person for the operation and maintenance of any solid waste facility owned by the county. The contract shall provide for the operation and maintenance of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto.

Subd. 6. [ORDINANCES; GENERAL CONDITIONS; RESTRICTIONS; APPLICATION.] *Ordinances of counties and local government units related to or affecting waste management shall embody plans, policies, rules, standards and requirements adopted by any state agency authorized to manage or plan for or regulate the management of waste and the waste management plans adopted by the council and shall be consistent with county master plans approved by the council.*

Subd. (5) 7. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. (THE ORDINANCES SHALL NOT PREVENT THE HAULING OF SOLID WASTE FROM ONE COUNTY TO ANOTHER.) Each (MUNICIPALITY AND TOWN) *local unit of government* within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the (MUNICIPALITY OR TOWN) *local unit* shall adopt either the county ordinance by reference or a more strict ordinance. (A HAULER WHO QUALIFIED UNDER THE ORDINANCE



OF THE MUNICIPALITY WHERE HE IS MAKING PICK-UPS MAY TRANSPORT SOLID WASTE ON STREETS AND HIGHWAYS IN OTHER MUNICIPALITIES WITHIN THE COUNTY WITHOUT CONFORMING TO THEIR ORDINANCES.) Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 13. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. Upon such a request the ordinance shall be invalid unless it is approved by the council as reasonable. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 13. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

**Subd. 8. [ORDINANCES; SOLID WASTE FACILITIES.]** Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office. Ordinances of counties and local government units shall not prevent or restrain the acquisition, establishment, operation, expansion, continuance, or closure of solid waste disposal facilities and solid waste disposal facility sites pursuant to the council's policy plan and development schedule for such facilities, adopted pursuant to section 473.149, subdivision 7, except that ordinances approved by the council and the agency as being consistent with the establishment and use of facilities in accordance with the council's plan and agency rules and permits may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a facility.

**Subd. 9. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.]** Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, storage, transportation (AND STORAGE), processing, disposal, and land containment of hazardous waste, and (d) (THE ULTIMATE DISPOSAL SITE OF HAZARDOUS WASTE, AND (C)) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, (AND) processing, disposal, and land containment of hazardous waste and shall require registration with a county



office. Ordinances of counties and local government units shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. (ANY ORDINANCE ENACTED UNDER THIS SUBDIVISION SHALL EMBODY REGULATIONS, STANDARDS, AND REQUIREMENTS ADOPTED BY THE AGENCY AND GOALS, POLICIES, CRITERIA, AND STANDARDS ADOPTED BY THE COUNCIL AND SHALL BE CONSISTENT WITH THE COUNTY MASTER PLAN APPROVED BY THE COUNCIL. COUNTY ORDINANCES ADOPTED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO THE LOCATION OR OPERATION OF ANY HAZARDOUS WASTE FACILITY OWNED OR OPERATED BY THE WASTE CONTROL COMMISSION UNDER SECTION 473.516.) Issuing, denying, *suspending*, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, *modification*, and reversal by the agency. The agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in (SECTION 115.05. ANY ORDINANCE ENACTED SHALL BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 375.51) *chapter 15.*

Subd. (5A) 10. [COUNTY ENFORCEMENT.] Each metropolitan county shall be responsible for insuring that waste facilities, solid waste collection operations licensed or regulated by the county and hazardous waste generation (,) and collection (,) AND PROCESSING) operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the (AGENCY) *state*; and (GOALS, POLICIES, CRITERIA, AND STANDARDS) *the policy plan* of the council. Counties may provide by ordinance that operators or owners or both of such facilities or operations shall be responsible to the county for satisfactorily performing the procedures required. If operators or owners or both fail to perform, the county may recover the costs incurred by the county in completing the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor.



Subd. (6) 11. [GRANTS AND LOANS TO COUNTIES.] Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. (7) 12. [JOINT ACTION.] Each metropolitan county and local government unit may act *together with any county, city, or town within or without the metropolitan area* under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16.

Subd. (8) 13. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16. Such property may be sold in the manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. (9) 14. [SOLID AND HAZARDOUS WASTE FUND.] All moneys received by any metropolitan county from any source specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16 shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 10. Minnesota Statutes 1978, Section 473.813, is amended to read:

473.813 [CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.] Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or



authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery of solid waste to a waste facility and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.

Subd. 2. Before a city, county, or town (MAY ENTER) enters into any contract pursuant to subdivision 1 (, WHICH CONTRACT IS) for a period of more than five years, the city, county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract (WILL NOT ADVERSELY AFFECT COLLECTION RATES AND CHARGES DURING THE TERM OF THE CONTRACT AND THAT THE CONTRACT) is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.

Sec. 11. Minnesota Statutes 1978, Section 473.823, Subdivision 3, is amended to read:

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] (THE AGENCY MAY PRESCRIBE PERMIT AND PERMIT APPLICATION FORMS, AND MAY REQUEST APPLICANTS TO SUBMIT IN WRITING ALL INFORMATION DEEMED RELEVANT BY THE AGENCY.) The agency shall request applicants *for solid waste facility permits* to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. (THE AGENCY, OR ANY EMPLOYEE OR AGENT THEREOF, WHEN AUTHORIZED BY IT, MAY EXAMINE ANY BOOKS, PAPERS, RECORDS OR MEMORANDA OF THE APPLICANT PERTAINING TO ITS WASTE FACILITY, AND MAY ENTER ON ANY PROPERTY, PUBLIC OR PRIVATE, FOR THE PURPOSE OF OBTAINING INFORMATION, CONDUCTING SURVEYS OR MAKING INVESTIGATIONS RELATIVE TO THE LOCATION OR OPERATION OF A WASTE FACILITY. THE AGENCY MAY ISSUE PERMITS FOR THE OPERATION OF WASTE FACILITIES BY ANY METROPOLITAN COUNTY OR COMMISSION, LOCAL GOV-



ERNMENT UNIT OR PERSON WHERE THE OPERATION THEREOF IS CONSISTENT WITH APPLICABLE REGULATIONS ADOPTED BY THE AGENCY PURSUANT TO SUBDIVISION 1, PROVIDED THAT) No permit may be issued for the operation of a *solid* waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid (AND HAZARDOUS) waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the (GOALS, POLICIES, STANDARDS, AND CRITERIA IN ITS) policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned *solid* waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a *solid* waste facility used primarily for resource recovery and (RESTRICTIONS ON) the geographic territory from which a (WASTE FACILITY USED PRIMARILY FOR) resource recovery *facility or transfer station serving such a facility* may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit may be issued in the metropolitan area for a *solid* waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by *public funds or obligations* (PLEDGING THE FULL FAITH AND CREDIT OR TAXING POWERS OF A CITY, COUNTY, OR TOWN,) unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that (ALL COSTS OF OPERATION, ADMINISTRATION, MAINTENANCE AND DEBT SERVICE WILL BE COVERED BY REASONABLE RATES AND CHARGES FOR THE USE OF THE FACILITY) *the facility is operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*



Sec. 12. Minnesota Statutes 1978, Section 473.823, is amended by adding a subdivision to read:

*Subd. 5. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 6, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 3. The council shall certify need only if and only to the extent that the county or permit applicant demonstrates that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Economic considerations alone shall not justify the certification of need or the rejection of alternatives.*

Sec. 13. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

**[473.827] [COUNCIL DESIGNATION OF SOLID WASTE FACILITY; REQUIRED USE.]** *Subdivision 1. [AUTHORITY.] The council may require that all or any portion of the solid waste that is generated within the metropolitan area or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the council or a transfer station serving such a facility. The council may designate a facility under this section without the approval of the agency except that the approval of the agency shall be required if the solid waste required to be delivered is generated outside of the metropolitan area.*

*Subd. 2. [STANDARDS.] In determining whether to designate and require the use of the facility the council shall consider whether:*

- (a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;*
- (b) the required use will lessen the demand for and use of land disposal;*
- (c) the required use is necessary for the financial support of the facility;*
- (d) less restrictive methods for ensuring an adequate solid waste supply are available;*



(e) the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

**Subd. 3. [EXEMPTION.]** The council shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.

**Subd. 4. [PROCEDURE.]** The council shall proceed as follows when designating and requiring use of facilities:

(a) The council shall notify those persons whom the council has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the council shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) If contracts have not been made at the end of the 90-day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).

(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council may order any person identified in the notice of the council to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.

**Subd. 5. [SERVICE GUARANTEE.]** The facility designated by the council shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person, or without just cause.

**Subd. 6. [TERMINATION.]** Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the council that the solid waste



*has value and that arrangements have been made sufficient to justify exemption under subdivision 3, unless the council determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the facilities designated by the council.*

Sec. 14. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

**[473.831] [DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.]** *Subdivision 1. [GENERAL OBLIGATION BONDS.] Following the adoption of the revisions to its policy plan required by section 473.149, subdivision 7, the council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 15 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply.*

*Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 15, by the council to make grants to metropolitan counties to pay the cost of the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas required to be acquired by the county in the council's policy plan and development schedule adopted pursuant to section 473.149.*

Sec. 15. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

**[473.833] [SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.]** *Subdivision 1. [COUNTY SITE SELECTION AUTHORITIES.] Each metropolitan county shall establish a site selection authority. By June 1, 1983, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the standards, criteria, and procedures established by the council under section 473.149, subdivision 7, and in a number equal to that required by the council to be acquired by the county. Each site selection authority shall be composed of the county board, plus one member appointed by the governing body of each city or town within the county containing a site in the council's disposal site inventory or the majority of the land contained within such a site. If the number of members on the site selection authority who reside in a city or town containing all or part of a site or buffer area is equal to or greater than the number of members who do not, the chairman of the county board shall appoint to*



*the authority an additional member or members, residing within the county but not within a city or town containing all or part of a site or buffer area, sufficient to assure a majority of one on the authority of members residing in cities and towns not containing all or any part of a site of buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.*

**Subd. 2. [ACQUISITION AND DISPOSITION.]** *In order to prevent the development of conflicting land uses at and around future solid waste disposal facility sites, the council shall provide for the acquisition by a metropolitan county of property and rights in property at and around each solid waste disposal site selected pursuant to subdivision 1. Each site scheduled for development as a facility through the year 1990 shall be acquired in fee. Development rights shall be acquired for each site scheduled for development as a facility after the year 1990 through the year 2000. Development rights shall be acquired in a buffer area surrounding and at least equal to the area of each site scheduled for development as a facility through the year 2000. An increase or decrease in the value of property resulting from its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area shall not be considered in establishing the value of the property in a condemnation proceeding. The county may sell property and development rights, with the permission of the council, when they are no longer needed for a site or surrounding buffer area. The owner of the fee shall have the right of first refusal of any development rights at the price of purchase plus interest at the rate permitted under section 344.01. The proceeds from any sale of property or development rights shall be returned to the council and used to pay debt service on the council's solid waste bonds.*

**Subd. 3. [ACQUISITION PROCEDURE.]** *The council shall offer a grant covering the full cost of acquisition to the county or counties in which the property is located. If the acquisition is not made or condemnation proceedings initiated within 60 days following June 1, 1983, the council shall offer the grant to any other county in the metropolitan area.*

**Subd. 4. [FAILURE OF COUNTIES TO ACQUIRE; REPORT TO LEGISLATURE.]** *If any county fails to identify property for acquisition or if counties refuse to proceed with acquisition, as required by this section and the council's disposal facility development schedule adopted pursuant to section 473.149, subdivision 7, the council shall prepare and recommend to the legislature, no later than January 1, 1984, legislation to transfer solid waste management authority and responsibility in the metropolitan area from the counties to the waste control commission or a new metropolitan commission established for that purpose.*



Sec. 16. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.834] [DEBT SERVICE; SOLID WASTE BONDS.]  
*Subdivision 1. [CERTAIN CITIES AND TOWNS; EXEMPTION.] Each city or town in which a solid waste disposal facility is operating after January 1, 1980, shall be permanently exempt from the payments required by this section, if the facility is a commercial facility disposing of garbage and mixed municipal refuse under an agency permit.*

*Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 15, shall be annually apportioned by the council to each city and town in the metropolitan area, as follows: (a) one-half in the proportion that the assessed value of all taxable property within such city or town bears the assessed value of the taxable property in all such cities and towns, as last finally equalized before October 1 in the year in which the allocation is made; and (b) one-half in the proportion that the population of each such city or town bears to the total population in all such cities and towns, as estimated by the council.*

*Subd. 3. [CERTAIN CITIES AND TOWNS; REDUCED PAYMENTS.] When a solid waste reduction, separation, or resource recovery program is implemented or solid waste processing facilities are established in a city or town pursuant to a county land disposal abatement plan approved by the council, the annual payment otherwise required of the city or town pursuant to subdivision 2, shall be reduced by an amount determined by the council to be proportionate to the abatement in the waste going from the city or town into a solid waste disposal facility as a result of the local abatement program or processing facility.*

*Subd. 4. [PROCEDURES FOR PAYMENT.] By January 1 of each year, the council shall certify to each city and town in the metropolitan area the payment required from it to pay debt service on the council's bonds in the next succeeding calendar year. The amounts so certified shall be due and payable to the council, for deposit in the council's debt service fund, at such time or times during the year as the council determines. The council shall set the dates for payment with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges, provided that all payments shall be due in time to allow the council to certify deficiency tax levies pursuant to subdivision 5.*

*Subd. 5. [DEFICIENCY TAX LEVIES.] If the governing body of any local government unit fails to make payment to the council when due, the council shall certify to the auditor of the county in which the government unit is located the amount required for payment with interest at six percent per annum. The auditor shall levy and extend such amount as a tax upon all tax-*



able property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. Such tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the council for deposit in the debt service fund and credited to the government unit for which the tax was levied.

Subd. 6. [SECURITY.] In addition to the power to require payments and tax levies under subdivisions 3 to 5 for the payment of debt service on bonds issued under section 15, the council may levy taxes for the payment of the debt service upon all taxable property within the metropolitan area without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area.

Sec. 17. Article X applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

## ARTICLE XI

### POLLUTION CONTROL AGENCY

Section 1. Minnesota Statutes 1978, Section 116.06, Subdivision 9, is amended to read:

Subd. 9. "Land pollution" means the presence in or on the land of any (SOLID) waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Sec. 2. Minnesota Statutes 1978, Section 116.06, is amended by adding subdivisions to read:

Subd. 9a. "Waste" has the meaning given it in article I, section 3.

Subd. 9b. "Waste management" has the meaning given it in article I, section 3.

Subd. 9c. "Collection" of waste has the meaning given it in article I, section 3.

Subd. 9d. "Processing" of waste has the meaning given it in article I, section 3.

Subd. 9e. "Disposal" of waste has the meaning given it in article I, section 3.



*Subd. 9f. "Degree of intrinsic hazard" of a waste has the meaning given it in article I, section 3.*

*Subd. 9g. "Degree of intrinsic suitability" of a land area or site has the meaning given it in article I, section 3.*

*Subd. 9h. "Sewage sludge" has the meaning given it in article I, section 3.*

Sec. 3. Minnesota Statutes 1978, Section 116.06, Subdivision 10, is amended to read:

Subd. 10. "Solid waste" means garbage, refuse, *sludge from a water supply treatment plant or air contaminant treatment facility*, and other discarded (SOLID) waste materials and *sludges*, (INCLUDING SOLID WASTE MATERIALS AND WASTE SLUDGES) in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include *hazardous waste*; animal waste used as fertilizer (,); earthen fill, boulders, rock (, SOLIDS); *sewage sludge*; solid or dissolved material in domestic sewage or other (SIGNIFICANT) common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal water pollution control act, as amended, dissolved materials in irrigation return flows (, OR OTHER COMMON WATER POLLUTANTS); or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Sec. 4. Minnesota Statutes 1978, Section 116.06, Subdivision 13, is amended to read:

Subd. 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. *Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.*

Sec. 5. Minnesota Statutes 1978, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the



most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, *processing*, and disposal of solid waste *and the disposal of sewage sludge* for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of (SOLID WASTE) control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of (SOLID WASTE) control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which



noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the *management, identification*, labeling, classification, storage, collection, transportation, *processing*, and disposal of hazardous waste, recognizing that due to variable factors, (NO) a single standard of hazardous waste control (IS) *may not be* applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 6. Minnesota Statutes 1978, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or



emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, *processing*, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. *The agency shall adopt such rules and standards for the disposal of sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of disposal facilities, and operation of disposal facilities and disposal sites. The agency shall promulgate temporary rules for sewage sludge disposal pursuant to section 15.0412, subdivision 5.* Any such (REGULATION) *rule* or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to collection, transportation, *processing*, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, *processing*, and disposal of solid waste and the disposal of sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.



Pursuant to chapter 15, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of this chapter for the *management*, identification, labeling, classification, storage, collection, treatment, *transportation*, *processing*, and disposal of hazardous waste and location of hazardous waste (DISPOSAL) facilities. A (REGULATION) *rule* or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 7. Minnesota Statutes 1978, Section 116.07, Subdivision 4a, is amended to read:

Subd. 4a. [PERMITS.] The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions or noise pollution.

The pollution control agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste, or for the installation or operation of any system or facility, or any part thereof, related to the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste.

The pollution control agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(THE POLLUTION CONTROL AGENCY MAY ISSUE, CONTINUE IN EFFECT OR DENY PERMITS, UNDER SUCH CONDITIONS AS IT MAY PRESCRIBE FOR THE TREATMENT OR DISPOSAL OR BOTH OF HAZARDOUS WASTE, OR FOR THE INSTALLATION OR OPERATION OF ANY SYSTEM OR FACILITY OR ANY PART THEREOF.)

Sec. 8. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:



*Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] In reviewing applications for hazardous waste facility permits, in addition to the requirements imposed on it under this chapter and chapter 116D, the agency shall act in accordance with articles III and IV. The agency shall provide to the waste management board copies of each preliminary and final permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. The agency shall respond to a preliminary permit application for a hazardous waste facility within 120 days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. Except as otherwise provided in article III, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility.*

Sec. 9. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

*Subd. 4c. [PERMITS; INTERIM HAZARDOUS WASTE STORAGE FACILITIES.] A generator of hazardous waste within the state, or an entity composed of or under contract to such generators, may apply to the agency for permits for interim storage facilities for hazardous waste generated within the state. The application shall demonstrate: (a) that no feasible and prudent alternative is available to eliminate the hazardous properties of the waste or the need for a waste facility to handle the waste, and (b) that no waste facility is reasonably available to accept the waste. The agency and the environmental quality board shall give highest priority to and shall expedite consideration of such applications. The agency shall make a determination on environmental documents required on the application within 30 days of submittal of the application. The environmental quality board shall finally accept or reject any environmental impact statement required within 280 days following publication of the impact statement preparation notice. The agency shall finally issue or deny permits within 30 days following a decision not to prepare environmental documents or following acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. An interim storage permit issued pursuant to this subdivision or pursuant to or in accordance with an order or decision of the board regarding such a permit under article IV shall not affect the responsibility of the generator for removal and final processing or disposal in a permitted hazardous waste facility. A permit shall not be issued under this subdivision for a period longer than three years, but such permits may be renewed by administrative action of the agency without a hearing or other review procedures for up to three additional one year periods.*



Sec. 10. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

*Subd. 9. [ORDERS; INVESTIGATIONS.] The agency shall have the following powers and duties for the enforcement of any provision of chapter 116, relating to waste:*

*(a) to adopt, issue, reissue, modify, deny, revoke, enter into or enforce reasonable orders, schedules of compliance and stipulation agreements;*

*(b) to require by rule the owner or operator of any system or facility related to the storage, collection, transportation, processing, land containment, or disposal of waste to establish and maintain records; to make reports; to install, use, and maintain monitoring equipment or methods; and to make tests, in accordance with methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to provide other information as the agency may reasonably require;*

*(c) to conduct investigations, issue notices, public and otherwise, and hold hearings as it may deem necessary or advisable for the discharge of its duties under chapter 116, including but not limited to the issuance of permits; and to authorize any member, employee, or agent appointed by it to conduct the investigations and issue the notices.*

Sec. 11. Minnesota Statutes 1978, Section 116.081, Subdivision 1, is amended to read:

116.081 [PROHIBITIONS.] Subdivision 1. [OBTAIN PERMIT.] It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, *processing*, or disposal of (SOLID) waste, or any part thereof unless otherwise exempted by any agency (REGULATION) *rule* now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles, abatement and control of air and land pollution during each biennium to the legislature with recommendations for action in furtherance of the air and land pollution and (SOLID) waste programs.

Sec. 12. Minnesota Statutes 1978, Section 116.101, is amended to read:

116.101 [HAZARDOUS WASTE CONTROL AND SPILL CONTINGENCY PLAN.] The pollution control agency shall study and investigate the problems of hazardous waste control



and shall develop a statewide hazardous waste (MANAGEMENT) *spill contingency* plan detailing the location of hazardous waste (DISPOSAL) facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous waste.

(ELEMENTS OF) The statewide hazardous waste spill contingency plan (WHICH RELATE TO HAZARDOUS WASTES,) shall be incorporated into the statewide hazardous waste management (PLAN) *plans of the waste management board established by article II*. The pollution control agency shall develop an informational reporting system of hazardous waste quantities generated, *processed*, and disposed of in the state.

