

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

NINETY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 3, 1980

The House of Representatives convened at 11:00 a.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	Eken	Kaley	Niehaus	Sieben, H.
Adams	Elhoff	Kalis	Norman	Sieben, M.
Ainley	Ellingson	Kelly	Novak	Simoneau
Albrecht	Erickson	Kempe	Nysether	Stadum
Anderson, B.	Esau	Knickerbocker	Olsen	Stoa
Anderson, D.	Evans	Kostohryz	Onnen	Stowell
Anderson, G.	Ewald	Kroening	Osthoff	Sviggum
Anderson, I.	Faricy	Kvam	Otis	Swanson
Anderson, R.	Fjoslien	Laidig	Patton	Thiede
Battaglia	Forsythe	Lehto	Pehler	Tomlinson
Begich	Friedrich	Levi	Peterson, B.	Valan
Berglin	Fritz	Long	Peterson, D.	Valento
Berkelman	Fudro	Ludeman	Piepho	Vanasek
Biersdorf	Greenfield	Luknic	Pleasant	Voss
Blatz	Halberg	Mann	Prahl	Waldorf
Brinkman	Haukoos	McCarron	Redalen	Weaver
Byrne	Heap	McDonald	Reding	Welch
Carlson, D.	Heinitz	McEachern	Rees	Welker
Carlson, L.	Hoberg	Mehrrens	Reif	Wenzel
Casserly	Hokanson	Metzen	Rice	Wieser
Clark	Jacobs	Minne	Rodriguez	Wigley
Clawson	Jaros	Moe	Rose	Wynia
Corbid	Jennings	Munger	Sarna	Zubay
Crandall	Johnson, C.	Murphy	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	
Drew	Kahn	Nelson	Sherwood	

A quorum was present.

Dean was excused. Rothenberg was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Peterson, B., 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 S. F. No. 2085 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 1, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
	1207	426	April 1	April 1
	1408	427	April 1	April 1
	1732	428	April 1	April 1
	1834	429	April 1	April 1
	2024	430	April 1	April 1
	2047	431	April 1	April 1
1675		432	April 1	April 1
1797		433	April 1	April 1
2168		434	April 1	April 1

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Begich; Carlson, D.; Battaglia and Elioff introduced:

H. F. No. 2492, A bill for an act relating to public use of private land; clarifying and altering landowners' liability in the recreational use of their land; amending Minnesota Statutes 1978, Sections 87.021, Subdivisions 2 and 3; 87.0221; 87.023; 87.025; and 87.03; repealing Minnesota Statutes 1978, Section 87.022.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, B.; Clawson; Mann; Erickson and Welch introduced:

H. F. No. 2493, A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the governor; authorizing the governor to declare by proclamation a public economic emergency under certain conditions, limiting its duration, and providing nullifying powers in the legislature; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments.

The bill was read for the first time and referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2019, A bill for an act relating to education; the maximum effort school aid law; changing the definition of "maximum effort debt service levy"; authorizing the sale of bonds for the maximum effort school loan fund; appropriating

money; amending Minnesota Statutes 1978, Sections 124.38, Subdivision 7; 124.43, Subdivisions 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Nelsen, M., moved that the House concur in the Senate amendments to H. F. No. 2019 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2019, A bill for an act relating to education; the maximum effort school aid law; changing the definition of "maximum effort debt service levy"; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; amending Minnesota Statutes 1978, Sections 124.38, Subdivision 7; 124.43, Subdivisions 1 and 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2045, A bill for an act relating to economic development; creating a small business finance agency with authority to sell tax exempt revenue bonds to provide loans for small business projects; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Reding moved that the House concur in the Senate amendments to H. F. No. 2045 and that the bill be repassed as amended by the Senate. The motion prevailed.

Biersdorf, Metzen and Sarna were excused from 11:45 a.m. to 2:30 p.m.

H. F. No. 2045, A bill for an act relating to economic development; creating a small business finance agency with authority to issue and sell tax exempt obligation bonds to provide loans for small business and pollution control projects; requiring reports.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 105 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Aasness	Corbid	Jacobs	McDonald	Pleasant
Adams	Crandall	Jaros	McEachern	Prahl
Ainley	Dempsey	Johnson, C.	Minne	Redalen
Anderson, B.	Elioff	Johnson, D.	Moe	Reding
Anderson, D.	Ellingson	Jude	Munger	Reif
Anderson, R.	Esau	Kahn	Murphy	Rodriguez
Battaglia	Evans	Kaley	Nelsen, B.	Rose
Begich	Ewald	Kalis	Nelsen, M.	Schreiber
Berglin	Fjoslien	Kelly	Nelson	Searle
Berkelman	Forsythe	Kempe	Novak	Searles
Biersdorf	Friedrich	Knickerbocker	Nysether	Sherwood
Blatz	Fudro	Kostohryz	Olsen	Sieben, H.
Brinkman	Greenfield	Kroening	Onnen	Sieben, M.
Byrne	Halberg	Lehto	Osthoff	Simoneau
Carlson, D.	Haukoos	Levi	Otis	Stadum
Carlson, L.	Heap	Long	Patton	Stowell
Casserly	Heinitz	Luknic	Pehler	Sviggum
Clark	Hoberg	Mann	Peterson, D.	Swanson
Clawson	Hokanson	McCarron	Piepho	Thiede