Sec. 13. Minnesota Statutes 1978, Section 116.41, is amended to read:

116.41 [WASTE AND WASTE FACILITIES CLASSIFICATION; TRAINING AND CERTIFICATION.] Subdivision 1. [LAND CONTAINMENT AND DISPOSAL FACILITY CLASSIFICATION.] *By January 1, 1982, the (POLLUTION CONTROL) agency (MAY) shall classify, respectively, facilities for the disposal of solid waste, facilities for the disposal of sewage sludge, and facilities for the disposal of hazardous waste according to the degree of hazard to public health or the environment involved in their operation (, AND ACCORDING TO THE VOLUME OR HAZARDOUS CHARACTER OF SOLID WASTE DISPOSED OF AT THE FACILITY. THE AGENCY MAY DEVELOP STANDARDS OF COMPETENCE FOR PERSONS OPERATING VARIOUS CLASSES OF FACILITIES FOR THE DISPOSAL OF SOLID WASTE).* *The classification of disposal facilities for waste shall be based upon the degree of intrinsic hazard and the volume and rate of application of the waste accepted by a facility, the intrinsic suitability of the location of the facility, the design and operating character of the facility, and other factors deemed relevant by the agency.*

Subd. 1a. [HAZARDOUS WASTE CLASSIFICATION.] *By January 1, 1982, the agency shall prescribe criteria for excluding types and categories of hazardous wastes from disposal, criteria for accepting types and categories of wastes as suitable for disposal, and minimum pre-treatment standards required as a condition of acceptance for disposal. The criteria and standards shall be based upon the degree of intrinsic hazard of the waste; the availability of conventional processing technologies for reducing, separating, reusing, recycling, and treating the waste; the feasibility and cost of applying the processing technologies in relation to the benefits to be achieved by such application; the class of facility; and other factors deemed relevant by the agency.*

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] *The agency shall develop standards of competence*



*for persons operating and inspecting various classes of disposal facilities. The agency (MAY) shall conduct training programs for persons operating facilities for the disposal of (SOLID) waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.*

(SUBD. 3. AFTER JULY 1, 1976, WHEN A FACILITY FOR THE DISPOSAL OF SOLID WASTE, OTHER THAN AN ANIMAL FEEDLOT, IS OPERATING UNDER A PERMIT FROM THE AGENCY,) The agency (MAY) shall require (THE OPERATOR) operators and inspectors of (THE FACILITY) such facilities to obtain from the agency a certificate of (HIS) competence (TO OPERATE THE FACILITY). The agency (MAY) shall conduct examinations to test the competence of applicants for certification, and (MAY) shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates.

*Subd. 3. [REGULATION AND ENFORCEMENT ASSISTANCE.] The agency shall establish a program to provide technical and financial assistance for regulation and enforcement to counties which have certified operators and inspectors conforming to the requirements of the agency, chapters 400 and 473, and articles I to VIII.*

*Subd. 4. [RULES.] The agency (MAY) shall adopt, amend, and rescind (SUCH) rules (AND REGULATIONS) as may be necessary to carry out the provisions of this section in accordance with chapter 15.*

## ARTICLE XII

### APPROPRIATIONS

*Section 1. [BOARD.] For the fiscal year ending June 30, 1981, the sum of \$ . . . . . is appropriated from the general fund to the waste management board for the purposes of general administration, management, and staff. Of this amount, \$ . . . . . shall be for the salary of the chairperson of the board who shall be a full-time employee in the unclassified service.*

*Sec. 2. [HAZARDOUS WASTE.] Subdivision 1. [BOARD; HAZARDOUS WASTE REPORTS.] For the fiscal year ending June 30, 1981, the sum of \$ . . . . . is appropriated from the general fund to the waste management board for the purpose of preparing the hazardous waste reports required by article II, section 6. Of this amount, the sum of \$ . . . . . is available for the purpose of making grants for assistance in the prepara-*



tion of hazardous waste reports, in accordance with article II, section 6, subdivision 6.

**Subd. 2. [GRANTS AND TECHNICAL ASSISTANCE TO COUNTIES AND PROJECT REVIEW COMMITTEES.]** For the fiscal year ending June 30, 1981, the sum of \$ . . . . . is appropriated from the general fund to the waste management board for the purpose of grants and technical assistance to counties participating in the preparation of the inventory of preferred sites for hazardous waste processing facilities under article II, section 7, and to project review committees participating in the certification of need and review of candidate sites for land containment and disposal facilities under Article III.

**Sec. 3. [STATE GOVERNMENT RESOURCE RECOVERY.]** For the fiscal year ending June 30, 1981, the sum of \$ . . . . . is appropriated from the general fund to the general services revolving fund, resource recovery account, to be used by the commissioner of administration for the implementation and operation of the state government resource recovery program under article II, section 12. The complement of the department of administration is increased by three positions. The positions shall be in the unclassified service. Except for the administrator of the program the positions shall be in the classified service.

**Sec. 4. [SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.]** For the fiscal year ending June 30, 1981, the sum of \$ . . . . . is appropriated from the general fund to the agency for the purposes of the planning assistance program established by article V. One-half of this sum shall be reappropriated to the metropolitan council for solid waste management planning in the metropolitan area. Of the amount reappropriated to the metropolitan council, \$ . . . . . shall be available to the council for administration and the preparation of plans and reports required of the council in article X, and the remainder shall be for assistance to counties required to prepare solid waste management plans under chapter 473 and article X. The appropriation is available until expended.

**Sec. 5. [SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM.]** For the fiscal year ending June 30, 1981, the sum of \$ . . . . . is appropriated from the general fund to the agency for the demonstration program established by Article VI. The appropriation is available until expended.

**Sec. 6. [POLLUTION CONTROL AGENCY.]** For the fiscal year ending June 30, 1981, the sum of \$ . . . . . is appropriated from the general fund to the pollution control agency for the purpose of certifying and training operators and inspectors of solid waste facilities and providing technical and financial assistance to improve regulation, compliance, and enforcement.



## ARTICLE XIII

Section 1. [REPEALER.] Minnesota Statutes 1978, Sections 400.03, Subdivisions 2, 3, 4, 5, 6, and 7; 473.121, Subdivisions 27, 28, 29, 31, 31a, 31b, and 31c; 473.823, Subdivisions 1, 2, and 4, and Laws 1978, Chapter 728, Section 7, are repealed."

Further, amend the title as follows:

Page 1, line 25, delete "116F.01 to 116F.05;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2033, A bill for an act relating to retirement; local police and salaried firefighters' relief associations; authorizing certain municipalities to modify retirement coverage and benefits for certain police officers and firefighters by local action; establishing a local police and salaried firefighters' relief association amortization state aid program; appropriating money; amending Minnesota Statutes 1978, Section 69.77, Subdivision 2.

Reported the same back with the following amendments:

Pages 1 to 6, delete section 1 and insert:

"Section 1. Minnesota Statutes 1978, Section 69.77, Subdivision 2, as amended by Laws 1980, Chapter 341, Section 1, is amended to read:

Subd. 2. Subdivision 1 does not apply to an association enumerated in subdivision 1a under the following circumstances:

(1) Each member of the association pays into the retirement funds of the association during his term of covered employment from and after January 1, 1981, a contribution for retirement and survivorship benefits of not less than eight percent of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and that such contributions of a member are deducted from his salary by his governmental employer, transmitted to the association, and deposited to the credit of the proper fund thereof, provided that to avoid undue increase in the amount of employee contributions in any one year, any increase in the amount of contributions required by this section may be spread



over several years, but the increase in rate of contribution in each year commencing in 1981 shall not be less than one percent until the appropriate levels of required employee contributions have been reached. This paragraph shall not apply to members who are volunteer firefighters, provided that the local governing body shall have given their approval to the exemption following consideration of the most recent actuarial survey.

(2) The officers of the association determine on or before the date established by the municipality, which shall not be later than September 1 and shall not be earlier than August 1, of each year the financial requirements and minimum obligation of the association for the following calendar year in accordance with the following requirements:

The financial requirements shall be based on the most recent actuarial survey prepared in accordance with sections 356.215, subdivision 4 and 356.216.

*For a relief association which is located in a municipality which has adopted and filed a resolution as provided in section 2, subdivision 1, or section 4, the total of the amounts calculated pursuant to clauses (a) and (c) shall constitute the financial requirements of the relief association for the following year. For a relief association which is located in a municipality which has not adopted and filed a resolution as provided in section 2, subdivision 1, or section 4, the total of the amounts calculated pursuant to clauses (a) and (b) shall constitute the financial requirements of the relief association for the following year.*

(a) The normal level cost expressed as a percent of covered payroll determined from the actuarial survey shall be applied to the estimated covered payroll of the membership for the following year to determine the dollar amount of normal cost for said following year.

(b) To the dollar amount of normal cost thus determined shall be added the amount of one year's interest at five percent on the amount of the (deficit) unfunded liability found by the actuarial survey of the fund.

(THE TOTAL OF THESE TWO AMOUNTS REPRESENTS THE FINANCIAL REQUIREMENTS OF THE ASSOCIATION FOR THE FOLLOWING YEAR.)

(c) To the dollar amount of normal cost thus determined shall be added an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability by December 31, 2010, as determined from the actuarial survey of the fund.



Except as otherwise provided in this paragraph, the minimum obligation of the governmental subdivision shall be the financial requirements of the association less *the estimated amount of member contributions herein provided from covered salary anticipated for the following calendar year* and less one year's estimated receipts expected from the *applicable state (OF MINN-SOTA THROUGH STATE COLLECTED INSURANCE PREMIUM TAXES OR OTHER STATE AIDS) aid program established pursuant to sections 69.011 to 69.051, and from the local police and salaried firefighters' relief association amortization aid program established pursuant to section 3.* The minimum obligation may, by vote of the governing body of the governmental subdivision, be reduced to the amount levied in the preceding year for purposes of the association, plus the following percentage of the difference between that levy and the amount of the minimum obligation determined without benefit of this sentence: for the levy made in 1971, 10 percent; in 1972, 20 percent; in 1973, 30 percent; in 1974, 40 percent; in 1975, 50 percent; in 1976, 60 percent; in 1977, 70 percent; in 1978, 80 percent; and in 1979, 90 percent. Commencing with the levy made in 1980, there shall be no reduction in the minimum obligation pursuant to this paragraph.

(3) The foregoing determination of the obligation of a governmental subdivision shall be submitted to its governing body *on or before the date established by the municipality which shall not be earlier than August 1 and shall not be later than September 1* of each year so that it may ascertain if it has been prepared in accordance with law.

(4) The governmental subdivision shall provide and pay as promptly as funds are available to the association at least the amount of the minimum obligation each year. Any portion of this amount not paid to the association at the end of any calendar year shall be increased at the rate of six percent per annum until so paid. On September 1 of any year the unpaid amount subject to interest shall be added to the obligation of the governmental subdivision.

(5) The governmental subdivision shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount and irrespective of limitations imposed by other provisions of law upon the rate or amount of taxation when the balance of any fund of the association has attained a specified level; the levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental subdivision, which are subject to any such limitation, to be reduced in any amount whatsoever. If the governmental subdivision does not include the full amount of the minimum obligation in its levy for any year, the officers of the association shall certify that amount to the county auditor, who shall spread a levy in the amount of such obligation.



(6) Moneys paid by the governmental subdivision to the association in excess of the minimum amount so required shall be applied to the reduction in the unfunded liabilities of the association.

(7) The funds of the association shall be invested in securities which are proper investments for funds of the Minnesota state retirement system, except that up to \$10,000 may be invested in the stock of any one corporation in any account of such small size that the three percent stock limitation applicable to the Minnesota state retirement system would necessitate a lesser investment. Securities held by the association before July 1, 1971, which do not meet the requirements of this paragraph may be retained after that date if they were proper investments for the association on April 28, 1969. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board of investment under the provisions of section 11.21, provided that there be no limit to the amount which may be invested in the income share account described in section 11.18, subdivision 2, or in the fixed-return account described in section 11.18, subdivision 3a, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental retirement fund may be invested in the growth share account described in section 11.18, subdivision 3.

(8) The association shall procure an actuarial survey showing the condition of its fund pursuant to section 356.216 as of December 31, 1978, and shall procure an actuarial survey every two years thereafter. The association shall also procure a quadrennial experience study pursuant to section 356.216 as of December 31, 1978, and shall procure a quadrennial experience study every four years thereafter. A copy of the actuarial survey and the quadrennial experience study shall be filed with the director of the legislative reference library, the governing body of the municipality in which the association is organized, the executive secretary of the legislative commission on pensions and retirement, and the commissioner of insurance, not later than June 1 of the following year."

Page 6, line 27, after "with" insert ", and approval of the retirement coverage and retirement modifications provided for in this act by a majority of,"

Page 11, after line 19, insert:

**"Subd. 5. [AUTOMATIC POST RETIREMENT ADJUSTMENTS FOR CERTAIN NEWLY EMPLOYED, ACTIVE AND RETIRED MEMBERS.]** (1) *Notwithstanding any provision of law, municipal charter, municipal ordinance or resolution, or relief association articles of incorporation or bylaws to the contrary, any person who meets one of the following requirements for entitlement shall be entitled to an annual automatic post*



retirement adjustment in the amount of the service pension calculated pursuant to clause (2). A person meets the requirements for entitlement if:

(a) the person is a member of a covered local police or salaried firefighters relief association enumerated in clause (3) concerning which the municipality has adopted a municipal resolution pursuant to subdivision 1, if applicable, commences receiving a service pension at an age no earlier than attaining the age of 55 years, and has met all applicable requirements for entitlement to a service pension specified in the applicable laws and relief association articles of incorporation or bylaws governing the local relief association;

(b) the person is a retired member of a covered local police or salaried firefighters relief association enumerated in clause (3) concerning which the municipality has adopted a municipal resolution pursuant to subdivision 1, if applicable, retired on a service pension after the effective date of this section and after attaining the age of at least 50 years but prior to attaining the age of 55 years and attains the age of 55 years subsequent to retirement; or

(c) the person was a retired member of a covered local police or salaried firefighters relief association or retirement trust fund enumerated in clause 3, concerning which the municipality has adopted a municipal resolution pursuant to subdivision 1, if applicable, retired on the effective date of this section, is receiving a service pension, and has attained the age of at least 55 years.

(2) Any person who meets the requirements specified in clause (1)(a) or (1)(b) shall be entitled to receive the annual automatic post retirement adjustment on the January 1 next following the date upon which the requirements for entitlement are met but in no event prior to the date upon which the person attains the age of 55 years. Any person who meets the requirements specified in clause (1)(c) shall be entitled to receive the annual automatic post retirement adjustment on the January 1 next following the effective date of the approval of the benefit modification by the municipality as provided for in clause (3) or the date upon which the person attains the age of 55 years; whichever occurs later. The amount of the annual automatic post retirement adjustment shall be determined by the board of trustees of the local relief association on or before December 1 annually and the annual automatic post retirement adjustment shall accrue each year as of January 1 next following the determination date. The annual automatic post retirement adjustment shall be first payable with the service pension payment made for January. Each annual automatic post retirement adjustment in the amount of the service pension shall be equal to the dollar amount determined by applying the percentage by which



the salary payable by the municipality to a top grade patrol officer or a top grade firefighter, whichever is applicable, has increased during the year subject to the limitation provided for in this clause to the amount of service pension payable to the person for the month immediately prior to the month in which the determination is made. The maximum percentage increase shall not exceed three and one-half percent in any year and any increase in the salary level of the applicable position used to govern the determination of annual automatic post retirement adjustments in excess of three and one-half percent in any year shall not carry over to or be used to calculate the rate of salary increase for any succeeding year in which the increase in the applicable position does not exceed three and one-half percent.

(3) The provisions of this subdivision shall apply to the active members and retired members of a local police or salaried firefighters relief association or to the retired members of a retirement trust fund contained in the following enumeration of covered relief associations if the governing body of the applicable municipality approves the modification in the benefit plan of the relief association specified in this subdivision following consideration of an actuarial valuation which is, or actuarial estimate based on the most recent actuarial valuation which was, prepared in accordance with Minnesota Statutes, Sections 356.215 and 356.216, based on the benefit plan of the applicable local relief association or retirement trust fund including the modification provided for in this subdivision, approves the modification in retirement coverage for newly hired personnel specified in subdivision 2, and files a resolution indicating that approval with the secretary of state, the commissioner of insurance and the executive secretary of the legislative commission on pensions and retirement on or before the first day of the tenth month following the effective date of this act:

- (a) Buhl police relief association;
- (b) Crookston firefighters relief association;
- (c) Crookston police relief association;
- (d) Eveleth joint retired police and firefighters retirement trust fund;
- (e) Moorhead firefighters relief association;
- (f) Moorhead police relief association;
- (g) Thief River Falls police retirement trust fund;
- (h) Virginia firefighters relief association;
- (i) West St. Paul police relief association."



Page 13, after line 27, insert:

"Sec. 5. [HIBBING; AUTHORIZATION FOR SEPARATE RELIEF ASSOCIATIONS FOR SALARIED AND VOLUNTEER FIREFIGHTERS.] *Subdivision 1. [AUTHORIZATION.] Notwithstanding any provisions of any law to the contrary, the city of Hibbing may establish and maintain or continue to maintain two separate relief associations for firefighters employed by or serving with the Hibbing municipal fire department. One relief association shall provide retirement benefit coverage for regular salaried firefighters employed by the Hibbing municipal fire department and the other relief association shall provide retirement benefit coverage for volunteer firefighters serving with the Hibbing municipal fire department. Any fire state aid amounts received by the city of Hibbing pursuant to Minnesota Statutes, Sections 69.011 to 60.051, shall be allocated proportionately between the two relief associations on the basis of the assessed property value, excluding mineral values, and the population pursuant to the most recent federal census, of the areas which are predominately served by the members of each relief association, as determined by the governing body of the city of Hibbing.*

*Subd. 2. [RESTRICTION ON VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION MEMBERSHIP FOR CERTAIN PERSONS.] No person who is employed by the city of Hibbing as a regular salaried firefighter, and who is a member of the Hibbing salaried firefighters relief association to which Minnesota Statutes, Section 69.77 applies, shall be entitled while so employed after the effective date of this act to be a member of or to accrue any service credit in the relief association which provides retirement benefit coverage for volunteer firefighters serving with the Hibbing municipal fire department and to which Minnesota Statutes, Sections 69.771 to 69.776 apply.*

*Subd. 3. [PROPORTIONATE SERVICE PENSION IN CERTAIN CASES.] Any person who is prohibited from further membership in or from accruing further service credit in the volunteer firefighters' relief association which is established or maintained by the city of Hibbing and to which Minnesota Statutes, Sections 69.771 to 69.776 apply and who has not as of the effective date of this act received credit for sufficient years of service with the Hibbing municipal fire department or membership with the Hibbing volunteer firefighters' relief association to be entitled to a service pension without the benefit of this section shall be entitled when otherwise qualified to receive a proportionate service pension based on the number of completed years of service rounded to the nearest full years of service.*

Sec. 6. Notwithstanding any general or special law to the contrary, retirement benefits payable to retired police officers and firefighters by the Eveleth police and fire trust fund may



be increased by \$50 per month. Survivor benefits payable to a surviving spouse or surviving dependent child may be increased by \$25 per month. Increases shall be retroactive to January 1, 1980.

**Sec. 7. [ROCHESTER POLICE AND FIREFIGHTERS RELIEF ASSOCIATIONS.]** Notwithstanding any contrary provision of Laws 1969, Chapter 641 or 694, and in lieu of the benefit increase provided for in section 2, subdivision 4, the common council of the city of Rochester is authorized by resolution approved by a majority of the members of the common council, following consideration of an actuarial analysis of the effect of any change, to increase the service pension or retirement benefits provided by or modify any provision of the benefit plan of either the Rochester police relief association or the Rochester firefighters relief association. The total cost of any increase or modification, including amortization by the applicable date to amortize specified in any prior applicable special legislation, shall not exceed . . . percent of covered payroll.

**Sec. 8. [MINNEAPOLIS POLICE AND FIREFIGHTERS RELIEF ASSOCIATIONS: MINIMUM MEMBER CONTRIBUTION.]** Notwithstanding any provision of Minnesota Statutes, Section 69.77, or any other law to the contrary, the minimum employee contribution to the special fund of the relief association for retirement and survivorship benefits by each member of the Minneapolis police relief association or the Minneapolis firefighters relief association, during the remaining term of covered employment by the member shall be seven percent of the maximum salary from which retirement and survivorship credits and amounts of benefits are determined, effective July 1, 1980, and eight percent effective January 1, 1981.

**Sec. 9. [HEALTH AND WELFARE BENEFIT.]** Notwithstanding any law to the contrary if the city council of the city of Minneapolis approves the modification of retirement coverage for newly hired police officers and firefighters by municipal resolution adopted pursuant to section 2, and in lieu of the benefit plan modification provided for in section 2, subdivision 4, any person who, after July 1, 1980, retires on a service pension or a disability benefit from the Minneapolis police relief association or the Minneapolis firefighters relief association shall be entitled on January 1, 1981, or upon the date of retirement, whichever occurs later, to receive a monthly health and welfare benefit. The monthly health and welfare benefit shall be an amount equal to one unit as defined pursuant to Laws 1963, Chapter 315, Section I, Subdivision 3, for the Minneapolis police relief association, or Minnesota Statutes, Section 69.45, for the Minneapolis firefighters relief association, whichever is applicable. The monthly health and welfare benefit shall be paid to the retired member unless the retired member designates in writing that the amount be paid to an insurance carrier to defray the cost of any health or welfare related insurance coverage.



Sec. 10. [DETERMINATION OF FINANCIAL REQUIREMENTS OF RELIEF ASSOCIATION AND MINIMUM MUNICIPAL OBLIGATION.] *The officers of the Minneapolis police relief association and the Minneapolis firefighters relief association shall include in their determinations of the financial requirements of the relief association and the minimum obligation of the governmental subdivision submitted to the city of Minneapolis on or before September 1, 1980, pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clauses (2) and (3), the cost of the health and welfare benefit as estimated by the actuary of the respective relief association based on the most recent actuarial valuation of the relief association prepared pursuant to Minnesota Statutes, Sections 69.77, 356.215 and 356.216. The city of Minneapolis shall provide sufficient financial support to each relief association to meet the minimum obligation of the governmental subdivision including the cost of the health and welfare benefit, effective January 1, 1981."*

Page 13, line 30, after the period, insert "*Sections 5, 6, 8, 9 and 10 are effective on the date of compliance with Minnesota Statutes, Section 645.021, Subdivision 3. Section 7 shall be effective upon approval by the common council of the city of Rochester and upon compliance with Minnesota Statutes, Section 645.021.*"

Renumber the sections in sequence.

Further, amend the title:

Page 1, line 2, delete "salaried"

Page 1, line 6, after "and" insert "salaried"

Page 1, line 8, after "program;" insert "establishing benefits and contribution levels for the Minneapolis police and firefighters relief associations; authorizing the Rochester common council to make certain modifications in the benefits of the Rochester police and firefighters relief associations; providing limited annual automatic post retirement adjustments for certain newly employed, active and retired local police and salaried firefighters relief association members with municipal approval; authorizing the city of Hibbing to establish or maintain separate relief associations for salaried and volunteer firefighters;"

Page 1, line 10, after "2" insert ", as amended"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:



H. F. No. 2040, A bill for an act relating to privacy; providing for classification of certain welfare data; amending Minnesota Statutes, 1979 Supplement, Section 15.1691, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. "Confidential data on individuals" means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant a temporary classification pursuant to section 15.1642 of both criminal and civil investigative data, or on July 31, (1980) 1981, whichever occurs first.

Sec. 2. Minnesota Statutes 1978, Section 15.162 is amended by adding a subdivision to read:

*Subd. 3a. "Data not on individuals" includes all government data in which an individual is not or cannot be clearly identified as the subject of that data, and which are retained or intended to be retained on a permanent or temporary basis. Data not on individuals includes data on subjects of a non-personal nature, in which the appearance of the name of any individual can be clearly demonstrated to be only incidental to the data, and which are not accessed by the name of any individual. Data not on individuals includes data collected, stored, or disseminated by manual or electronic means. Data not on individuals is classified as public, non-public, or protected non-public.*

Sec. 3. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

*Subd. 5c. "Non-public data" means data not on individuals which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the subject of the data.*



Sec. 4. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

*Subd. 5d. "Protected non-public data" means data not on individuals which is made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.*

Sec. 5. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

*Subd. 5e. "Public data not on individuals" means data which is accessible to the public pursuant to section 15.1621.*

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 15.163, Subdivision 3, is amended to read:

Subd. 3. [STANDARDS FOR COLLECTION AND STORAGE.] Collection and storage of (PUBLIC, PRIVATE OR CONFIDENTIAL) *government* data on individuals and use and dissemination of private (AND), confidential, *non-public and protected non-public* data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature, local governing body or mandated by the federal government.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 15.163, Subdivision 5, is amended to read:

Subd. 5. [DATA PROTECTION.] The responsible authority shall (1) establish procedures to assure that all *government* data (ON INDIVIDUALS) is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all (RECORDS CONTAINING) *government* data (ON INDIVIDUALS).

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 15.163, Subdivision 9, is amended to read:

Subd. 9. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

Data shall have the same classification in the hands of the agency receiving it as it had in the agency providing it. *The agency receiving the data shall change its classification if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a*



*specific statute applicable to the data in the hands of the receiving agency.*

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 15.1642, Subdivision 1, is amended to read:

15.1642 [TEMPORARY CLASSIFICATION.] Subdivision 1. [APPLICATION.] *Notwithstanding the provisions of section 15.1621*, the responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as non-public or *protected non-public*, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved or granted by the commissioner, whichever is earlier.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 15.1642, Subdivision 5, is amended to read:

Subd. 5. [EXPIRATION OF TEMPORARY CLASSIFICATION.] Emergency classifications granted before July 1, 1979 are redesignated as temporary classifications. All temporary classifications granted under this section prior to July 1, 1979 and still in effect shall expire on July 31, (1980) 1981. For purposes of this section, all temporary classifications granted prior to December 1, 1979, shall be treated as if they were granted in 1979.

Sec. 11. Minnesota Statutes 1978, Section 15.165, Subdivision 3, is amended to read:

Subd. 3. Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon his further request, an individual who is the subject of stored private or *public* data on individuals shall be shown the data without any charge to him and, if he desires, shall be informed of the content and meaning of that data. After an individual has been shown the private or *public* data and informed of its meaning, the data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or *created*. The responsible authority shall provide copies of the private or *public* data upon request by the individual subject of the data. (THE COST OF PROVIDING



COPIES SHALL BE BORNE BY THE INDIVIDUAL.) *The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.*

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he cannot comply with the request within that time, he shall so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 15.166, Subdivision 4, is amended to read:

Subd. 4. In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person may bring an action in district court to compel compliance with sections 15.1611 to 15.1698 and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that (A REQUEST FOR GOVERNMENT DATA) *an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. The matter shall be heard as soon as possible. In an action involving a request for government data under section 15.1621 or 15.165, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public.*

Sec. 13. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1672] [EXAMINATION DATA.] *Data consisting solely of written testing or examination materials, or scoring keys used solely to determine individual qualifications for appointment or promotion in public service, or used to administer a licensing examination, or academic examination, the disclosure of which would compromise the objectivity or fairness of the testing or examination process are classified as protected non-public, except pursuant to court order.*

Sec. 14. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1673] [GENERAL NON-PUBLIC DATA.] *When created, collected, used or maintained by a state agency, state-wide system or political subdivision the following data not on individuals are classified as non-public, pursuant to section 3: combinations to safes; locations of and procedures for handling*



cash; locker combinations; key codes; key numbers; master keys and the locations thereof; diagrams, locations and related information pertaining to alarm or security systems; code words used to designate emergency situations; patrol schedules of security personnel; security investigations; data access codes which allow access to computerized data; location and inventories of firearms, ammunition, non-lethal gas supplies, surveillance and bomb disposal equipment maintained by law enforcement agencies; location and floor plans of jails, lockups, and other correctional and detention facilities; floor plans and security information pertaining to banks and other commercial or industrial facilities, when such floor plans and security information are held by a public safety agency or building officials; blue prints, equipment specifications, building plans, and recipes owned by commercial restaurants and places of lodging or entertainment when such data are collected by a community health program, law enforcement agency, or investigative agency authorized to collect the data in conducting licensing and other inspections having to do with the public health, safety or welfare; inventories and locations of medications and controlled substances in a medical center, hospital, clinic, drug or alcohol abuse treatment center, court, or law enforcement agency or in the possession of an individual, agency, institution, organization or other entity under contract to any of the above agencies; data collected by a state agency, statewide system or political subdivision as part of an active investigation undertaken for the purpose of the commencement or defense of a legal action, or which is retained in anticipation of a legal action, including but not limited to judicial, administrative or arbitration proceedings; proprietary information contracted for or entrusted to political subdivisions; sealed absentee ballots prior to opening by an election judge; and sealed bids received prior to the opening of the bid.

Sec. 15. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1675] [REVENUE DATA.] The following data created, collected and maintained by the state department of revenue are classified as protected non-public, pursuant to section 4: criteria used in the computer processing of income tax returns to determine which returns are selected for audit; department criteria used to determine which income tax returns are selected for an in-depth audit; and department criteria and procedures for determining which accounts receivable balances below a specified amount are cancelled or written-off.

Sec. 16. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1677] [SMALL BUSINESS DATA.] To the extent that it is required by contracts with the federal small business administration, all government data collected and maintained



by any component of the state university system because that component contracts with the federal small business administration to carry on a program of counseling small businesses, are classified as either private or non-public depending on whether the data in question are data on individuals or data not on individuals.

Sec. 17. Minnesota Statutes 1978, Chapter 15 is amended by adding a section to read:

[15.1678] [PROPERTY COMPLAINT DATA.] *The names of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of property are classified as confidential, pursuant to section 15.162, subdivision 2a.*

Sec. 18. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1679] [LIBRARY DATA.] *Subdivision 1. As used in this section:*

(a) "Library data" means data on individuals collected because the individual uses or has used the services of a public library as defined in section 134.30.

(b) "Patron" means any individual who uses or has used the services of a public library.

Subd. 2. *All records collected, maintained, used or disseminated by a public library shall be administered in accordance with the provisions of sections 15.1611 through 15.17.*

Subd. 3. *That portion of records maintained by a public library which links a patron's name with materials requested or borrowed by the patron or which links a patron's name with a specific subject about which the patron has requested information or materials is classified as private, pursuant to section 15.162, subdivision 5a, and shall not be disclosed except pursuant to a valid court order.*

Sec. 19. Minnesota Statutes, 1979 Supplement, Section 15.1692, is amended by adding a subdivision to read:

Subd. 1a. *For the purpose of sections 15.1621 to 15.1692, data on individuals who perform services on a voluntary basis, who act on advisory boards or commissions, or who act as independent contractors with state agencies, statewide systems or political subdivisions shall be administered as if the subject data were personnel data.*



Sec. 20. Minnesota Statutes, 1979 Supplement, Section 15-1692, Subdivision 2, is amended to read:

Subd. 2. Except for employees described in subdivision 6, the following personnel data on current and former employees of a state agency, statewide system or political subdivision is public: name; actual gross salary; salary range; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; *work location; a work telephone number; badge number; and city and county of residence.*

Sec. 21. Minnesota Statutes, 1979 Supplement, Section 15-1693, is amended by adding a subdivision to read:

*Subd. 1a. For purposes of this section, health data concerning students, including but not limited to records of immunizations, notations of special physical or mental problems and records of school nurses; and public census data, including but not limited to emergency information, family information and data concerning parents, shall be considered educational data. Access by parents to student health data shall be pursuant to section 15.162, subdivision 4. The commissioner of health and any local health agency organized under the provisions of chapter 145 and in whose jurisdiction the school district is located, shall have access to the records of immunization.*

Sec. 22. Minnesota Statutes, 1979 Supplement, Section 15-1698, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section (.) : (a) "Directory information" means name of the patient, date admitted, general condition, and date released.

(b) "Medical data" means data collected because an individual was or is a patient or client of a hospital, medical center, clinic, health or nursing service operated by a state agency or political subdivision.

Sec. 23. Minnesota Statutes, 1979 Supplement, Section 15-1698, is amended by adding a subdivision to read:

Subd. 4. [CLASSIFICATION OF MEDICAL DATA.] Unless the data is summary data or a statute specifically provides a different classification, medical data are classified as private,



*pursuant to section 15.162, subdivision 5a, and shall not be disclosed except:*

- (a) *Pursuant to section 15.163;*
- (b) *Pursuant to a valid court order;*
- (c) *To administer federal funds or programs; or*
- (d) *To the surviving spouse or next of kin of a deceased patient or client.*

Sec. 24. Minnesota Statutes, 1979 Supplement, Section 15.1698, is amended by adding a subdivision to read:

Subd. 5. [FAMILY REGISTRATION INFORMATION.] *In any hospital, medical center, clinic or health or nursing service operated by a state agency or political subdivision, family registration information, business records about patients or clients and any records of any transaction leading to a patient's or client's business record with the hospital, medical center or clinic are classified as private pursuant to section 15.162, subdivision 5a, and shall not be disclosed except:*

- (a) *Pursuant to section 15.163;*
- (b) *Pursuant to a valid court order;*
- (c) *To receive or administer local, state or federal funds or programs; or*
- (d) *To the surviving spouse or next of kin of a deceased patient or client.*

Sec. 25. Minnesota Statutes 1978, Section 600.23, Subdivision 3, is amended to read:

Subd. 3. [WITHDRAWAL.] *Papers and instruments so deposited shall not be made public or withdrawn from such office except upon the written order of the person depositing the same, or his executors or administrators, or on the order of some court for the purpose of being read in such court, and then to be returned to such office. (WHEN SO DEPOSITED, THEY SHALL BE OPEN TO THE EXAMINATION OF ANY PERSON DESIRING THE SAME UPON PAYMENT OF THE FEES, IF ANY, ALLOWED BY LAW.)*

Sec. 26. Minnesota Statutes, 1979 Supplement, Section 15.1692, Subdivision 4, is repealed.

Sec. 27. [EFFECTIVE DATE.] *This act is effective the day following enactment."*



Further, delete the title and insert:

"A bill for an act relating to government data; providing definitions; classifying data as public, private, confidential, non-public, or protected non-public; amending Minnesota Statutes 1978, Sections 15.162, by adding subdivisions; 15.165, Subdivision 3; Chapter 15, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 15.162, Subdivision 2a; 15.163, Subdivisions 3, 5, and 9; 15.1642, Subdivisions 1 and 5; 15.166, Subdivision 4; 15.1692, Subdivision 2, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1698, Subdivision 1, and by adding subdivisions; repealing Minnesota Statutes, 1979 Supplement, Section 15.1692, Subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2043, A bill for an act relating to elections; authorizing time off from work for election judges; amending Minnesota Statutes 1978, Section 204A.18, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 8, delete "204A.18" and insert "204A.17"

Page 1, line 10, delete "5" and insert "6"

Page 1, line 12, after "to" insert "this"

Page 1, line 12, delete "204A.17, subdivision 1"

Page 1, line 18, after the period, insert "*This subdivision applies only to employers with four or more employees.*"

Page 1, after line 18, insert new sections to read:

"Sec. 2. [HENNEPIN COUNTY REAPPORTIONMENT COMMISSION.] *In each year ending in the number one, or when required by court order, a reapportionment commission shall be established to draw the boundaries of Hennepin County commissioner districts.*

*The commission shall consist of nine members who are eligible voters of the county. One member shall be appointed by each member of the county board.*



*The remaining two members shall be appointed by unanimous agreement of the board appointees and shall be impartial in the matter of apportionment.*

*Members of the commission shall be appointed not later than March 15 when the commission is established in a year ending in the number one. The district court shall fill any vacancy caused by failure to appoint a member within the time required by law.*

**Sec. 3. [APPORTIONMENT STANDARDS.]** *The commission shall draw the boundaries of commissioner districts in accordance with the requirements of sections 2 to 16.*

*All districts shall be as equal in population as practicable. Population shall be the controlling factor in drawing the district boundaries.*

*The districts shall be composed of compact and contiguous territory. To the extent consistent with other standards, the boundaries of the districts shall follow the boundaries of local governmental units. No apportionment plan shall be drawn for the purpose of favoring any political party or person.*

**Sec. 4. [APPORTIONMENT PLAN.]** *The commission by a majority vote shall adopt an apportionment plan setting forth all of the districts.*

*An apportionment plan shall be effective 30 days after it is adopted. The districts set forth in the plan shall govern elections beginning with the first general election after the plan is adopted.*

**Sec. 5. [MEMBERS; QUALIFICATIONS.]** *Subdivision 1. No individual shall be appointed or serve on the commission who:*

*(a) holds or has held within two years prior to appointment an elected or appointed office in federal, state or local government;*

*(b) is or has been within two years prior to appointment an officer of a political party;*

*(c) is an employee of federal, state or local government;*

*(d) is a member of the immediate family of a county commissioner. "Member of the immediate family" means father, mother, son, daughter, brother, sister, spouse, ex-spouse or member of the same household. No individual appointed as a member of the commission shall, while a member of the commission, be a candidate for any elective office.*



*Subd. 2. If the county board or its appointees fail to appoint required members before March 15, the district court shall do so upon the petition of any citizen. Other vacancies shall be filled by the appointing authority or, if necessary, the district court.*

**Sec. 6. [COMMENCEMENT OF DUTIES; MEETINGS.]**  
*Subdivision 1. The commission shall meet not later than April 1. The commission shall elect a presiding officer and other officers as it shall find necessary.*

*Subd. 2. The commission shall meet upon the call of either the presiding officer or a majority of the members of the commission. The proceedings of the commission are open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes and audio record of its proceedings shall be preserved and made available for public inspection and copying. The commission may administer oaths to individuals appearing before it.*

*Subd. 3. A majority of the members of the commission is a quorum to conduct business.*

**Sec. 7. [REMOVAL OF COMMISSION MEMBER.]** *Any member of the commission may be removed from the commission by the district court upon petition filed by any eligible voter. The member may be removed, after a hearing, upon a finding by the court, by a preponderance of the evidence, that a member of the commission during his membership has been convicted of a gross misdemeanor or felony, or that a member is unqualified to serve under the provisions of section 4, or that a member is physically or mentally incapable of serving, or is unwilling to serve. It is prima facie evidence that a member is unwilling to serve if he fails to attend three successive meetings of the commission or fails to attend a total of six meetings of the commission. Upon removal, the position shall be filled in the manner provided for filling vacancies. An individual who is removed from the commission pursuant to this section may not be reappointed to the commission.*

**Sec. 8. [ADMINISTRATIVE SUPPORT.]** *The presiding officer of the commission shall supervise the staff of the commission. The county board shall make available the personnel, facilities, technical services and other assistance requested by the commission. The commission shall consult with county staff in the development of a plan to the extent practical. The commission may employ or contract for the services of other staff personnel.*

**Sec. 9. [APPORTIONMENT PLAN.]** *Subdivision 1. An apportionment plan adopted by the commission shall include:*

*(a) A written description of each district drawn by the commission;*



(b) A map of each district showing the name and location of each public road and each local governmental unit boundary in the district in a scale that allows precise location of the district boundaries;

(c) A statement of the deviation in population of each district from the average population of all districts of that kind;

(d) A justification of any population deviation which exceeds one-half of one percent;

(e) An explanation of the standards used by the commission to draw the districts; and

(f) Any other information which the commission deems relevant to the plan.

Subd. 2. An apportionment plan shall be adopted not later than September 1 of the year in which the commission is established. The district court, upon petition by the commission, may extend the time for adoption of the plan to a date not later than December 1 of that year if the court finds that the population information needed by the commission to adopt the plan has not been made available in a timely manner. When an apportionment plan adopted by the commission is remanded by a court, the commission shall adopt an amended plan consistent with the finding of the court not later than 30 days after the original plan is remanded.

Subd. 3. An apportionment plan is adopted when approved by a vote of at least five members of the commission and filed with the secretary of state. An apportionment plan is effective 30 days after it is adopted.

Subd. 4. Any commission members in the minority may prepare a minority report which shall be published with the plan adopted by the commission.

Sec. 10. [COURT ORDER.] Subdivision 1. When a commission is not otherwise constituted and a federal court order requires amendment of a plan, a commission shall be established consistent with sections 2 to 16 and shall draw the district boundaries or amend the plan.

Subd. 2. The district court shall set a timetable for establishing a reapportionment commission and drawing the boundaries or amending the plan. The timetable shall be consistent with the time otherwise provided for adoption of an apportionment plan, as far as practicable.

Sec. 11. [COMPENSATION.] Members shall be compensated for their actual and necessary expenses incurred in carry-



ing out their duties on the commission in the same manner and amount as other county employees.

Sec. 12. [DISSOLUTION.] *The commission shall conclude its business and dissolve when:*

(a) *60 days have passed from the adoption of an original, unamended apportionment plan without the filing of any petition for review by the supreme court and all legal actions concerning the plan which are known at that time have been decided; or*

(b) *the commission has adopted an amended apportionment plan after remand by a court; or*

(c) *the commission has failed to adopt a plan or amended plan within the time required by law. The conclusion of business shall include preparation of the official record of the commission and a financial statement disclosing all expenditures made by the commission. The official record shall contain all information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, minutes and audio recordings of hearings and meetings, and other information of a similar nature. The official record shall be submitted to the county board who shall provide for its preservation.*

Sec. 13. [PUBLICATION OF REPORT.] *Subdivision 1. Promptly after the filing of an apportionment plan the secretary of state shall:*

(a) *Prepare and transmit a copy of the plan to the county auditor;*

(b) *Prepare and transmit a summary of the plan to each newspaper of general circulation and each radio and television station in the county; and*

(c) *Prepare sufficient copies of the plan and the summary for inspection, copying and purchase by the public.*

Subd. 2. *The summary shall contain:*

(a) *A map showing all the new districts;*

(b) *A statement of the population of each district;*

(c) *A statement of the percentage variation of each district from the average population of other districts of the same kind; and*



(d) *An indication of where a copy of the final report of the commission may be examined or purchased and its purchase price.*

**Sec. 14. [JUDICIAL REVIEW.]** *Subdivision 1. An action to review an apportionment plan adopted by the reapportionment commission shall be commenced by petition to the district court within 30 days of the effective date of the plan. The petition shall set forth the facts and the law on the basis of which petitioner believes the plan does not comply with the provisions of the United States Constitution, the Minnesota Constitution or other provisions of law. A copy of the petition shall be served upon the commission and the county attorney. The court shall hold hearings upon the petition and render its opinion within 60 days of the date that the petition is filed.*

*Subd. 2. If the court determines that an original, unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, the court shall specify the reasons for its finding and immediately remand the plan to the commission for amendment. If the court retains jurisdiction of an action to review an apportionment plan when the plan is remanded to the commission, the court shall render its opinion on any amended plan within 90 days after the effective date of the amended plan.*

*Subd. 3. If a federal court determines that an original unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, and the court permits the commission to redraw the boundaries with consideration to the court's findings and conclusions, the plan shall be remanded to the commission for amendment.*

*Subd. 4. If the commission fails to adopt an apportionment plan or an amended plan within the time provided by law, or an amended plan adopted by the commission is found invalid upon review by the district court, the district court shall adopt its own reapportionment plan. The court shall hold at least one public hearing before adopting or amending a plan. An apportionment plan adopted or amended by the court shall be in the form prescribed for a plan adopted by the commission. The court shall adopt the plan or amended plan and file it with the secretary of state not later than 60 days from the date on which the commission was required to adopt its plan or the date on which the plan was declared invalid. The plan is effective 30 days after it is adopted.*

**Sec. 15. [DUTIES OF COUNTY ATTORNEY.]** *The county attorney shall represent the commission and defend the apportionment plan adopted by the commission in any action to review the plan in state or federal court.*



Sec. 16. *This act supersedes for Hennepin County the provisions of Minnesota Statutes, Section 375.025.*

Sec. 17. *Section 1 of this act is effective the day following final enactment and, pursuant to Minnesota Statutes, 1979 Supplement, Section 645.023, Subdivision 1, Clause (a) and (c), sections 2 through 16 of this act are effective the day after final enactment."*

Further, amend the title as follows:

Page 1, line 3, after the semi-colon insert "providing for re-districting of Hennepin county commissioner districts;"

Page 1, line 4, delete "204A.18" and insert "204A.17"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2051, A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 16, delete "time is" and insert "an employee takes time"

Page 1, line 17, delete "taken"

Page 1, line 17, delete "every" and insert "an"

Page 1, line 19, delete "conveniently"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2060, A bill for an act relating to housing; appropriating money for American Indian housing.

Reported the same back with the following amendments:



Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 462A.21, Subdivision 4c, is amended to read:

Subd. 4c. It may establish a revolving loan fund and may make eligible loans, pursuant to subdivision 4b, to low and moderate income American Indians as provided in section 462A.07, subdivision 14 and may pay the costs and expenses necessary and incidental to the development and operation of such programs. *Any funds appropriated by the legislature for the purposes of this subdivision shall be allocated as follows: 64 percent of the appropriations shall be used in the development and operation of housing programs by the Minnesota Chippewa tribe; 30 percent of the appropriations shall be used in the development and operation of housing programs by the Red Lake band; six percent of the appropriations shall be used in the development and operation of housing programs by the Sioux communities.*

Sec. 2. Subdivision 1. *The sum of \$4,000,000 is appropriated from the general fund to the housing development fund created in Minnesota Statutes, Section 462A.20, for the purposes set forth in this section and for the payment of related costs and expenses.*

Subd. 2. *For the American Indians revolving fund provided in section 462A.21, subdivision 4c . . . \$2,665,000.*

Subd. 3. *For the urban American Indians revolving fund provided in section 462A.21, subdivision 4d . . . \$1,335,000.*

Sec. 3. *Notwithstanding Section 47.20, any local housing finance agency authorized by law may make or purchase conventional loans which limit or prohibit assumption of the loans or which include any other terms inconsistent with Section 47.20 when necessary to maintain the tax exempt status of agency notes or bonds pursuant to state or federal laws or regulations."*

Further, amend the title as follows:

Page 1, line 3, delete the period and insert "; amending Minnesota Statutes, 1979 Supplement, Section 462A.21, Subdivision 4c."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:



H. F. No. 2067, A bill for an act relating to financial institutions; modifying director's residence requirements for industrial loan and thrift companies; providing for a report to the commissioner in the event of a change of control; requiring insurance or guarantee of certificates of indebtedness sold or issued for investment; exempting certificates of indebtedness from the regulation of securities; amending Minnesota Statutes 1978, Sections 53.06; 53.09, Subdivision 2; Chapter 53, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 80A.15, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 24, delete "April 1, 1981" and insert "July 1, 1983"

Page 3, line 6, after "the" insert "lesser of the"

Page 3, delete lines 7 and 8 and insert "*company's liability under a certificate or \$40,000. For purposes of this section an insurance company or guarantee fund includes an insurance company authorized to do business in this state, an insurance or guarantee fund organized under the laws of the United States, this state or any other state with the expressed purpose or authority to guarantee the accounts of industrial loan and thrift companies or any other person who contracts with industrial loan and thrift companies to guarantee accounts.*"

Page 3, line 15, delete "April 1, 1982" and insert "July 1, 1985"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2081, A bill for an act relating to the city of Campbell; authorizing issuance of general obligation bonds to finance construction of a community hall.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2088, A bill for an act relating to trade regulations; providing limits on formaldehyde concentrations emitted from



building materials and insulation; prohibiting certain transactions; providing remedies; prescribing penalties; amending Minnesota Statutes 1978, Section 325.907, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 17, delete "*products*" and insert "*building materials which are*"

Page 1, line 17, after "*releasing*" insert "*significant amounts of*"

Page 1, line 21, after "*discharge.*" insert "*This subdivision does not apply to persons offering for sale products manufactured with phenolic resins.*"

Page 2, line 5, delete "*75-121, 1974*" and insert "*P&CAM 125, 1977*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2111, A bill for an act relating to transportation; excluding minor pipeline relocations caused by highway construction from certain easement or right-of-way agreement provisions; amending Minnesota Statutes, 1979 Supplement, Section 116L.01, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 19, delete "*one-half*" and insert "*three-fourths*"

Page 1, line 19, delete "*caused by highway*"

Page 1, line 20, delete "*construction*"

Page 1, after line 20, add a new section as follows:

"Sec. 2. (EFFECTIVE DATE.) *This act is effective the day following its final enactment.*"

Further amend the title as follows:

Line 3, delete "*caused by highway*"

Line 4, delete "*construction*"

With the recommendation that when so amended the bill pass.

The report was adopted.



Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2119, A bill for an act relating to to the military; extending indefinitely the duration of the authority of the adjutant general to acquire lands for military training from funds available in the military land fund; repealing certain obsolete provisions relating to the military land fund; amending Minnesota Statutes 1978, Sections 190.25; 190.26, Subdivision 1; 190.29; 190.30, Subdivisions 1, 5 and 6; and repealing Minnesota Statutes 1978, Sections 190.26, Subdivisions 2 and 3; and 190.27.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2121, A bill for an act relating to motor vehicles; increasing the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act; amending Minnesota Statutes 1978, Section 168.72.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2122, A bill for an act relating to insurance; increasing the maximum limits on the insuring or reinsuring of a single risk of certain companies; defining a term; amending Minnesota Statutes 1978, Section 60A.09, Subdivision 1, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2137, A bill for an act relating to energy; promoting energy conservation by prohibiting smoking in public places; providing a penalty.

Reported the same back with the following amendments:



Delete everything after the enacting clause and insert:

"Section 1. [SMOKING IN PUBLIC PLACES PROHIBITED.] Subdivision 1. The legislature finds that in addition to the basic functions of heating and cooling, the removal of smoke and resultant impurities from the air in public places results in a severe strain upon climate control and ventilation equipment and in a substantial additional energy consumption. It is the policy of the legislature to conserve energy by reducing the amount of energy consumed in ventilation and air purification in public places.

Subd. 2. In order to further determine the impact of increased ventilation requirements on energy systems in public buildings due to smoke and resultant impurities, the commissioner of administration shall conduct an energy audit on a minimum of three public buildings. The commissioner shall report to the legislature by January 1, 1981.

Sec. 2. [EFFECTIVE DATE.] This act is effective the day following its final enactment."

Further, amend the title as follows:

Page 1, line 2, after "conservation" insert a semi-colon

Page 1, delete lines 3 and 4 and insert, "providing for an energy audit."

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2187, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

Reported the same back with the following amendments:

Page 1, line 12, delete "county of Hennepin" and insert "city of Brooklyn Center"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.



Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2205, A bill for an act relating to juveniles; revising the purpose of the juvenile court act; amending Minnesota Statutes 1978, Section 260.011, Subdivision 2.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"Sec. 2. Minnesota Statutes 1978, Section 260.185, Subdivision 1, is amended to read:

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

(a) Counsel the child or his parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

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

(1) A child placing agency; or

(2) The county welfare board; or

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

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

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



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

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

(f) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.

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

*(h) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), order the child to pay a fine of up to \$500. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child.*

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

(THIS SUBDIVISION APPLIES TO DISPOSITIONS OF JUVENILES FOUND TO BE DELINQUENT AS DEFINED IN SECTION 260.015, SUBDIVISION 5, CLAUSE (C) OR (D) MADE PRIOR TO, ON, OR AFTER JANUARY 1, 1978.)

Sec. 3. Minnesota Statutes 1978, Section 540.18, Subdivision 1, is amended to read:



540.18 [DAMAGE BY MINOR; RESPONSIBILITY OF PARENT, GUARDIAN, AND MINOR.] Subdivision 1. The parent or guardian of the person of a minor who is under the age of 18 and who is living with the parent or guardian and who willfully or maliciously causes injury to any person or damage to any property is jointly and severally liable with such minor for such injury or damage to an amount not exceeding (\$100) \$500, if such minor would have been liable for such injury or damage if he had been an adult. Nothing in this subdivision shall be construed to relieve such minor from personal liability for such injury or damage. The liability provided in this subdivision is an addition to and not in lieu of any other liability which may exist at law. Recovery under this section shall be limited to special damages."

Amend the title as follows:

Page 1, line 3, after the semi-colon insert "permitting fines to be imposed on delinquent children; increasing limit of parental liability for willful and malicious acts of minor;"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 4, before the period insert "; 260.185, Subdivision 1; and 540.18, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 2212, A bill for an act relating to insurance; providing direct liability of certain insurers to persons entitled to recovery; permitting a direct action against the insurer; amending Minnesota Statutes 1978, Section 60A.08, by adding a subdivision; and Chapter 540, by adding a section.

Reported the same back with the following amendments:

Page 2, line 1, after "state" insert "*or (c) the insurance carrier does business in the state*"

Page 2, line 24, after "state" insert "*or (c) the insurance carrier does business in the state*"

With the recommendation that when so amended the bill pass.

The report was adopted.



Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2222, A bill for an act relating to insurance; authorizing business trusts to exchange reciprocal or interinsurance contracts; amending Minnesota Statutes 1978, Section 71A.01, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2284, A bill for an act relating to taxation; clarifying provisions of the Minnesota tax increment financing act; amending Minnesota Statutes 1978, Section 472A.02, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 273.73, Subdivisions 7, 8, 10, 11 and 12; 273.74, Subdivision 3; 273.75, Subdivisions 1, 2, 5 and 6; 273.76, Subdivisions 1, 2 and 3, and by adding a subdivision; 273.77; 273.78; 273.86, Subdivision 4; and 473F.08, Subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2287, A bill for an act relating to the city of Edina; authorizing a temporary short term on-sale liquor license for a certain civic or charitable festival.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2302, A bill for an act relating to financial institutions; requiring all checks and drafts drawn on certain accounts to clearly display the month and year the account was opened.

Reported the same back with the following amendments:



Page 2, after line 7, insert a new section as follows:

"Sec. 3. No liability shall be imposed on a bank or credit union for an unintentional failure to comply with this law."

Page 2, line 8, delete "3" and insert "4" and after "1" insert  
",

Page 2, line 8, delete "and" and after "2" insert "and 3"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 364, A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [626.88] [UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.] *Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the following terms have the meanings given them.*

*(b) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota highway patrolmen, state conservation officers, park police, constables, and University of Minnesota police officers.*

*(c) "Security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:*

*(1) Prevention or detection of intrusion, unauthorized entry or activity, vandalism or trespass on private property;*

*(2) Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;*



(3) *Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;*

(4) *Protection of individuals from bodily harm; or*

(5) *Enforcement of policies and rules of his employer related to crime reduction insofar as such enforcement falls within the scope of his duties.*

*The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.331 whose duties are primarily administrative or clerical in nature; (iii) unarmed watchmen whose primary duty is the prevention or detection of fire; (iv) personnel temporarily employed pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail interstate carriers.*

*Subd. 2. [UNIFORMS.] Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for:*

(a) *Municipal peace officers, including University of Minnesota peace officers, constables, and peace officers assigned to patrol duties in parks, shall be blue, brown or green;*

(b) *Peace officers who are members of the county sheriffs' office shall be blue, brown or green;*

(c) *Highway patrolmen shall be maroon;*

(d) *Conservation officers shall be green.*

*The uniforms of security guards may be any color other than those specified for peace officers.*

*This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.*

**Sec. 2.** Minnesota Statutes 1978, Section 169.98, is amended to read:

**169.98 [POLICE OR PATROL VEHICLES; SECURITY GUARD VEHICLES; MARKINGS AND COLORS.]** Subdivision 1. Except as provided in (THIS) subdivision 2, all motor vehicles which are primarily used in the enforcement of highway traffic regulations by the highway patrol or for general uniform patrol assignment by any municipal police department (, HIGHWAY PATROL,) or (PEACE OFFICER) other law



*enforcement agency, except conservation officers, shall have uniform colors and markings as provided herein. Motor vehicles of:*

*(a) Municipal police departments, including the University of Minnesota police department and park police units, and constables shall be predominantly blue, brown, green or white;*

*(b) The highway patrol shall be predominantly maroon; and*

*(c) The county sheriffs' office shall be predominantly brown or white.*

(THE COMMISSIONER OF PUBLIC SAFETY BY RULE OR REGULATION SHALL ESTABLISH UNIFORM COLORINGS AND MARKINGS FOR SUCH MOTOR VEHICLES WHICH COLORS AND MARKINGS SHALL BE BOTH DISTINCTIVE AND CONTRASTING IN APPEARANCE SO AS TO DISTINGUISH SUCH MOTOR VEHICLES FROM OTHER MOTOR VEHICLES AND MAKE THEM EASILY IDENTIFIABLE.)

*The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police", "sheriff", or the words "state patrol" or "conservation officer", as appropriate, with letters not less than two and one-half inches high, one inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.*

*Subd. 2. The commissioner of public safety may authorize the use of specially marked highway patrol vehicles, that have only a marking composed of a shield on the right door with the words inscribed thereon "Minnesota (HIGHWAY) State Patrol" for primary use in the enforcement of highway traffic regulations when in his judgment the use of specially marked highway patrol vehicles will contribute to the safety of the traveling public. The number of such specially marked highway patrol vehicles used in the enforcement of highway traffic regulations shall not exceed 10 percent of the total number of highway patrol vehicles used in traffic law enforcement. All specially marked highway patrol vehicles shall be operated by uniformed members of the highway patrol and so equipped and operated as to clearly indicate to the driver of a car which is signaled to stop that the specially marked highway patrol vehicle is being operated by the highway patrol.*



*Subd. 3. All motor vehicles which are used by security guards in the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles.*

Subd. (2.) 4. (SUBDIVISION 1) *Subdivisions 1 to 3 shall apply to those motor vehicles (USED PRIMARILY IN TRAFFIC LAW ENFORCEMENT) purchased subsequent to (THE EFFECTIVE DATE OF LAWS 1959, CHAPTER 554 AND ALSO SUBSEQUENT TO THE EFFECTIVE DATE OF ANY RULES AND REGULATIONS THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL ESTABLISH PURSUANT TO THE PURPOSES SET FORTH IN SUBDIVISION 1) January 1, 1981.*

Sec. 3. Minnesota Statutes 1978, Section 326.337, Subdivision 1, is amended to read:

**326.337 [VIOLATIONS; PENALTY.]** Subdivision 1. It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the state of Minnesota: To incite, encourage, or aid in the incitement or encouragement of any person who has become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm, or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards regularly employed for the protection of payrolls, property, or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; to use in any manner the (WORD) words "police", "patrol", "law enforcement", or the name of the local city, county or state on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by



a police department, highway patrol, *constable*, or peace officer, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. Any person who violates the provisions of this subdivision is guilty of a gross misdemeanor."

Further, amend the title as follows:

Page 1, line 6, before the period insert "; and 326.337, Subdivision 1"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 920, A bill for an act relating to health; changing provisions related to compensation of members of local boards of health; amending Minnesota Statutes 1978, Section 145.52, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 1296, A bill for an act relating to public welfare; authorizing grants for community residential facilities; amending Minnesota Statutes 1978, Section 252.30.

Reported the same back with the following amendments:

Page 1, line 19, delete "*six*" and insert "*three*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:



S. F. No. 1772, A bill for an act relating to highway traffic regulations; authorizing an annual permit for certain oversize vehicles transporting implements of husbandry; prescribing limitations on the use of the vehicles; amending Minnesota Statutes 1978, Section 169.80, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2314, 2369, 2374, 542, 942, 960, 1095, 1142, 1143, 1190, 1349, 1373, 1400, 1577, 1591, 1661, 1706, 1727, 1730, 1735, 1743, 1765, 1774, 1777, 1794, 1795, 1798, 1823, 1825, 1835, 1844, 1846, 1856, 1872, 1890, 1892, 1895, 1930, 1931, 1949, 1962, 1995, 2040, 2043, 2051, 2067, 2081, 2088, 2111, 2119, 2121, 2122, 2137, 2187, 2205, 2212, 2222, 2284, 2287 and 2302 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1734, 523, 1842, 364, 920, 1296 and 1772 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rothenberg and Olsen introduced:

H. F. No. 2393, A bill for an act relating to the state transportation system; permitting transportation bond proceeds to be used for certain railroad improvements; amending Minnesota Statutes 1978, Section 174.51, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Rose, Valento, Sieben, H., and Osthoff introduced:

H. F. No. 2394, A bill for an act relating to military affairs; permitting the purchase of property from Independent School District No. 623 by the adjutant general; appropriating money.

The bill was read for the first time and referred to the Committee on Education.



Patton, Berglin, Casserly, Dean and Knickerbocker introduced:

H. F. No. 2395, A bill for an act relating to retirement; fiduciary duties and liabilities for the administration of all public employee pension funds; providing penalties; repealing Minnesota Statutes 1978, Section 352.03, Subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Weaver, Valento, Kroening and Voss introduced:

H. F. No. 2396, A bill for an act relating to taxation; real property; extending class 3cc standing to qualified persons who make their homestead in mobile homes; amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben, H., and Metzen introduced:

H. F. No. 2397, A bill for an act relating to natural resources; establishing a new state wildlife management area; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nelsen, B., introduced:

H. F. No. 2398, A bill for an act relating to waters; prescribing certain procedures related to water appropriation permits; setting a penalty; amending Minnesota Statutes 1978, Sections 105.41, Subdivisions 1a and 5; and 105.416, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Greenfield and Clark introduced:

H. F. No. 2399, A bill for an act relating to crimes; modifying procedures for granting parole; amending Minnesota Statutes 1978, Section 243.05.

The bill was read for the first time and referred to the Committee on Criminal Justice.



Ewald introduced:

H. F. No. 2400, A bill for an act relating to the town of Castle Rock; authorizing the establishment of a detached banking facility.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Forsythe introduced:

H. F. No. 2401, A bill for an act relating to Independent School Districts No. 273, Edina, and 274, Hopkins; establishing a procedure for transferring certain territory from one school district to the other; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions.

The bill was read for the first time and referred to the Committee on Education.

Peterson, B.; Drew; Munger; Faricy and Stowell introduced:

H. F. No. 2402, A bill for an act relating to the environment; providing that the legislature be the sole approval authority for critical areas; designating the state planning agency as the approval authority for plans and regulations related to critical areas; permanently designating the Mississippi River Corridor Critical Area; amending Minnesota Statutes 1978, Sections 116G.06, Subdivision 2; 116G.07; 116G.08; 116G.09; 116G.10; 116G.12, Subdivision 4; and 116G.14; and Chapter 116G, by adding a section.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hoberg and Valan introduced:

H. F. No. 2403, A bill for an act relating to historical interpretive centers; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.



Jacobs introduced:

H. F. No. 2404, A bill for an act relating to taxation; removing limitations on the admissibility of sales ratio studies; providing that the commissioner may abate taxes without the favorable recommendation of certain county and city officers; providing that property tax court judges shall be learned in the law; providing that certain documents be made available to the petitioner and providing for their admittance as evidence; providing that tax court judgments will not include penalties; amending Minnesota Statutes 1978, Sections 270.07, Subdivision 1; 271.01, Subdivision 1; 278.01, Subdivision 1; 278.05; and 278.08; Minnesota Statutes, 1979 Supplement, Section 124.212, Subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

Hoberg, Levi, Biersdorf, Fritz and Evans introduced:

H. F. No. 2405, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1978, Chapter 609, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 609.224.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Hoberg, Halberg and Faricy introduced:

H. F. No. 2406, A bill for an act relating to crimes; creating a new category of offense for criminal negligence; reclassifying criminal negligence in degrees; providing for revocation of drivers' licenses; prescribing penalties; amending Minnesota Statutes 1978, Sections 169.11; 171.17; 609.21; and Chapter 609, by adding sections.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Aasness introduced:

H. F. No. 2407, A bill for an act relating to appropriations; providing a reimbursement to the city of Fergus Falls for local improvements that benefit state property.

The bill was read for the first time and referred to the Committee on Appropriations.



Friedrich; Carlson, D.; Anderson, G., and Adams introduced:

H. F. No. 2408, A bill for an act relating to public utilities; regulating assigned service areas of telephone companies; city authority to purchase and operate telephone plants; amending Minnesota Statutes 1978, Chapter 237, by adding a section; and Section 237.16, Subdivisions 3, 4, and 6, and by adding subdivisions; repealing Minnesota Statutes 1978, Sections 237.16, Subdivisions 1 and 2, and 237.19.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Jaros, Corbid, Begich, Battaglia and Greenfield introduced:

H. F. No. 2409, A bill for an act relating to public utilities; prohibiting advance billing for gas or electric service.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Adams; Carlson, L.; Anderson, I., and Casserly introduced:

H. F. No. 2410, A bill for an act relating to traffic regulations; authorizing licensed tow truck operators to deliver vehicles picked up within the boundaries of the licensing unit of government to a destination anywhere within the state without penalty; superseding inconsistent local ordinances.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clawson; Anderson, B.; Nelson and Fjoslien introduced:

H. F. No. 2411, A bill for an act relating to energy; prohibiting the sale of certain motor vehicles after a certain date unless a certain prescribed condition is met.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Sieben, H.; Wynia; Hokanson; Laidig and Rodriguez introduced:

H. F. No. 2412, A bill for an act relating to open meetings; providing for the award of costs and disbursements; amending Minnesota Statutes 1978, Section 471.705, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.



Adams and Carlson, L., introduced:

H. F. No. 2413, A bill for an act relating to retirement; including employees of the Suburban Public Health Nursing Services in the membership of the public employees retirement association; amending Minnesota Statutes, 1979 Supplement, Section 853.01, Subdivision 2a.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kvam, Brinkman, Dempsey and Piepho introduced:

H. F. No. 2414, A bill for an act relating to interest; removing statutory interest rate ceilings for a certain time; allowing for the periodic adjustment of interest rates on instruments and agreements; creating a usury study commission.

The bill was read for the first time and referred to the Committee on Taxes.

Clawson introduced:

H. F. No. 2415, A bill for an act relating to public welfare; exempting certain payments from consideration when determining levels of general assistance; amending Minnesota Statutes 1978, Section 256D.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau introduced:

H. F. No. 2416, A bill for an act relating to intoxicating liquor; authorizing holders of off-sale licenses to dispense samples of wine; amending Minnesota Statutes 1978, Section 340.11, Subdivision 15.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.



Evans and Sherwood introduced:

H. F. No. 2417, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to enter into agreements with the Minnesota Chippewa Tribe and Bands thereof in regard to licenses and fees for hunting, fishing, trapping, and taking of minnows and other bait on Indian reservations by non-Indians; amending Minnesota Statutes 1978, Sections 97.431, Subdivision 4; and 97.432; and Chapter 97, by adding a section.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nysether, Stadum, Eken, Valan and Corbid introduced:

H. F. No. 2418, A resolution memorializing the President and Congress to enact legislation or take other appropriate action to open the St. Lawrence Seaway for shipping as early as possible.

The bill was read for the first time and referred to the Committee on Agriculture.

Schreiber, Halberg and Novak introduced:

H. F. No. 2419, A bill for an act relating to taxation; changing the homestead credit percentage; increasing the maximum amount of homestead credit, amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivisions 6, 7 and 14a.

The bill was read for the first time and referred to the Committee on Taxes.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 455, A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education after consultation with the commissioner of human rights to promulgate certain rules; providing for the rights of certain parties in the case of certain sex discrimination charges; requiring the Minnesota state high



school league to transact business in an open meeting; amending Minnesota Statutes 1978, Sections 126.21; 129.121, by adding a subdivision; and 363.02, Subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted.

S. F. Nos. 1054, 1653, 1725 and 1759.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 1054, A bill for an act relating to Morrison County; allowing free, nonsubscription publications to qualify as legal newspapers in Morrison County.

The bill was read for the first time.

Wenzel moved that S. F. No. 1054 and H. F. No. 1031, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1653, A bill for an act relating to education; providing individualized instructional materials to nonpublic school pupils; increasing the amount which may be spent for certain materials provided to nonpublic school pupils; amending Minnesota Statutes 1978, Sections 123.932, by adding a subdivision; 123.933; and Chapter 123, by adding a section.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 1725, A bill for an act relating to education; defining "nonsectarian nonpublic school" and modifying the definition of "neutral site" to include a nonsectarian nonpublic school for purposes of certain sections providing aid to nonpublic school children; amending Minnesota Statutes 1978, Section 123.932, Subdivision 9, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.



S. F. No. 1759, A bill for an act relating to counties; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; amending Minnesota Statutes 1978, Section 387.20, Subdivisions 1 and 6.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by Conference Committees was reported to the House on the following bills: S. F. Nos. 572 and 801.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, for the Committee on Rules and Legislative Administration offered a report on the proposed permanent rules of the House for the 71st legislature.

Eken moved that the permanent rules of the house of representatives for the 71st legislature be the same as for the 70th legislature and be amended to read:

#### PERMANENT RULES OF THE HOUSE

##### ARTICLE I — DAILY BUSINESS

**1.1 CONVENING OF THE HOUSE.** Unless otherwise ordered, regular sessions of the House shall convene at two o'clock p.m. The Speaker shall take the chair at the hour at which the House convenes and the House shall then be called to order. After prayer by the Chaplain or a brief meditation, a roll of members shall be called and the names of members present and members excused shall be entered in the Journal of the House.

**1.2 READING OF THE JOURNAL.** A quorum being present, the Journal of the preceding day shall be read by the Chief Clerk unless otherwise ordered. The House may correct any errors in the Journal of the preceding day.

**1.3 ORDER OF BUSINESS.** After the reading of the Journal, the order of business of the day shall be:

- (1) Presentation of petitions or other communications.
- (2) Reports of standing committees.
- (3) Second reading of House bills.
- (4) Second reading of Senate bills.
- (5) Reports of select committees.



- (6) Introduction and first reading of House bills.
- (7) Consideration of messages from the Senate.
- (8) First reading of Senate bills.
- (9) Consent Calendar.
- (10) Calendar for the day.
- (11) General Orders.
- (12) Motions and resolutions.

*Conference committees and the Committee on Rules and Legislative Administration may report at any time.*

**1.4 SECOND READING OF BILLS.** Every bill shall require a second reading.

Except as otherwise ordered, every bill requiring the approval of the Governor shall, after a second reading, be considered in a Committee of the Whole before it shall be finally acted upon by the House.

**1.5 COMMITTEE OF THE WHOLE.** The Committee of the Whole is a committee of the entire membership of the House. The Speaker may appoint another member as chairman to preside over the Committee of the Whole.

When the House arrives at the General Orders of the Day, it shall resolve itself into a Committee of the Whole to consider bills on General Orders.

A bill considered in the Committee of the Whole shall be reported and then debated by sections, with the title considered last. All amendments shall be typewritten and five copies shall be submitted to the Chairman who shall report them to the House.

**1.6 RULES TO APPLY TO COMMITTEE OF THE WHOLE.** The Rules of the House shall be observed in the Committee of the Whole so far as may be applicable except that the previous question shall not be forced or speaking limited.

Upon demand of 15 members, the ayes and nays shall be called, the question voted on, and the ayes and nays recorded in the Journal of the House.

In the Committee of the Whole no amendment increasing the amount of any appropriation shall be passed without the ayes and naves recorded in the Journal of the House.



A motion that the committee arise shall always be in order and shall be decided without debate.

Upon the request of any member, a bill shall be excepted from the report of the Committee of the Whole. Only a motion to strike an amendment to the bill adopted in the Committee of the Whole or to amend the recommendation of the Committee of the Whole concerning the disposition of the bill shall be in order.

**1.7 GENERAL ORDERS OF THE DAY.** The Chief Clerk at the direction of the Speaker shall prepare the General Orders of the Day, which is a list of all bills which have not been made Special Orders or placed on the Consent Calendar, numbered according to their order at second reading. Unless otherwise ordered by a majority of the Committee, items on General Orders shall be taken up in numerical order.

The Chief Clerk shall see that a copy of each bill printed under the Rules or Orders of the House is placed in each member's file, which is to be kept at his desk in the chamber, at least 24 hours before the bill shall be considered in the Committee of the Whole. Under the first order of business each day, the Chief Clerk shall report to the House which bills he has placed in the files.

If a bill is progressed three times it shall be placed at the end of General Orders unless otherwise ordered by majority vote.

Except during the last five days in any year on which a bill may be passed, a bill amended in the Committee of the Whole shall not be given its third reading until it is engrossed and reproduced as amended.

**1.8 THIRD READING OF BILLS.** No amendment shall be received on the third reading without the unanimous consent of the House, except to fill blanks or to amend titles.

At any time prior to its passage any bill or resolution may be committed or recommitted by a majority vote of the whole House. If the committee, other than the Committee of the Whole, to which it was committed or recommitted reports an amendment on it, it shall again be given its second reading, considered in Committee of the Whole, given its third reading and placed upon its final passage.

**1.9 SPECIAL ORDERS.** A bill may be made the Order of the Day for a special time and be placed upon a separate list known as "Special Orders".

The Committee on Rules and Legislative Administration may by committee report designate as a Special Order any bill which has had its second reading.



Any member may move to make a bill a Special Order by giving notice at least two legislative days in advance of and specifying the day on which he will so move. The notice shall include the number and title of the bill and the day and time certain for the Special Order. Only the member giving such notice, or another member designated by him in writing to the Speaker, may make the motion for the Special Order. A two-thirds vote of the whole House on such motion is required to make a bill a Special Order.

The time set for the motion may not be extended, and failure to make the motion on the specified day forfeits the right to make the motion.

A motion to make a bill a Special Order, when made according to the procedures herein prescribed, shall be a privileged motion, shall take precedence over all other motions except a motion to adjourn or to set the time to adjourn and questions of personal privilege, and may be made at any time on the day designated in the notice. A three-fourths vote of the whole House is required to suspend the motion.

Any Special Order, or any part of it, may be continued or postponed by two-thirds vote of the whole House at the time of such Special Order.

When the time arrives for the consideration of any Special Order, the House shall consider each bill upon the Special Order in the order in which it is listed. After consideration it shall immediately be read the third time and placed upon final passage.

**1.10 TAX AND APPROPRIATION BILLS GIVEN PRECEDENCE.** At any time after (APRIL 25, 1977) *February 18, 1980*, any bill relating to taxes or raising revenue shall be acted upon whenever requested by the Chairman of the Committee on Taxes, and any appropriation bill shall be acted upon whenever requested by the Chairman of the Committee on Appropriations.

**1.11 CONSENT CALENDAR.** Any bill of a non-controversial nature for which the committee report recommends placement upon the Consent Calendar shall be given its second reading after the report is adopted and placed upon the Consent Calendar. The bill shall be printed and placed in the members' files at least one day before it can be considered. The bill shall be placed upon the Consent Calendar in the order in which it is given its second reading.

The Consent Calendar shall immediately precede the order of business known as "Calendar for the Day". Every bill on the Consent Calendar shall be debated, given its third reading and voted upon, provided, however, that at any time prior to third reading, ten members may object to any bill as being contro-



versial. Any bill so objected to shall be stricken from the Consent Calendar and be immediately returned to General Orders, taking its place in the usual order.

**1.12 SUSPENSION OF RULES TO ADVANCE A BILL.** Every bill shall be reported on three different days, except that in case of urgency, a two-thirds majority of the whole House may suspend this Rule. A motion for suspension of the Rules to advance a bill for consideration out of its regular order is in order under the order of business "Motions and Resolutions" or at any time the bill is before the House. The motion must be presented to the Speaker in writing and must state the present position of the bill.

**1.13 MINORITY REPORTS.** Any minority report shall be made separately from the majority report and shall be considered before the majority report. If the minority report is adopted the majority report shall not be considered. If the minority report is not adopted the majority report shall then be considered.

**1.14 COMMITTEE REPORT LAID OVER.** The report of any committee may be laid over one day and printed in the Journal, if so ordered by the House.

**1.15 RECALLING BILL FROM COMMITTEE.** Except after the deadline for committee reports on bills originating in the House, any bill or resolution may be recalled from any committee at any time by majority vote of the whole House, be given a second reading and be advanced to General Orders. *A motion to recall a bill or resolution shall be in order only under the order of business, "Motions and Resolutions".*

**1.16 TIME LIMIT FOR CONSIDERATION OF BILLS.** If 20 legislative days after a bill has been referred to committee (other than a bill (FOR APPROPRIATIONS) *in Appropriations*) no report has been made upon it by the committee, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee shall have ten calendar days thereafter in which to vote upon the bill requested. If the committee fails to vote upon it within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the foot of General Orders.

Such bill is subject to re-reference by (THE) *a majority vote of the whole House*. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.



After (MAY 20, 1977) *March 27, 1980*, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

**1.17 DISPOSITION OF SENATE BILLS.** Any Senate File received by the House, accompanied by a message announcing its passage by the Senate, shall be referred to the appropriate standing committee in accordance with Rule 5.4. However, if a Senate File is received which is stated by a member to be identical to a House File already reported by a standing committee of the House and placed on General Orders, Calendar, Consent Calendar, or Special Orders, the Senate File shall be referred to the Chief Clerk for comparison. If the Chief Clerk reports that the Senate File is identical with the House File, the Senate File may by majority vote be substituted for the House File and take its place. The fact that the bills are identical shall be entered in the Journal and the House File is then considered withdrawn.

Any Senate File which has been amended on the floor of the House, except at time of final passage, and any Senate File which has been reported to the House with amendments by a House standing committee, shall be unofficially engrossed and reprinted by the Chief Clerk. Amendments to unofficial engrossments of a Senate File may be offered by members on the floor of the House but shall not be offered in standing committees.

**1.18 RECORDED FLOOR PROCEEDINGS.** All proceedings on the floor of the House shall be recorded on magnetic tape or similar recording device under the direction of the Chief Clerk. Two copies of each tape shall be delivered to the Director of the Legislative Reference Library and there maintained on file for use by any member of the public in accordance with the rules of the Legislative Reference Library. At the end of each biennium, the Director of the Legislative Reference Library shall deliver one copy of each tape to the Director of the Minnesota Historical Society.

Any person may obtain a copy of any such tape during the biennium in which it is recorded upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

Discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

## ARTICLE II — VOTING

**2.1 AUTHORIZING ELECTRIC VOTING SYSTEM.** Except for a vote upon elections or the overriding of a Governor's veto, any



vote may be taken by means of the electric voting system which shall be under the control of the Speaker of the House.

**2.2 CALL OF THE HOUSE.** Ten members may demand a call of the House at any time except after voting has commenced. When such call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave until the roll call is suspended or completed. During the roll call, no motion shall be in order except a motion pertaining to matters incidental to the call. Proceedings under the roll call may be suspended by a majority vote of the whole House. After the roll call is suspended or completed the Sergeant at Arms shall not permit any member to leave the Chamber unless excused by the Speaker. A call of the House may be lifted by a majority vote of the whole House.

**2.3 DEMANDING YEAS AND NAYS.** Yeas and Nays shall be ordered without demand upon final passage of bills and upon adoption of resolutions or motions directing the payment of money. In all other cases the yeas and nays shall be ordered only upon demand of 15 members.

**2.4 EXPLAINING OR CHANGING VOTE.** No member shall be allowed to explain his vote or discuss the question while the yeas and nays are being taken, nor be allowed to change his vote after the yeas and nays have been announced from the chair by the Speaker.

**2.5 EVERY UNEXCUSED MEMBER TO VOTE.** Any member who is immediately interested in the question being voted on shall not vote.

Every other member present before a vote is declared from the chair shall vote for or against the matter before the House, unless the House excuses him from voting.

When a member declines to vote on a call of his name, he shall be required to state his reasons for so declining. After the vote has been taken but before the chair has announced the vote, he shall submit to the House the question, "Shall the member, for the reasons stated, be excused from voting?" which shall be decided without debate. Any other proceedings in reference thereto shall take place after announcement of the vote.

### ARTICLE III — MOTIONS AND AMENDMENTS

**3.1 MOTIONS.** No motion shall be debated until after it is stated by the Speaker. (THE SPEAKER MAY REQUIRE ANY MOTION TO BE WRITTEN.)

After a motion has been stated by the Speaker it is in possession of the House, but the mover may withdraw it at any time



before amendment or decision. Unless a motion, resolution or amendment is withdrawn on the day it is made, it shall be entered in the Journal, together with the name of the member offering it.

*The Speaker may require any motion to be written.*

**3.2 PRECEDENCE OF MOTIONS.** When a question is under (DEBATE) *consideration*, no motion shall be received except the following, the first four of which shall be decided without debate:

- (1) To fix the time of adjournment.
- (2) To adjourn.
- (3) To lay on the table.
- (4) For the previous question.
- (5) To (COMMIT) *refer*.
- (6) To postpone to a day certain.
- (7) To amend.
- (8) To postpone indefinitely.
- (9) *To pass*.

The motions shall have precedence in the order listed. However, if the motion for the previous question has been seconded and the main question ordered, the motion to lay on the table shall not be in order.

**3.3 MOTION TO ADJOURN.** A motion to adjourn shall always be in order except during roll call.

When a motion to adjourn is made it shall be in order for the Speaker, before putting the question, to permit any member to state reasons which would seem to render adjournment improper at that time. Such a statement shall not be debatable and shall be limited to not over two minutes.

**3.4 MOTION FOR RECONSIDERATION.** When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration *can be made at any time in the Order of Business* and shall take precedence over all other questions except the motion to adjourn



and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

The notice of intention to move reconsideration shall not be in order after (MAY 2, 1977 THROUGH MAY 23, 1977) *March 8, 1980.*

**3.5 ORDER OF PUTTING QUESTION.** Except in the case of privileged questions, all questions, whether in committee or in the House, shall be put in the order in which they are moved. When filling blanks, a motion for the largest sum or the longest time shall be put first.

**3.6 DIVISION OF A QUESTION.** Any member may request the division of a question which contains several points. A motion to strike out and insert shall not be divisible. If a motion to strike out is lost it shall not preclude another motion to amend or to strike out and insert.

**3.7 THE PREVIOUS QUESTION.** The motion calling for the previous question must be seconded by 15 members. If the motion for the previous question is ordered by a majority of members present, it shall have the effect of cutting off all debate and bringing the House to direct vote upon the question or questions.

The previous question may be moved and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments; or it may include all authorized motions or amendments, including a vote on final passage of a bill.

On a motion for the previous question, but prior to its being ordered, a call of the House shall be in order. After a majority has ordered the previous question, no call shall be in order prior to the decision on the main question.



When the previous question is decided in the negative, the main question remains under debate until disposed of by taking a vote either on the question or in some other manner.

All incidental questions of order arising after a motion is made for the previous question and prior to the vote on the main question shall be decided without debate.

**3.8 UNANIMOUS CONSENT TO MAKE A MOTION.** Whenever unanimous consent to make a motion is requested by a member, the member as a part of such request shall state briefly the purpose of such motion and the subject matter involved.

**3.9 MOTIONS AND PROPOSITIONS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under guise of its being an amendment.

**3.10 AMENDMENT NOT TO ANNEX ANOTHER BILL.** Except in a standing committee no bill or resolution shall at any time be amended by annexing or incorporating any other bill or resolution pending before the House.

**3.11 RESOLUTIONS AND MOTIONS INVOLVING EXPENDITURE OF MONEY.** Any resolution or motion involving the expenditure of money out of the legislative expense fund shall be referred to the Committee on Rules and Legislative Administration before being acted upon by the House. A majority vote of the whole House, determined by a roll call, is required to pass any such resolution or motion.

**3.12 AMENDMENTS TO APPROPRIATION BILLS.** No amendment increasing the amount or amounts carried by any appropriation bill shall be declared passed until voted for by a majority of the whole House *determined by a roll call vote*.

**3.13 MOTION TO RESCIND.** The motion to rescind shall not be in order at any time in any proceeding in the House or in any committee of the House.

**3.14 SUSPENSION OR AMENDMENT OF THE RULES.** The concurrence of two-thirds of the whole House is required to suspend, alter, or amend any Rule of the House, except that any amendment to the Rules reported by the Committee on Rules and Legislative Administration may be adopted by a majority of the whole House.

Except as provided in Rule 1.12, a motion to suspend, alter, or amend any Rule of the House must be made under the order of business "Motions and Resolutions". If the motion is made at any other time, unanimous consent is required before the Speaker can entertain the motion.



A motion to suspend the Rules, together with the subject matter to which it pertains, is debatable, but the previous question may be applied to the motion.

#### ARTICLE IV — DEBATE AND DECORUM

**4.1 ABSENCE OF MEMBERS AND OFFICERS.** Unless illness or other sufficient cause prevents attendance, no member or officer of the House shall absent himself from any session of the House without first having obtained from the Speaker permission to be absent.

**4.2 DUTIES OF MEMBERS.** Members shall keep their seats until the Speaker announces adjournment.

Every member, before speaking, shall rise from his seat and respectfully address the Speaker and shall not speak further until recognized by the Speaker. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

**4.3 QUESTIONS OF ORDER.** If any member of the House transgresses the Rules, either in speaking or in any other way, the Speaker shall, or any member may, call him to order. A member so called to order shall immediately sit down unless another member moves to permit him to explain. In either case, the House, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed. A member called to order shall be liable to censure or such other punishment as the House may deem proper.

**4.4 ORDER IN DEBATE.** No member shall speak more than twice on the same subject without leave of the House, nor more than once until every other member wishing to speak on the pending question has had an opportunity to do so.

**4.5 NOTICE OF INTENTION TO DEBATE A RESOLUTION.** Any member may give notice of his intention to debate a resolution. Such notice may be given at any time before the vote is taken on the resolution. If such notice is given, the resolution shall be laid over one day without debate or any other action.

**4.6 OFFENSIVE WORDS IN DEBATE.** If any member is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Clerk shall record them. No member shall be held to answer or be subject to censure of the House for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place.

**4.7 ORDER DURING SESSION.** No member shall walk out of or across the Chamber when the Speaker is putting the ques-



tion. No member shall engage in private conversation while another member is speaking or pass between the speaking member and the chair.

4.8 NO ONE TO REMAIN BY THE CLERK'S DESK. No member or other person shall remain by the clerk's desk while the yeas and nays are being called.

4.9 WHO MAY BE ADMITTED TO THE FLOOR. No person shall be admitted within the House Chamber (OR RETIRING ROOM), except members themselves, properly authorized employees, the Chief Executive and ex-governors of the State of Minnesota, members of the Senate, heads of departments of the state government, judges of the Supreme and District Courts, members of Congress, properly accredited representatives of radio and television stations, newspapers and press associations, as herein provided for, and none other. When a former member of Congress or the Minnesota Legislature or any other person is issued a permit by the Speaker good for the day he shall be provided with a seat near the Speaker's rostrum, and at no time shall a conversation be carried on so as to disturb the business of the House. Before issuing the permit, the Speaker shall satisfy himself that the person does not seek the floor of the House for the purpose of influencing decisions of the House.

The alcoves shall be kept for the use of members only, and the Sergeant at Arms shall keep them cleared.

It shall not be in order for the Speaker to entertain a request for the suspension of this Rule, or to present from the Chair the request of any member for unanimous consent unless an extraordinary condition exists, in which event he may consent to entertain a motion for its suspension.

*During the period extending from one hour prior to the time the House is scheduled to convene until one hour after the House adjourns for the day, the retiring room shall be reserved for the exclusive use of the members and employees of the House or Senators specifically authorized to be present by a House member. No committee meetings shall be held therein except for emergency meetings authorized by the Speaker of the House. The Sergeant at Arms is charged with the duty of strict enforcement of this provision.*

4.10 PRESENTATION OF PETITIONS. Any petition, memorial or other paper presented to the House shall include the name of the member introducing it and a brief description of its contents and shall be presented by the Speaker, who shall state briefly its contents.

4.11 NO SMOKING IN HOUSE CHAMBER. No member of the House of Representatives or officer of the House, or other person, shall be permitted to smoke in the House Chamber except



in designated smoking areas, confined only to the front desk and the legislative retiring room. There shall be no smoking in the visitors' section of the galleries.

#### ARTICLE V — BILLS

**5.1 BILL FORM.** No bill shall be introduced until it has been examined and approved by the Revisor of Statutes as to form and compliance with the Joint Rules of the House and Senate and the Rules of the House. Approval as to form shall be endorsed on the bill by the Revisor of Statutes.

**5.2 INTRODUCTION OF BILLS AND RESOLUTIONS.** A bill, *advisory bill* or resolution offered for introduction shall be placed in the hands of the Speaker at least 24 hours prior to the convening of the daily session. Every bill, *advisory bill and resolution* shall be introduced in quadruplicate and each copy shall contain the signature of the member or name of the committee introducing it. No bill, *advisory bill*, memorial or resolution shall have more than five authors. Any memorial (*a statement of facts being forwarded to a governmental official, agency or body*) shall be introduced in the same (MANNER) form as a bill and take the same course as a bill. No resolution shall authorize the expenditure of monies from any source other than the legislative expense fund.

**5.3 ADVISORY BILLS.** An advisory bill may be introduced by any member in the same manner as a bill except that the requirements of Rule 5.1 shall not apply.

Each advisory bill shall be typewritten on a form provided by the Chief Clerk. It shall have a title not exceeding 12 words in length and shall contain a specific proposal for the initiation, termination or alteration of a law or program of the state or any of its subdivisions. It need not be drafted in a form appropriate for enactment into law.

An advisory bill (SHALL BE REFERRED BY THE SPEAKER TO AN APPROPRIATE STANDING COMMITTEE. IT) may be considered only in committee and shall not be given a second reading or be otherwise considered by the House, except that the committee may report its recommendation for re-referral to another committee.

**5.4 FIRST READING AND REFERENCE OF BILLS.** Each bill, *advisory bill* and resolution shall be reported and given its first reading upon its introduction. No bill, *advisory bill* or resolution shall be objected to upon its introduction.

Except as provided in Rule 1.17 and Rule 5.5 each bill, *advisory bill* or resolution shall, after first reading, be referred by the Speaker to the appropriate standing committee.



Except as otherwise provided in these Rules, after a bill, *advisory bill or resolution* has been referred by the Speaker, a majority vote of the whole House shall be required for a re-referral or recommitment of the bill, *advisory bill or resolution* by the House.

**5.5 COMMITTEE BILLS.** A committee bill shall be read for the first time and may be referred by the Speaker to any standing committee. If it is not so referred, it shall be laid over one day. It shall then be read for the second time and placed upon General Orders, or, if recommended by the Committee, upon the Consent Calendar.

**5.6 PRINTING OF BILLS.** Every bill shall be printed after it has been given its second reading. A bill may be printed at any other time a majority of the House so orders.

**5.7 BILLS CARRYING AN APPROPRIATION.** Any bill, whether originating in the House or Senate, carrying an appropriation, or which may involve any present or future financial obligation on the part of the State, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Appropriations for action by that committee. Any committee, other than the Committee on Appropriations, to which such bill has been referred shall note in its report that the bill carries an appropriation.

**5.8 BILLS AFFECTING STATE GOVERNMENT POWERS AND STRUCTURE.** Any bill, whether originating in the House or the Senate, which creates any new department, agency, commission, board or bureau, or which substantially changes or alters the organization of any department or agency thereof of state government, or substantially changes, alters, vests or divests official rights, powers, or duties of any official department or agency of the state government of any institution under its control, after being reported to the House, shall be referred, or re-referred as the case may be, to the Committee on Governmental Operations for action by that committee. Any committee other than the Committee on Governmental Operations to which such bill is referred shall, in its report, recommend re-referral to the Committee on Governmental Operations.

**5.9 BILLS AFFECTING TAXES.** Any bill whether originating in the House or Senate, which substantially affects state tax policy or the administration of state tax policy, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Taxes for action by that committee. Any standing committee other than the Committee on Taxes to which such a bill is referred shall, in its report, recommend re-referral to the Committee on Taxes.



## ARTICLE VI — COMMITTEES — POWERS AND DUTIES

6.1 COMMITTEES. Standing committees of the House shall be appointed by the Speaker as follows:

Agriculture

Appropriations

Divisions: Education

Health, Welfare, Corrections

State Departments

Semi-State

*Claims*

Commerce (AND), Economic Development *and Housing*

Criminal Justice

Education

(DIVISION) *Divisions*: School Aids

*Higher Education*

*Energy and Utilities*

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

Governmental Operations

Health and Welfare

(HIGHER EDUCATION).

*Judiciary*

Labor-Management Relations

Local and Urban Affairs

Rules and Legislative Administration



## Taxes

*Divisions I and II*

## Transportation

**6.2 COMMITTEE MEMBERSHIP.** No less than 30 days prior to the opening of a regular session of the Legislature, the Speaker-designate shall provide the minority group with a list of the standing committees proposed for the session. He shall also designate the number of minority members to be appointed to each committee and may require general membership guidelines to be followed in the selection of committee members.

If the minority leader submits to the Speaker-designate, at least 15 days prior to the opening of the session, a list of proposed committee assignments for the minority group, which complies with the numbers and guidelines provided, the Speaker shall make such proposed assignments with the purpose of attaining proportionate representation on the committees for the minority group.

No committee of the House shall have exclusive membership from any one profession, occupation or vocation.

**6.3 COMMITTEE MEETING SCHEDULE.** The Speaker shall prepare a schedule of committee meetings, fixing as far as practicable the day of the week and the hour for the regular meeting time of each committee. The schedule of committee meetings shall officially be made available to the news media. The chairman of any committee holding a special meeting or making a change in the regular schedule of meetings shall give written notice which may be announced from the desk and shall be posted on the bulletin board at least one day in advance of the change.

The chairman of each committee or subcommittee shall as far as practicable give three days notice of any meeting. The notice shall include the date, time, place and agenda for the meeting.

**6.4 COMMITTEE PROCEDURES.** Meetings of all committees of the House shall be open to the public.

A majority of members of any (STANDING OR SPECIAL) committee shall constitute a quorum.

The Rules of the House shall be observed in (THE) all committees wherever they are applicable.

Any member of any committee may demand a roll call on any bill, resolution, *report*, *motion* or amendment before the committee. Only upon such demand being made shall the roll be called and the vote of each member on the bill, resolution, *report*, *mo-*



tion or amendment be recorded in the committee minutes, together with the name of the member demanding the roll call.

A committee may reconsider any action so long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

At any time during the period in which a standing committee has possession of a bill the members of the committee may, by majority vote, order the preparation of a Revisor's Analysis of the bill. The Revisor's Analysis shall consist of a concise description of the terms of the bill and shall be provided by the Revisor of Statutes. If the Revisor's Analysis is ordered at the time the bill is given committee approval, the analysis shall accompany the committee report to the House and shall thereafter be attached to the printed bill by the Chief Clerk.

At any time during the period in which a standing committee has possession of a bill, the members of the committee may, by majority vote, order the preparation of a Fiscal Note. If a Fiscal Note is ordered at the time the bill is given committee approval, the Fiscal Note shall accompany the committee report to the House and shall thereafter be attached to the printed bill by the Chief Clerk. No Fiscal Note shall be ordered for any bill given committee approval within ten days of the end of a regular session in any year.

Neither a Revisor's Analysis nor a Fiscal Note shall be considered a part of a bill or any indication of legislative intent.

**6.5 SUBCOMMITTEES.** The chairman of a committee shall appoint the chairman and members of each subcommittee. The chairman or the committee may refer bills to subcommittee. Any subcommittee may make such investigation or exercise such authority as is delegated to it by the chairman or the committee.

**6.6 COMMITTEE RECORDS.** The chairman or acting chairman of each standing committee shall cause a record to be kept, in the form prescribed by the Committee on Rules and Legislative Administration, which shall include the record of each bill referred to the committee and the minutes of the committee. The minutes shall include:

- a. The time and place of each hearing or meeting of the committee;
- b. Committee members present;
- c. The name and address of each person appearing before the committee, together with the name and address of the person, association, firm or corporation in whose behalf the appearance is made;



d. The language of each motion, the name of the committee member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;

e. The date on which any subcommittee is created, the names of its members and the bills referred to it;

f. The record of each subcommittee meeting, including the time and place of the meeting; members present; the name of each person appearing before the subcommittee, together with the name of the person, association, firm or corporation in whose behalf the appearance is made; and the language of each motion, together with the name of the member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;

g. Other important matters related to the work of the committee.

The minutes shall be approved at the next regular meeting of the committee.

Copies of the minutes, after approval by the committee, shall be filed with the Chief Clerk and shall be open to public inspection in the Chief Clerk's office. At the end of the biennium they shall be delivered, together with the other committee records, to the Director of the Legislative Reference Library, where they shall remain open for public inspection during regular office hours. A copy of any page of any committee minutes may be obtained upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

The magnetic tape recording of any committee meetings shall be retained by the chairman until the minutes of that meeting have been approved by the committee. The recording or a copy of the recording shall then be filed with the Director of the Legislative Reference Library, where it shall be maintained for a period of two years from the date of filing for use by any person in accordance with the rules of the Legislative Reference Library. After expiration of the two-year period the recording may be erased and the tape may be reused.

Any person may obtain a copy of such tape during the period in which it is maintained in the Legislative Reference Library upon payment of a fee determined by the Chief Clerk to be sufficient to cover the cost of the copy. Testimony and discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

**6.7 COMMITTEE REPORTS.** The chairman of a standing committee reporting to the House the action taken by his committee



upon any bill or resolution referred to it shall do so upon the form provided for such reports. Each bill or resolution shall be reported separately and the report shall be adopted or rejected without amendment.

The report shall contain the action taken by the committee and the date of such action and shall be authenticated by the signature of the chairman.

Before a committee reports favorably upon a bill or resolution, the chairman shall see that the form of the bill or resolution conforms to the Joint Rules of the House and Senate and these Rules.

Except during the last seven legislative days in any year, the committee report and any minority report shall be placed in the hands of the Chief Clerk at least four hours prior to the convening of the daily session.

The Committee on Rules and Legislative Administration may report at any time.

If a majority of the members of a standing committee finds a bill referred to the committee to be of a non-controversial nature, the report to the House may recommend that the bill be placed upon a separate calendar to be known as the Consent Calendar.

**6.8 COMMITTEE BILLS.** Any standing or special committee of the House may introduce a bill as a committee bill on any subject within its purview.

**6.9 SUBSTITUTION OF BILLS.** No standing or special committee nor any of its members shall report a substitute for any bill referred to the committee if the substitute relates to a different subject, is intended to accomplish a different purpose, or would require a title essentially different from that of the original bill. Whenever the house is advised that a substitute bill reported to the House is in violation of this rule, the report shall not be adopted.

**6.10 SPECIAL COMMITTEES.** Any special committee to which a matter has been referred shall in all cases report to the House a statement of facts and its opinions and conclusions thereon.

**6.11 CONFERENCE COMMITTEES.** A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

*In 1980 except after March 27, a written copy of a report of a conference committee shall be placed on the desk of each*



*member of the House twelve hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.*

**6.12 COMMITTEE BUDGETS AND EXPENSES.** The committee on Rules and Legislative Administration shall establish a budget for each standing committee of the House for expenses incurred by the committee, its members, or its staff in conducting its legislative business. Per diem expense allowances paid to members during sessions or at times set by the Speaker shall not be charged against the budget. No committee shall incur expenses in excess of its authorized budget.

Employees shall be reimbursed for actual expenses in the same manner as state employees.

During sessions, for travel away from the Capitol members shall be reimbursed for actual expenses in the same manner as state employees in addition to per diem expense allowances.

All charges against the committee budget must be approved by the chairman before payment is made.

#### ARTICLE VII — OFFICERS OF THE HOUSE

**7.1 DUTIES AND PRIVILEGES OF THE SPEAKER.** The Speaker shall preside over the House and shall have all the powers and be charged with all the duties of the presiding officer.

He shall preserve order and decorum and he or the chairman of the Committee of the Whole may order the lobby or galleries cleared in the case of disorderly conduct or other disturbance.

Except as provided by rule or law, he shall have general control of the chamber of the House and of the corridors, passages and rooms assigned to the use of the House.

He shall sign all acts, addresses, joint resolutions, writs, warrants and subpoenas of the House or issued by order of the House. He shall sign all abstracts for the payment of money out of the legislative expense fund of the House; but no money shall be paid out of said fund unless the abstract is also signed by the Chief Clerk of the House.

He shall appoint the Chief Sergeant at Arms or shall designate him from among the Sergeants at Arms elected by the House or appointed by the Committee on Rules and Legislative Administration.

**7.2 SPEAKER PRO TEM.** The Speaker may call a member to preside as Speaker pro tempore, but such temporary appoint-



ment shall not extend beyond adjournment for the day. In the absence of the Speaker, the Committee on Rules and Legislative Administration shall select a member to preside until the return of the Speaker.

**7.3 DUTIES OF CHIEF CLERK.** The Chief Clerk shall have general supervision of all clerical duties pertaining to the business of the House. He shall perform under the direction of the Speaker all the duties pertaining to his office and shall keep records showing the situation and progress of all bills, memorials and resolutions.

Neither the Chief Clerk nor any of his assistants or employees shall permit any records or papers belonging to the House to be removed from their custody other than in the regular course of business. The Chief Clerk shall report any missing records or papers to the Speaker.

*During a temporary absence of the Chief Clerk, the First Assistant Chief Clerk shall be delegated all the usual responsibilities of the Chief Clerk and is authorized to sign the daily journal, enrollments, abstracts and other legislative documents. A temporary absence shall be defined by agreement of the Speaker and the Chairman of the Committee on Rules and Legislative Administration.*

**7.4 ENGROSSMENT AND ENROLLMENT.** The Chief Clerk of the House shall have supervision over the engrossment and enrollment of bills. He shall cause to be kept a record by file number of the bills introduced in the House which have passed both houses and been enrolled.

**7.5 BUDGET AND PURCHASING.** The Chief Clerk shall prepare a biennial budget for the House which must be approved by the Committee on Rules and Legislative Administration before it is submitted to the Committee on Appropriations.

The Chief Clerk shall be the agent of the House of Representatives for the purchase of supplies. He shall seek the lowest possible prices and shall file timely reports of expenditures made with the Committee on Rules and Legislative Administration.

**7.6 CLERICAL CORRECTIONS TO BILLS.** Minor clerical errors in any bill, memorial, or resolution, such as errors in spelling or grammar, or the incorrect use of one word for another or the incorrect numbering of references, whether occurring in the original document or any amendment to it, shall be corrected as a matter of course by the Chief Clerk, upon the approval of the chairman of any committee to which it was referred.

If the enacting clause of a bill has been omitted, the Chief Clerk shall insert the clause before passage of the bill.



Webster's New International Dictionary shall be the standard authority in matters pertaining to this rule.

**7.7 BULLETIN BOARD.** The Chief Clerk shall prepare a bulletin board upon which shall be posted a list of committee and subcommittee meetings and any other announcements or notices the House may require.

**7.8 INDEX.** The Index Clerk, under the supervision of the Chief Clerk, shall prepare an index in which bills may be indexed by topic, number, author, subject, section of the code amended, committees, and any other subject that will make it a complete and comprehensive index. The Index shall be open for public inspection at all times during the session and shall be printed in the permanent Journal of the House.

**7.9 DUTIES OF THE SERGEANT AT ARMS.** It shall be the duty of the Sergeant at Arms to carry out all orders of the House or the Speaker and to perform all other services pertaining to the office of Sergeant at Arms, including maintaining order in the chamber and supervising entering and exiting from the Chamber and the prompt delivery of messages.

#### ARTICLE VIII — EMPLOYEES OF THE HOUSE

**8.1 APPOINTMENT OF EMPLOYEES.** The committee on Rules and Legislative Administration shall designate the position of and appoint each employee of the House and set the compensation of each officer and employee. A record of all such appointments, including positions and compensation, shall be kept in the office of the Chief Clerk and shall be open for inspection by the public.

The Committee on Rules and Legislative Administration, by resolution, shall establish the procedure for filling vacancies when the legislature is not in session.

Any employee of the House may be assigned to other duties, suspended or discharged at any time by the Committee on Rules and Legislative Administration.

No employee of the House shall receive any pay, compensation, gratuity or reward over and above the salary named for the position except upon approval of a three-fourths vote of the whole House.

**8.2 DUTIES OF EMPLOYEES.** No employee shall make or permit to be made any copy or copies of any journal, bill, paper, file, record, or document in his possession or custody or to which he has access except on request of a member of the House. No person other than a member of the House shall furnish or deliver any journal, bill, paper, file, record, document, or copy thereof to any person other than a member of the House except by or



through the Chief Clerk with the approval or under the direction of the Committee on Rules and Legislative Administration, in accordance with these Rules, and upon such terms as such committee shall prescribe.

Any violation of this rule shall be cause for removal or discharge of the offender.

#### ARTICLE IX — GENERAL PROVISIONS

**9.1 RULE AS TO CONSTRUCTION.** As used in these Rules the terms "majority vote" and "vote of the House" shall mean a majority of members present at the particular time. The term "vote of the whole House" shall mean a majority vote of all the members elected to the House for that particular session of the Legislature.

Singular words used in these Rules shall include the plural, unless the context indicates a contrary intention.

The words "he", "his" and "him" shall be construed to include "she", "hers", and "her" whenever the latter are appropriate.

**9.2 MEDIA NEWS REPORTERS.** Accredited representatives of the press, press associations, and radio and television stations shall be accorded equal press privileges by the House. Any person wishing to report proceedings of the House may apply to the Committee on Rules and Legislative Administration for a press pass and assignment to suitable available space.

Television stations shall be permitted to televise sessions of the House.

**9.3 DEADLINES.** *In 1980, committee reports on bills favorably acted upon by a committee in the house of origin after Monday, March 10 and committee reports on bills originating in the other house favorably acted upon by a committee after Monday, March 17 shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after March 10 and by March 17 acts on a bill that is a companion to a bill that has then been acted upon by March 10 in the Senate. This rule does not apply in the House Committees on Appropriations and on Taxes.*

**(9.3) 9.4 DISPOSITION OF BILLS.** Adjournment of the regular session in any odd-numbered year to a day certain in the following year shall be equivalent to daily adjournment except that any bill on the Consent Calendar, Calendar (OR), Special Orders or General Orders shall be returned to (GENERAL ORDERS) the standing committee last acting on the bill.



(9.4) 9.5 RECESS BILL INTRODUCTIONS. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, any bill filed with the Speaker for introduction shall be given a file number and may be unofficially referred to an appropriate standing committee of the House of Representatives.

(9.5) 9.6 AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE. The rules of parliamentary procedure contained in Mason's Manual of Legislative Procedure shall govern the House in all applicable cases in which they are not inconsistent with these Rules or the Joint Rules of the Senate and House of Representatives.

Carlson, D., moved to amend the permanent rules of the house of representatives for the 70th legislature, as amended for the 71st legislature, as follows:

Page 26, following line 24, insert:

*"No member of the House assigned to any conference committee shall sign nor shall the whole House consider any conference committee report containing any matter not contained in either the House or Senate bill which he or she may be assigned to conferee."*

A roll call was requested and properly seconded.

Faricy moved that the Carlson, D., amendment to the proposed permanent rules of the House be referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

The question was taken on the Faricy motion to refer the Carlson, D., amendment to the Committee on Rules and Legislative Administration and the roll was called. There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, D.	Corbid	Kalis	Nelson	Sieben, H.
Anderson, G.	Eken	Knickerbocker	Novak	Sieben, M.
Battaglia	Elhoff	Kroening	Otis	Simoneau
Begich	Ellingson	Lehto	Patton	Stoa
Berglin	Faricy	Long	Pehler	Swanson
Brinkman	Greenfield	Mann	Peterson, D.	Vanasek
Byrne	Hokanson	McCarron	Prahl	Voss
Carlson, L.	Jacobs	Minne	Reding	Welch
Casserly	Jaros	Moe	Rice	Wynia
Clark	Johnson, C.	Munger	Rodriguez	Spkr. Norton
Clawson	Kahn	Murphy	Searle	



Those who voted in the negative were:

Aasness	Evans	Kelly	Onnen	Sviggum
Adams	Ewald	Kempe	Osthoff	Thiede
Ainley	Fjoslien	Kvam	Peterson, B.	Tomlinson
Albrecht	Forsythe	Laidig	Piepho	Valan
Anderson, R.	Friedrich	Levi	Pleasant	Valento
Berkelman	Fritz	Ludeman	Redalen	Waldorf
Biersdorf	Fudro	Luknic	Rees	Weaver
Blatz	Halberg	McDonald	Reif	Welker
Carlson, D.	Haukoos	Mehrkens	Rose	Wenzel
Crandall	Heap	Metzen	Rothenberg	Wieser
Dean	Heinitz	Nelsen, B.	Sarna	Wigley
Dempsey	Hoberg	Nelsen, M.	Schreiber	Zubay
Den Ouden	Jennings	Niehaus	Searles	
Drew	Johnson, D.	Norman	Sherwood	
Erickson	Jude	Nysether	Stadum	
Esau	Kaley	Olsen	Stowell	

The motion did not prevail.

#### CALL OF THE HOUSE

On the motion of Eken and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Eken	Kaley	Niehaus	Sherwood
Adams	Elioff	Kalis	Norman	Sieben, H.
Ainley	Ellingson	Kelly	Novak	Sieben, M.
Albrecht	Erickson	Kempe	Nysether	Simoneau
Anderson, B.	Esau	Knickerbocker	Olsen	Stadum
Anderson, D.	Evans	Kostohryz	Onnen	Stoa
Anderson, G.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Weich
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Sprk. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.



Carlson, D., withdrew his first amendment to the proposed permanent rules of the House.

Carlson, D., moved to amend the permanent rules of the house of representatives for the 70th legislature, as amended for the 71st legislature, as follows:

Page 26, following line 24, insert:

*"No member of the House assigned to any conference committee shall sign nor shall the whole House consider any conference committee report which contains any subject matter which is not related to the subject of the House or Senate bill considered by that conference committee."*

A roll call was requested and properly seconded.

Eken moved that the report from the Committee on Rules and Legislative Administration relating to the proposed permanent rules of the House be laid on the table. The motion did not prevail.

Schreiber offered an amendment to the Carlson, D., amendment.

#### POINT OF ORDER

Carlson, D., raised a point of order that the Schreiber amendment was not in order because it struck the Carlson, D., amendment and, therefore, was a substitute amendment. The Speaker ruled the point of order well taken.

Sieben, H., moved that the report from the Committee on Rules and Legislative Administration relating to the proposed permanent rules of the House together with the Carlson, D., amendment be continued until Monday, March 17, 1980.

A roll call was requested and properly seconded.

The question was taken on the Sieben, H., motion and the roll was called. There were 73 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Byrne	Erickson	Kahn	Mann
Anderson, D.	Carlson, L.	Faricy	Kalis	McCarron
Anderson, G.	Casserly	Greenfield	Kelly	McEachern
Anderson, I.	Clark	Halberg	Knickerbocker	Metzen
Battaglia	Clawson	Hokanson	Kostohryz	Minne
Begich	Corbid	Jacobs	Kroening	Moe
Berglin	Eken	Jaros	Kvam	Munger
Berkelman	Elioff	Johnson, C.	Lehto	Murphy
Brinkman	Ellingson	Jude	Long	Nelsen, B.



Nelsen, M.	Pehler	Rodriguez	Stoa	Welch
Nelson	Peterson, D.	Schreiber	Stowell	Wenzel
Norman	Prahl	Searle	Swanson	Wynia
Novak	Reding	Sieben, H.	Tomlinson	Spkr. Norton
Otis	Rees	Sieben, M.	Vanasek	
Patton	Rice	Simoneau	Voss	

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Osthoff	Thiede
Adams	Evans	Kaley	Peterson, B.	Valan
Ainley	Ewald	Kempe	Piepho	Valento
Albrecht	Fjoslien	Laidig	Pleasant	Waldorf
Anderson, R.	Forsythe	Levi	Redalen	Weaver
Biersdorf	Friedrich	Ludeman	Reif	Welker
Blatz	Fritz	Luknic	Rose	Wieser
Carlson, D.	Fudro	McDonald	Rothenberg	Wigley
Crandall	Haukoos	Mehrkens	Sarna	Zubay
Dean	Heap	Niehaus	Searles	
Dempsey	Heinitz	Nysether	Sherwood	
Den Ouden	Hoberg	Olsen	Stadum	
Drew	Jennings	Onnen	Svigum	

The motion prevailed and the report from the Committee on Rules and Legislative Administration relating to the proposed permanent rules of the House together with the Carlson, D., amendment were continued until Monday, March 17, 1980.

### CONSENT CALENDAR

H. F. No. 1488, A bill for an act relating to St. Louis County; providing authority to negotiate public employees wages; amending Laws 1941, Chapter 423, Section 5, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Ewald	Johnson, D.	Mann
Adams	Carlson, L.	Faricy	Jude	McCarron
Ainley	Casserly	Fjoslien	Kahn	McDonald
Albrecht	Clark	Friedrich	Kaley	McEachern
Anderson, B.	Clawson	Fritz	Kalis	Mehrkens
Anderson, D.	Corbid	Fudro	Kelly	Metzen
Anderson, G.	Crandall	Greenfield	Kempe	Minne
Anderson, I.	Dean	Halberg	Knickerbocker	Moe
Anderson, R.	Dempsey	Haukoos	Kostohryz	Munger
Battaglia	Den Ouden	Heap	Kroening	Murphy
Begich	Drew	Heinitz	Kvam	Nelsen, B.
Berglin	Eken	Hoberg	Laidig	Nelsen, M.
Berkelman	Elioff	Hokanson	Lehto	Nelson
Biersdorf	Ellingson	Jacobs	Levi	Niehaus
Blatz	Erickson	Jaros	Long	Norman
Brinkman	Esau	Jennings	Ludeman	Novak
Byrne	Evans	Johnson, C.	Luknic	Nysether



Olsen	Prahl	Searle	Swanson	Welker
Onnen	Redalen	Searles	Thiede	Wenzel
Osthoff	Reding	Sherwood	Tomlinson	Wieser
Otis	Rees	Sieben, H.	Valan	Wigley
Patton	Reif	Sieben, M.	Valento	Wynia
Pehler	Rodriguez	Simoneau	Vanasek	Zubay
Peterson, B.	Rose	Stadum	Voss	Spkr. Norton
Peterson, D.	Rothenberg	Stoa	Waldorf	
Piepho	Sarna	Stowell	Weaver	
Pleasant	Schreiber	Sviggum	Welch	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE LIFTED

Piepho moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

H. F. No. 1623, A bill for an act relating to insurance; providing for the operation of the Minnesota life and health insurance guaranty association; correcting certain oversights and ambiguities; making certain improvements; amending Minnesota Statutes 1978, Section 61B.02, Subdivision 1; 61B.05, by adding a subdivision; 61B.07, Subdivisions 1, 2, 3 and 7; and 61B.15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Heap	Levi	Onnen
Adams	Corbid	Heinitz	Long	Osthoff
Ainley	Crandall	Hoberg	Ludeman	Otis
Albrecht	Dean	Hokanson	Luknic	Patton
Anderson, B.	Dempsey	Jacobs	Mann	Pehler
Anderson, D.	Drew	Jaros	McCarron	Peterson, B.
Anderson, G.	Eken	Jennings	McDonald	Peterson, D.
Anderson, I.	Elioff	Johnson, C.	McEachern	Piepho
Anderson, R.	Ellingson	Johnson, D.	Mehrkens	Pleasant
Battaglia	Erickson	Jude	Metzen	Prahl
Begich	Esau	Kahn	Minne	Redalen
Berglin	Evans	Kaley	Munger	Reding
Berkelman	Ewald	Kalis	Murphy	Rees
Biersdorf	Faricy	Kelly	Nelsen, B.	Reif
Blatz	Fjoslien	Kempe	Nelsen, M.	Rice
Brinkman	Friedrich	Knickerbocker	Nelson	Rodriguez
Byrne	Fritz	Kostohryz	Niehaus	Rose
Carlson, D.	Fudro	Kroening	Norman	Rothenberg
Carlson, L.	Greenfield	Kvam	Novak	Sarna
Casserly	Halberg	Laidig	Nysether	Searle
Clark	Haukoos	Lehto	Olsen	Searles



Sherwood	Stowell	Valan	Weaver	Wigley
Sieben, H.	Sviggum	Valento	Welch	Wynia
Sieben, M.	Swanson	Vanasek	Welker	Zubay
Simoneau	Thiede	Voss	Wenzel	Spkr. Norton
Stoa	Tomlinson	Waldorf	Wieser	

The bill was passed and its title agreed to.

H. F. No. 1707, A bill for an act relating to children; requiring reports of neglect and sexual abuse of children; amending Minnesota Statutes, 1979 Supplement, Section 626.556, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Niehaus	Sieben, H.
Adams	Elioff	Kaley	Norman	Sieben, M.
Ainley	Ellingson	Kalis	Novak	Simoneau
Anderson, B.	Erickson	Kelly	Nysether	Stoa
Anderson, D.	Esau	Kempe	Olsen	Stowell
Anderson, G.	Evans	Knickerbocker	Onnen	Sviggum
Anderson, I.	Ewald	Kostohryz	Osthoff	Swanson
Battaglia	Farley	Kroening	Otis	Thiede
Begich	Fjoslien	Kvam	Patton	Tomlinson
Berglin	Forsythe	Laidig	Pehler	Valan
Berkelman	Friedrich	Lehto	Peterson, B.	Valento
Biersdorf	Fritz	Long	Peterson, D.	Vanasek
Blatz	Fudro	Ludeman	Piepho	Voss
Brinkman	Greenfield	Luknic	Pleasant	Waldorf
Byrne	Halberg	Mann	Prahl	Weaver
Carlson, D.	Haukoos	McCarron	Redalen	Welch
Carlson, L.	Heap	McDonald	Reding	Welker
Casserly	Heinitz	McEachern	Rees	Wenzel
Clark	Hoberg	Mehrkins	Reif	Wieser
Clawson	Hokanson	Metzen	Rice	Wigley
Corbid	Jacobs	Minne	Rodriguez	Wynia
Crandall	Jaros	Moe	Rothenberg	Zubay
Dean	Jennings	Munger	Sarna	Spkr. Norton
Dempsey	Johnson, C.	Murphy	Searle	
Den Ouden	Johnson, D.	Nelsen, B.	Searles	
Drew	Jude	Nelson	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1834, A bill for an act relating to education; adding the commissioner of agriculture to the equalization aid review committee; amending Minnesota Statutes 1978, Section 124.212, Subdivision 10.

The bill was read for the third time and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Niehaus	Sieben, M.
Adams	Elioff	Kalis	Norman	Simoneau
Ainley	Ellingson	Kelly	Novak	Stoa
Albrecht	Erickson	Kempe	Nysether	Stowell
Anderson, B.	Esau	Knickerbocker	Olsen	Sviggun
Anderson, D.	Evans	Kostohryz	Onnen	Swanson
Anderson, G.	Ewald	Kroening	Osthoff	Thiede
Anderson, I.	Faricy	Kvam	Otis	Tomlinson
Anderson, R.	Fjoslien	Laidig	Patton	Valan
Battaglia	Forsythe	Lehto	Pehler	Valento
Begich	Friedrich	Long	Peterson, B.	Vanasek
Berglin	Fritz	Ludeman	Peterson, D.	Voss
Berkelman	Fudro	Luknic	Piepho	Waldorf
Blatz	Greenfield	Mann	Pleasant	Weaver
Brinkman	Haukoos	McCarron	Prahl	Welch
Byrne	Heap	McDonald	Redalen	Welker
Carlson, D.	Heinitz	McEachern	Reding	Wenzel
Carlson, L.	Hoberg	Mehrkens	Rees	Wieser
Casserly	Hokanson	Metzen	Reif	Wigley
Clark	Jacobs	Minne	Rice	Wynia
Clawson	Jaros	Moe	Rodriguez	Zubay
Corbid	Jennings	Munger	Rothenberg	Spkr. Norton
Crandall	Johnson, C.	Murphy	Searle	
Dean	Johnson, D.	Nelsen, B.	Searles	
Den Ouden	Jude	Nelsen, M.	Sherwood	
Drew	Kahn	Nelson	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1837, A bill for an act relating to insurance; extending the temporary joint underwriting association act for an additional two year period; extending the termination date of certain insurance policies; amending Minnesota Statutes 1978, Sections 62F.01, Subdivision 2; and 62F.06, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Berkelman	Dean	Fjoslien	Jaros
Adams	Biersdorf	Dempsey	Forsythe	Jennings
Ainley	Blatz	Den Ouden	Fritz	Johnson, C.
Albrecht	Brinkman	Drew	Fudro	Johnson, D.
Anderson, B.	Byrne	Eken	Greenfield	Jude
Anderson, D.	Carlson, D.	Elioff	Halberg	Kahn
Anderson, G.	Carlson, L.	Ellingson	Haukoos	Kaley
Anderson, I.	Casserly	Erickson	Heap	Kalis
Anderson, R.	Clark	Esau	Heinitz	Kelly
Battaglia	Clawson	Evans	Hoberg	Kempe
Begich	Corbid	Ewald	Hokanson	Knickerbocker
Berglin	Crandall	Faricy	Jacobs	Kostohryz



Kroening	Moe	Patton	Schreiber	Vanasek
Kvam	Munger	Pehler	Searle	Voss
Laidig	Murphy	Peterson, B.	Searles	Waldorf
Lehto	Nelsen, B.	Peterson, D.	Sherwood	Weaver
Long	Nelsen, M.	Piepho	Sieben, H.	Welch
Ludeman	Nelson	Pleasant	Sieben, M.	Welker
Luknic	Niehaus	Prahl	Simoneau	Wenzel
Mann	Norman	Redalen	Stoa	Wieser
McCarron	Novak	Reding	Stowell	Wigley
McDonald	Nysether	Rees	Sviggum	Wynia
McEachern	Olsen	Rice	Swanson	Zubay
Mehrkins	Onnen	Rodriguez	Thiede	Spkr. Norton
Metzen	Osthoth	Rothenberg	Tomlinson	
Minne	Otis	Sarna	Valento	

The bill was passed and its title agreed to.

H. F. No. 1873, A bill for an act relating to local government in Ramsey county; providing for the membership and dues of the Ramsey county league of local governments; amending Laws 1963, Chapter 72B, Section 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Nelson	Sherwood
Adams	Eken	Kalis	Niehaus	Sieben, H.
Ainley	Elioff	Kelly	Norman	Sieben, M.
Albrecht	Ellingson	Kempe	Novak	Simoneau
Anderson, B.	Erickson	Knickerbocker	Nysether	Stoa
Anderson, D.	Esau	Kostohryz	Olsen	Stowell
Anderson, G.	Evans	Kroening	Onnen	Sviggum
Anderson, I.	Ewald	Kvam	Osthoth	Swanson
Battaglia	Faricy	Laidig	Otis	Thiede
Begich	Fjoslien	Lehto	Patton	Tomlinson
Berglin	Forsythe	Levi	Pehler	Valento
Berkelman	Fritz	Long	Peterson, B.	Vanasek
Biersdorf	Fudro	Ludeman	Peterson, D.	Voss
Blatz	Greenfield	Luknic	Piepho	Waldorf
Brinkman	Halberg	Mann	Pleasant	Weaver
Byrne	Haukoos	McCarron	Prahl	Welch
Carlson, D.	Heap	McDonald	Redalen	Welker
Carlson, L.	Heinitz	McEachern	Reding	Wenzel
Casserly	Hoberg	Mehrkins	Rees	Wieser
Clark	Hokanson	Metzen	Rice	Wigley
Clawson	Jacobs	Minne	Rodriguez	Wynia
Corbid	Jaros	Moe	Rose	Zubay
Crandall	Johnson, C.	Munger	Rothenberg	Spkr. Norton
Dean	Johnson, D.	Murphy	Sarna	
Dempsey	Jude	Nelsen, B.	Searle	
Den Ouden	Kahn	Nelsen, M.	Searles	

The bill was passed and its title agreed to.

H. F. No. 1904, A bill for an act relating to the Nine Mile Creek and Riley-Purgatory Creek Watershed Districts; provid-



ing for the establishment of district water maintenance and repair funds; authorizing tax levies for water maintenance and repair purposes.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sieben, M.
Adams	Eken	Kaley	Norman	Simoneau
Ainley	Elioff	Kalis	Novak	Stoa
Anderson, B.	Ellingson	Kelly	Nysether	Stowell
Anderson, D.	Erickson	Kempe	Olsen	Sviggun
Anderson, G.	Esau	Knickerbocker	Onnen	Swanson
Anderson, I.	Evans	Kostohryz	Osthoff	Thiede
Anderson, R.	Ewald	Kroening	Otis	Tomlinson
Battaglia	Faricy	Kvam	Pehler	Valento
Begich	Fjoslien	Laidig	Peterson, B.	Vanasek
Berglin	Forsythe	Levi	Peterson, D.	Voss
Berkelman	Fritz	Long	Piepho	Waldorf
Biersdorf	Fudro	Ludeman	Pleasant	Weaver
Blatz	Greenfield	Luknic	Prahl	Welch
Brinkman	Halberg	Mann	Redalen	Welker
Byrne	Haukoos	McCarron	Rees	Wenzel
Carlson, D.	Heap	McDonald	Rice	Wieser
Carlson, L.	Heinitz	McEachern	Rodriguez	Wigley
Clark	Hoberg	Mehrkens	Rose	Wynia
Clawson	Hokanson	Metzen	Rothenberg	Zubay
Corbid	Jacobs	Minne	Sarna	Spkr. Norton
Crandall	Jaros	Moe	Searle	
Dean	Johnson, C.	Munger	Searles	
Dempsey	Johnson, D.	Murphy	Sherwood	
Den Ouden	Jude	Nelsen, B.	Sieben, H.	

Those who voted in the negative were:

Lehto                      Reding

The bill was passed and its title agreed to.

H. F. No. 1932, A bill for an act relating to Independent School District No. 535, Rochester; providing that its school board may organize at a time other than the time required for the organization of the board of an independent district; amending Laws 1969, Chapter 193, Section 3, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:



Those who voted in the affirmative were:

Aasness	Eken	Kalis	Niehaus	Sieben, H.
Adams	Elioff	Kelly	Norman	Sieben, M.
Ainley	Ellingson	Kempe	Novak	Simoneau
Albrecht	Erickson	Knickerbocker	Nysether	Stoa
Anderson, B.	Esau	Kostohryz	Olsen	Stowell
Anderson, D.	Evans	Kroening	Onnen	Sviggum
Anderson, G.	Ewald	Kvam	Osthoff	Swanson
Anderson, I.	Faricy	Laidig	Otis	Thiede
Anderson, R.	Fjoslien	Lehto	Patton	Tomlinson
Battaglia	Forsythe	Levi	Pehler	Valan
Begich	Friedrich	Long	Peterson, B.	Valento
Berglin	Fritz	Ludeman	Peterson, D.	Vanasek
Berkelman	Fudro	Luknic	Piepho	Voss
Blatz	Greenfield	Mann	Pleasant	Waldorf
Brinkman	Halberg	McCarron	Prahl	Weaver
Byrne	Heap	McDonald	Redalen	Welch
Carlson, D.	Heinitz	McEachern	Reding	Welker
Carlson, L.	Hoberg	Mehrkens	Rees	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Johnson, C.	Munger	Rothenberg	Zubay
Dean	Johnson, D.	Murphy	Sarna	Spkr. Norton
Dempsey	Jude	Nelsen, B.	Searle	
Den Ouden	Kahn	Nelsen, M.	Searles	
Drew	Kaley	Nelson	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2024, A bill for an act relating to the city of Hibbing; authorizing development and administration of a housing program within the city, including that part of the city which formerly comprised the town of Stuntz.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Faricy	Kalis	Mehrkens
Adams	Carlson, L.	Fjoslien	Kelly	Metzen
Ainley	Clark	Friedrich	Kempe	Minne
Albrecht	Clawson	Fritz	Knickerbocker	Moe
Anderson, B.	Corbid	Fudro	Kostohryz	Munger
Anderson, D.	Crandall	Greenfield	Kroening	Murphy
Anderson, G.	Dean	Halberg	Kvam	Nelsen, B.
Anderson, I.	Dempsey	Heap	Laidig	Nelsen, M.
Anderson, R.	Den Ouden	Heinitz	Lehto	Nelson
Battaglia	Drew	Hoberg	Levi	Niehaus
Begich	Eken	Jacobs	Long	Norman
Berglin	Elioff	Jaros	Ludeman	Novak
Berkelman	Ellingson	Johnson, C.	Luknic	Nysether
Biersdorf	Erickson	Johnson, D.	Mann	Olsen
Blatz	Esau	Jude	McCarron	Onnen
Brinkman	Evans	Kahn	McDonald	Osthoff
Byrne	Ewald	Kaley	McEachern	Otis



Patton	Rees	Searles	Thiede	Wenzel
Pehler	Reif	Sherwood	Tomlinson	Wieser
Peterson, B.	Rice	Sieben, H.	Valan	Wigley
Peterson, D.	Rodriguez	Sieben, M.	Valento	Wynia
Piepho	Rose	Simoneau	Vanasek	Zubay
Pleasant	Rothenberg	Stoa	Voss	Spkr. Norton
Prahl	Sarna	Stowell	Waldorf	
Redalen	Schreiber	Sviggum	Weaver	
Reding	Searle	Swanson	Welch	

Those who voted in the negative were:

Hokanson

The bill was passed and its title agreed to.

H. F. No. 2028, A bill for an act relating to state government; clarifying benefits of employees of former Hastings state hospital.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Kahn	Nelson	Sherwood
Adams	Drew	Kaley	Niehaus	Sieben, H.
Ainley	Eken	Kalis	Norman	Sieben, M.
Albrecht	Elioff	Kelly	Novak	Simoneau
Anderson, B.	Ellingson	Kempe	Nysether	Stoa
Anderson, D.	Erickson	Knickerbocker	Olsen	Stowell
Anderson, G.	Esau	Kostohryz	Onnen	Sviggum
Anderson, I.	Evans	Kroening	Osthoff	Swanson
Anderson, R.	Ewald	Kvam	Otis	Thiede
Battaglia	Faricy	Laidig	Patton	Tomlinson
Begich	Fjoslien	Lehto	Pehler	Valan
Berglin	Friedrich	Levi	Peterson, B.	Valento
Berkelman	Fritz	Long	Peterson, D.	Vanasek
Biersdorf	Fudro	Ludeman	Piepho	Voss
Blatz	Greenfield	Luknic	Pleasant	Waldorf
Brinkman	Halberg	Mann	Prahl	Weaver
Byrne	Heap	McCarron	Redalen	Welch
Carlson, D.	Heinitz	McDonald	Reding	Welker
Carlson, L.	Hoberg	McEachern	Rees	Wenzel
Casserly	Hokanson	Mehrkens	Reif	Wieser
Clark	Jacobs	Metzen	Rice	Wigley
Clawson	Jaros	Minne	Rodriguez	Wynia
Corbid	Jennings	Moe	Rothenberg	Zubay
Crandall	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dean	Johnson, D.	Nelsen, B.	Schreiber	
Dempsey	Jude	Nelsen, M.	Searle	

The bill was passed and its title agreed to.

H. F. No. 2069 was reported to the House.



Upon objection of ten members, H. F. No. 2069 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 2110, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, H.
Ainley	Elioff	Kalis	Novak	Sieben, M.
Albrecht	Ellingson	Kelly	Nysether	Simoneau
Anderson, B.	Erickson	Kempe	Olsen	Stadum
Anderson, D.	Esau	Knickerbocker	Osthoff	Stoa
Anderson, G.	Evans	Kostohryz	Otis	Stowell
Anderson, I.	Ewald	Kroening	Patton	Sviggum
Anderson, R.	Faricy	Kvam	Pehler	Swanson
Battaglia	Fjoslien	Laidig	Peterson, B.	Thiede
Begich	Forsythe	Lehto	Peterson, D.	Tomlinson
Berglin	Friedrich	Long	Piepho	Valan
Berkelman	Fritz	Ludeman	Pleasant	Valento
Blatz	Fudro	Luknic	Prahl	Vanasek
Brinkman	Greenfield	McCarron	Redalen	Voss
Byrne	Halberg	McDonald	Reding	Waldorf
Carlson, D.	Heap	Mehrkens	Rees	Weaver
Carlson, L.	Heinitz	Metzen	Reif	Welch
Casserly	Hoberg	Minne	Rice	Welker
Clark	Hokanson	Moe	Rodriguez	Wenzel
Clawson	Jacobs	Munger	Rothenberg	Wieser
Crandall	Jaros	Murphy	Sarna	Wigley
Dean	Jennings	Nelsen, B.	Schreiber	Wynia
Dempsey	Johnson, C.	Nelsen, M.	Searle	Zubay
Den Ouden	Johnson, D.	Nelson	Searles	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 824, A bill for an act relating to local government; limiting spending for certain cemeteries; amending Minnesota Statutes 1978, Section 471.24; repealing Minnesota Statutes 1978, Section 471.25.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:



Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, M.	Searles
Adams	Drew	Kahn	Nelson	Sherwood
Ainley	Eken	Kaley	Niehaus	Sieben, H.
Albrecht	Elioff	Kalis	Norman	Sieben, M.
Anderson, B.	Ellingson	Kelly	Novak	Simoneau
Anderson, D.	Erickson	Kempe	Nysether	Stadum
Anderson, G.	Esau	Knickerbocker	Olsen	Stoa
Anderson, I.	Evans	Kostohryz	Osthoff	Stowell
Anderson, R.	Ewald	Kroening	Otis	Swigum
Battaglia	Faricy	Kvam	Patton	Swanson
Begich	Fjoslien	Laidig	Pehler	Thiede
Berglin	Forsythe	Lehto	Peterson, B.	Tomlinson
Berkelman	Friedrich	Long	Peterson, D.	Valan
Biersdorf	Fritz	Ludeman	Piepho	Valento
Blatz	Fudro	Luknic	Pleasant	Vanasek
Brinkman	Greenfield	Mann	Prahl	Voss
Byrne	Halberg	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rothenberg	Wigley
Crandall	Jennings	Munger	Sarna	Wynia
Dean	Johnson, C.	Murphy	Schreiber	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Searle	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 1114, A bill for an act relating to the town of White Bear in Ramsey County; permitting exercise of powers relating to sewers, drains and waterworks.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Fjoslien	Kahn	Mehrkens
Adams	Casserly	Forsythe	Kaley	Metzen
Ainley	Clark	Friedrich	Kalis	Minne
Albrecht	Clawson	Fritz	Kelly	Moe
Anderson, B.	Corbid	Fudro	Kempe	Munger
Anderson, D.	Crandall	Greenfield	Knickerbocker	Murphy
Anderson, G.	Dean	Halberg	Kostohryz	Nelsen, B.
Anderson, I.	Dempsey	Haukoos	Kroening	Nelsen, M.
Anderson, R.	Den Ouden	Heap	Kvam	Nelson
Battaglia	Drew	Heinitz	Laidig	Niehaus
Begich	Eken	Hoberg	Lehto	Norman
Berglin	Elioff	Hokanson	Long	Novak
Berkelman	Ellingson	Jacobs	Ludeman	Nysether
Biersdorf	Erickson	Jaros	Luknic	Olsen
Blatz	Esau	Jennings	Mann	Osthoff
Brinkman	Evans	Johnson, C.	McCarron	Otis
Byrne	Ewald	Johnson, D.	McDonald	Patton
Carlson, D.	Faricy	Jude	McEachern	Pehler



Peterson, B.	Reif	Sieben, H.	Tomlinson	Welker
Peterson, D.	Rodriguez	Sieben, M.	Valan	Wenzel
Piepho	Rothenberg	Simoneau	Valento	Wieser
Pleasant	Sarna	Stadum	Vanasek	Wigley
Prahl	Schreiber	Stoa	Voss	Wynia
Redalen	Searle	Stowell	Waldorf	Zubay
Reding	Searles	Swanson	Weaver	Spkr. Norton
Rees	Sherwood	Thiede	Welch	

The bill was passed and its title agreed to.

S. F. No. 1438, A bill for an act relating to towns; providing for the date and notice of town meetings; amending Minnesota Statutes 1978, Section 365.51.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kahn	Nelson	Searles
Ainley	Elioff	Kaley	Niehaus	Sherwood
Albrecht	Ellingson	Kalis	Norman	Sieben, H.
Anderson, B.	Erickson	Kelly	Novak	Sieben, M.
Anderson, D.	Esau	Kempe	Nysether	Simoneau
Anderson, G.	Evans	Knickerbocker	Olsen	Stadum
Anderson, I.	Ewald	Kostohryz	Onnen	Stoa
Anderson, R.	Faricy	Kroening	Osthoff	Stowell
Battaglia	Fjoslien	Kvam	Otis	Sviggunn
Begich	Forsythe	Laidig	Patton	Swanson
Berglin	Friedrich	Lehto	Pehler	Thiede
Berkelman	Fritz	Long	Peterson, B.	Tomlinson
Biersdorf	Fudro	Ludeman	Peterson, D.	Valan
Blatz	Greenfield	Luknic	Piepho	Valento
Brinkman	Halberg	Mann	Pleasant	Vanasek
Byrne	Haukoos	McCarron	Prahl	Voss
Carlson, L.	Heap	McDonald	Redalen	Waldorf
Casserly	Heinitz	McEachern	Reding	Weaver
Clark	Hoberg	Mehrkins	Rees	Welch
Clawson	Hokanson	Metzen	Reif	Welker
Corbid	Jacobs	Minne	Rice	Wenzel
Crandall	Jaros	Moe	Rodriguez	Wieser
Dean	Jennings	Munger	Rothenberg	Wigley
Dempsey	Johnson, C.	Murphy	Sarna	Wynia
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	Zubay
Drew	Jude	Nelsen, M.	Searle	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 1625, A bill for an act relating to the town of Greenwood; granting the town the power to specially assess for a bridge improvement.

The bill was read for the third time and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kalis	Norman	Sieben, H.
Ainley	Ellingson	Kelly	Novak	Sieben, M.
Albrecht	Erickson	Kempe	Nysether	Simoneau
Anderson, B.	Esau	Knickerbocker	Olsen	Stadum
Anderson, D.	Evans	Kostohryz	Onnen	Stoa
Anderson, G.	Ewald	Kroening	Osthoff	Stowell
Anderson, I.	Faricy	Kvam	Otis	Sviggum
Anderson, R.	Fjoslien	Laidig	Patton	Swanson
Battaglia	Forsythe	Lehto	Pehler	Thiede
Begich	Friedrich	Levi	Peterson, B.	Tomlinson
Berglin	Fritz	Long	Peterson, D.	Valan
Berkelman	Fudro	Ludeman	Piepho	Valento
Biersdorf	Greenfield	Luknic	Pleasant	Vanasek
Blatz	Halberg	Mann	Prahl	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, D.	Heinitz	McEachern	Rees	Welch
Carlson, L.	Hoberg	Mehrkens	Reif	Welker
Casserly	Hokanson	Metzen	Rice	Wenzel
Clark	Jacobs	Minne	Rodriguez	Wieser
Clawson	Jaros	Moe	Rose	Wigley
Corbid	Jennings	Munger	Rothenberg	Wynia
Crandall	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	
Eken	Kaley	Niehaus	Sherwood	

The bill was passed and its title agreed to.

### CALENDAR

S. F. No. 1584 was reported to the House and given its third reading.

### UNANIMOUS CONSENT

Ainley requested unanimous consent to offer an amendment. The request was granted.

Ainley moved to amend S. F. No. 1584 as follows:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 5 the terms defined in this section have the meanings given them.

Subd. 2. "Specific service sign" means a rectangular sign panel not greater than one and one-half feet by six feet displaying a motel, resort or recreational camping area business name and, where appropriate, the direction to and distance.



Subd. 3. "Specific service sign assembly" means a combination of specific service sign panels not to exceed four panels to be placed within the right of way on appropriate approaches to an intersection.

Subd. 4. "Specific service sign cluster" means a grouping of specific service sign assemblies not exceeding two on appropriate approaches to an intersection.

Subd. 5. "Nonfreeway type highway" means all roadways with crossing traffic at grade intersections except the roadway may have an isolated interchange.

Subd. 6. "Resort" has the meaning given it in Minnesota Statutes 1978, Section 157.01.

Subd. 7. "Motel" shall have the meaning given to the word "hotel" in Minnesota Statutes 1978, Section 157.01.

Subd. 8. "Recreational camping area" has the meaning given it in Minnesota Statutes 1978, Section 327.14, Subdivision 8.

Subd. 9. "Local road" means any nontrunk highway.

Subd. 10. "Specific service" means resorts, motels or recreational camping areas that provide sleeping accommodations for the tourist type traveling public.

Sec. 2. [INTENDED USE.] Subdivision 1. [PURPOSE.] Specific service signs are to be used to create and implement a system of signing for the purpose of displaying resort, motel and recreational camping area information to the traveling public on nonfreeway type trunk highways in rural areas. They may be used on by-passes of outstate municipalities consistent with other provisions herein.

Subd. 2. [SPECIFIC SERVICE SIGNS ON NONFREEWAY HIGHWAYS.] A specific service sign may not be included in the signing of trunk highway intersections if the subject business is readily visible or effective directional advertising is visible or the sign may be legally and effectively located near the intersection. Specific service signs may be placed on the approaches of a trunk highway intersection with a local road.

Subd. 3. [NUMBER OF TRUNK HIGHWAY INTERSECTIONS.] A specific service sign for any resort, motel or recreational camping area is limited to one intersection on the trunk highway system.

Subd. 4. [TRAILBLAZING.] Appropriate signing on local roads between a trunk highway intersection and a specific service shall be the responsibility of the specific service and the local road authority.



Subd. 5. [SIGNING STANDARDS.] Placement of specific service sign assemblies shall be in accordance with sections 1 to 5 and existing traffic control device standards.

Subd. 6. [RURAL ROAD MARKINGS.] Rural roads, named and marked in accordance with resolutions from their road authority, shall continue to be identified.

Sec. 3. [SIGN DETAILS.] Subdivision 1. [CONSTRUCTION OF SIGN.] Specific service sign panels shall be made of reflective sheeting and shall be on blue background with white letters, arrows and border. The directional arrow and mileage shall be displayed on the same side of the panel as the direction of turn. Signing for straight ahead movement shall not be permitted.

Subd. 2. [SPECIFIC SERVICE SIGN ASSEMBLIES.] Left directional panels shall be placed on top of the right directional panels. A gap shall separate a left panel from the right panel. An assembly shall be spaced preferably 300 feet, but a minimum of 200 feet from other required signing. If no other signing is located at an intersection, the assembly shall be placed 300 feet in advance of the intersection. Assemblies within a cluster shall not be placed closer than 300 feet. No specific service sign or assembly shall be placed at a location that will interfere with other necessary signing.

Sec. 4. [CRITERIA FOR SPECIFIC SERVICE SIGNS.] Subdivision 1. [CONFORMITY WITH LAW.] Each specific service identified on a specific service sign shall be in conformity with all applicable laws and regulations concerning the provisions for public accommodation without regard to race, religion, color, sex or national origin.

Subd. 2. [DISTANCE TO SPECIFIC SERVICE.] A specific service sign may be placed on a nonfreeway type road if the specific service is located within ten miles of the qualifying site.

Subd. 3. [RESORT WARRANT.] Resorts and motels served by the specific service signing shall be licensed by the state department of health as required by Minnesota Statutes, Section 157.03.

Subd. 4. [RECREATIONAL CAMPING AREA.] Recreational camping areas shall possess a state department of health license as required by Minnesota Statutes, Section 327.15 and the following:

- (1) A minimum of 15 camping spaces;
- (2) Modern sanitary facilities (flush, chemical, or incinerator toilets) and drinking water; and



(3) Services available 24 hours a day.

Sec. 5. [SIGNS; ADMINISTRATION; RULES.] Subdivision 1. [PROCEDURE.] A person desiring to have a specific service sign panel shall request the department of transportation to install the sign. The department of transportation may grant the request if the applicant qualifies for the sign panel and if space is available. All signs shall be fabricated, installed, maintained, replaced and removed by the department of transportation. The applicant shall pay a fee to the commissioner of transportation to cover all costs for fabricating, installing, maintaining, replacing and removing. The requests for specific service sign panels shall be renewed every three years.

Subd. 2. [SEASONAL SERVICES.] All sign panels for seasonal services shall be covered or removed when the service is not available.

Subd. 3. [COMMUNICATIONS.] Any new or participating specific service business shall respond to any communication from the commissioner of transportation within 30 days or an in place sign panel will be removed.

Subd. 4. [SIGN REMOVAL.] The specific service sign panels shall be removed by the department of transportation if any of the requirements in sections 1 to 5 are not continually met.

Sec. 6. [OTHER LAWS.] Sections 1 to 5 provide additional authority to erect signs on nonfreeway type highways and does not limit the authority to erect highway signs provided by other law or rule.

Sec. 7. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Further amend by striking the title and inserting:

"A bill for an act relating to transportation; providing for specific information signing for resorts, motels and recreational camping areas along certain highways."

The motion prevailed and the amendment was adopted.

S. F. No. 1584, A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:



Those who voted in the affirmative were:

Aasness	Ellingson	Kelly	Novak	Sieben, M.
Adams	Erickson	Kempe	Nysether	Simoneau
Ainley	Esau	Knickerbocker	Olsen	Stadum
Albrecht	Evans	Kostohryz	Onnen	Stoa
Anderson, B.	Ewald	Kroening	Osthoff	Stowell
Anderson, D.	Faricy	Kvam	Otis	Sviggum
Anderson, G.	Fjoslien	Laidig	Patton	Swanson
Anderson, I.	Forsythe	Lehto	Pehler	Thiede
Anderson, R.	Friedrich	Levi	Peterson, B.	Tomlinson
Battaglia	Fritz	Long	Peterson, D.	Valan
Begich	Fudro	Ludeman	Piepho	Valento
Berglin	Greenfield	Luknic	Pleasant	Vanasek
Berkelman	Halberg	Mann	Prahl	Voss
Blatz	Haukoos	McCarron	Redalen	Waldorf
Brinkman	Heap	McDonald	Reding	Weaver
Byrne	Heinitz	McEachern	Rees	Welch
Carlson, D.	Hoberg	Mehrkens	Reif	Welker
Carlson, L.	Hokanson	Metzen	Rice	Wenzel
Casserly	Jacobs	Minne	Rodriguez	Wieser
Clark	Jaros	Moe	Rose	Wigley
Clawson	Jennings	Munger	Rothenberg	Wynia
Crandall	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	
Eken	Kaley	Niehaus	Sherwood	
Elioff	Kalis	Norman	Sieben, H.	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1216, A bill for an act relating to liquor and nonintoxicating malt beverage; registration of labels; amending Minnesota Statutes 1978, Section 340.62.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Fudro	Lehto	Norman
Adams	Casserly	Greenfield	Levi	Novak
Ainley	Clark	Halberg	Long	Osthoff
Albrecht	Clawson	Haukoos	Luknic	Otis
Anderson, B.	Corbid	Heap	Mann	Patton
Anderson, D.	Crandall	Heinitz	McCarron	Pehler
Anderson, G.	Dempsey	Hokanson	McDonald	Peterson, B.
Anderson, I.	Den Ouden	Jacobs	McEachern	Peterson, D.
Anderson, R.	Drew	Johnson, C.	Mehrkens	Piepho
Battaglia	Eken	Johnson, D.	Metzen	Prahl
Begich	Elioff	Jude	Minne	Redalen
Berglin	Ellingson	Kahn	Moe	Reding
Berkelman	Erickson	Kaley	Munger	Rees
Biersdorf	Esau	Kalis	Murphy	Reif
Blatz	Evans	Kempe	Nelsen, B.	Rice
Brinkman	Ewald	Knickerbocker	Nelsen, M.	Rodriguez
Byrne	Forsythe	Kostohryz	Nelson	Rose
Carlson, D.	Friedrich	Kvam	Niehaus	Rothenberg



Sarna	Simoneau	Swanson	Voss	Wenzel
Schreiber	Stadum	Tomlinson	Waldorf	Wigley
Searles	Stoa	Valan	Weaver	Wynia
Sieben, H.	Stowell	Valento	Welch	Spkr. Norton
Sieben, M.	Sviggum	Vanasek	Welker	

Those who voted in the negative were:

Faricy	Hoberg	Kroening	Onnen	Wieser
Fjoslien	Jennings	Laidig		
Fritz	Kelly	Ludeman		

The bill was passed and its title agreed to.

Evans was excused for the remainder of today's session.

#### CALL OF THE HOUSE

On the motion of Clark and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Eken	Kalis	Norman	Sieben, H.
Adams	Elioff	Kelly	Novak	Sieben, M.
Ainley	Ellingson	Kempe	Nysether	Simoneau
Albrecht	Erickson	Knickerbocker	Olsen	Stadum
Anderson, B.	Esau	Kostohryz	Onnen	Stoa
Anderson, D.	Ewald	Kroening	Osthoff	Stowell
Anderson, G.	Faricy	Kvam	Otis	Sviggum
Anderson, I.	Fjoslien	Laidig	Patton	Swanson
Anderson, R.	Forsythe	Lehto	Pehler	Thiede
Battaglia	Friedrich	Levi	Peterson, B.	Tomlinson
Begich	Fritz	Long	Peterson, D.	Valan
Berglin	Fudro	Ludeman	Piepho	Valento
Berkelman	Greenfield	Luknic	Pleasant	Vanasek
Biersdorf	Halberg	Mann	Prahl	Voss
Blatz	Haukoos	McCarron	Redalen	Waldorf
Brinkman	Heap	McDonald	Reding	Weaver
Byrne	Helnitz	McEachern	Rees	Welch
Carlson, D.	Hoberg	Mehrkens	Reif	Welker
Carlson, L.	Hokanson	Metzen	Rice	Wenzel
Casserly	Jacobs	Minne	Rodriguez	Wieser
Clark	Jaros	Moe	Rose	Wigley
Clawson	Jennings	Munger	Rothenberg	Wynia
Corbid	Johnson, C.	Murphy	Sarna	Zubay
Crandall	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Jude	Nelsen, M.	Searle	
Den Ouden	Kahn	Nelson	Searles	
Drew	Kaley	Niehaus	Sherwood	

Sieben, H., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 1012, A bill for an act relating to housing; prohibiting unfair treatment in housing and real property on the basis



of familial status; amending Minnesota Statutes 1978, Sections 363.01, Subdivision 24, and by adding subdivisions; 363.02, Subdivision 2; 363.03, Subdivision 2; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 75 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kahn	Munger	Rothenberg
Anderson, B.	Crandall	Kalis	Murphy	Sarna
Anderson, G.	Dean	Kelly	Nelsen, M.	Sieben, H.
Anderson, I.	Eken	Kempe	Nelson	Sieben, M.
Battaglia	Elioff	Kostohryz	Novak	Simoneau
Begich	Ellingson	Kroening	Otis	Stoa
Berglin	Faricy	Lehto	Patton	Tomlinson
Berkelman	Greenfield	Long	Pehler	Valan
Blatz	Heinitz	Luknic	Peterson, D.	Vanasek
Brinkman	Hoberg	Mann	Pleasant	Voss
Byrne	Hokanson	McCarron	Prahl	Waldorf
Carlson, L.	Jacobs	McEachern	Reding	Welch
Casserly	Jaros	Metzen	Reif	Wenzel
Clark	Johnson, C.	Minne	Rice	Wynia
Clawson	Jude	Moe	Rodriguez	Spkr. Norton

Those who voted in the negative were:

Aasness	Ewald	Knickerbocker	Onnen	Stowell
Ainley	Fjoslien	Kvam	Osthoff	Svigum
Albrecht	Forsythe	Laidig	Peterson, B.	Swanson
Anderson, D.	Friedrich	Levi	Piepho	Thiede
Anderson, R.	Fritz	Ludeman	Redalen	Valento
Biersdorf	Fudro	McDonald	Rees	Weaver
Carlson, D.	Halberg	Mehrkins	Rose	Welker
Dempsey	Haukoos	Nelsen, B.	Schreiber	Wieser
Den Ouden	Heap	Niehaus	Searle	Wigley
Drew	Jennings	Norman	Searles	Zubay
Erickson	Johnson, D.	Nysether	Sherwood	
Esau	Kaley	Olsen	Stadum	

The bill was passed and its title agreed to.

## GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued for one day. The motion prevailed.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 74: Osthoff, McCarron, and Wigley.



## ADJOURNMENT

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, March 11, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