Tomlinson
Valan

Voss
Waldorf

Weaver
Welch

Wenzel
Wieser

Zubay
Spkr. Norton

Those who voted in the negative were:

Albrecht
Den Ouden
Drew

Faricy
Fritz
Jennings

Kvam
Ludeman
Mehrkens

Norman
Peterson, B.
Rees

Valento
Wigley
Wynia

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2429, A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Corbid moved that the House refuse to concur in the Senate amendments to H. F. No. 2429, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 140.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1762.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 140, A bill for an act relating to real estate; enacting the uniform condominium act; providing for taxation as a separate parcel; regulating eminent domain awards; regulating the creation of condominiums; protecting the purchasers of condominiums; regulating condominium declaration; regulating the management of condominiums.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 1762, A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, Article XI, by adding a section; allowing state spending to be a fixed proportion of state personal income; providing a statute implementing the amendment.

The bill was read for the first time and referred to the Committee on Appropriations.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by the Conference Committee was reported to the House on the following bills: H. F. No. 2476 and S. F. No. 129.

Faricy moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Nysether was excused for the remainder of today's session.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bill as a Special Order to be acted upon immediately preceding Special Orders pending for Thursday, April 3, 1980:

S. F. No. 2085.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1710

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; providing grants for residential heating costs and weatherization; providing guidelines for a state plan for spending federal money; reimbursing counties for heating emergency assistance expenses; defining large energy facilities; authorizing subdivisions to levy for certain energy related activities; providing grants for energy research and development projects; providing education on building energy efficiency; energy audits; ethanol plant demonstration project; creating the alcohol fuels information center; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 116H.087; 116H.12, Subdivision 11; 216B.16, by adding a subdivision; 275.50, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

April 2, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1710, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1710 be further amended as follows:

Delete everything after the enacting clause and insert:

Section 1. [3.351] [LEGISLATIVE COMMISSION ON ENERGY.] *Subdivision 1. [COMPOSITION.] The legislative commission on energy is composed of five senators of the majority party and three senators of the minority party appointed by the subcommittee on committees of the committee on rules and administration, and five representatives of the majority party and three representatives of the minority party appointed by the speaker of the house. The commission shall be appointed by June 1, 1980. The commission shall elect a chairman from among its members.*

Subd. 2. [GENERAL DUTIES.] The commission shall:

(a) Make a continuing study of matters relating to energy supply and use in the state;

(b) Identify the potential for enhanced economic growth and job creation from increased energy efficiency and the production and utilization of renewable energy systems.

(c) Identify ways to assure the provision of necessary energy supplies to all Minnesotans;

(d) Coordinate resources and programs on energy conservation; and

(e) Review overall legislative policy concerning energy.

Subd. 3. [ENERGY PLAN; REPORT TO LEGISLATURE.] The commission shall develop legislative energy plans based on the provisions of subdivision 2 and consistent with appropriate long term energy goals for Minnesota. The plans shall be reported to the legislature no later than February 15 of each year.

Subd. 4. [STAFF.] The commission shall use existing legislative facilities and staff.

Sec. 2. Minnesota Statutes 1978, Section 45.17, is amended by adding a subdivision to read:

Subd. 7. The consumer services section shall represent and further the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The consumer services section may maintain, intervene in or otherwise participate in any civil actions relating to the federal proceedings. In performing its duties pursuant to this subdivision, the section shall follow the guidelines established pursuant to subdivision 6, clause (1).

Sec. 3. Minnesota Statutes 1978, Section 90.195, is amended to read:

90.195 [SPECIAL USE PERMIT.] The commissioner (, FOR A \$5 FEE,) may issue a permit to salvage or cut not to exceed (25) 12 cords of fuelwood per year for personal use from either or both of the following sources: (1) Dead, down, and diseased trees; (2) other trees that are of negative value under good forest management practices. Such permits may be issued for a period not to exceed one year. A fee shall be charged for the permit of not less than \$5 nor more than the approximate

current market value of fuelwood stumpage of similar species, grade and volume that is being charged in the area.

Sec. 4. 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 UNNECESSARY 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 review, analyze and encourage those energy programs that will minimize 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. 5. Minnesota Statutes, 1979 Supplement, Section 116H.085, is amended to read:

116H.085 [ENERGY CONSERVATION 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. 6. 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 sources, and energy supply and demand. The (PAMPHLETS) printed 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. 7. [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 when making grants shall give priority to those units of government that submit proposals that could 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 that provide staff or other support for a program and who 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.

The director shall not make grants of more than 45 percent of the amount appropriated for those purposes to cities and counties located within the seven county metropolitan area. A single grant to a city or county shall not exceed \$50,000.

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) To prepare comprehensive community energy plans;

(c) To implement comprehensive energy plans that the unit of government is authorized to undertake for the management of problems resulting from: (1) rising energy cost; (2) lack of efficient public and private transportation; (3) lack of community conservation efforts; (4) lack of widespread renewable energy sources; and (5) lack of energy components in comprehensive plans and local ordinances;

(d) To assist neighborhood organizations in counties and cities to do energy planning by making grants to the local unit of government; 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. 8. Minnesota Statutes 1978, Section 116H.12, Subdivision 11, is amended to read:

Subd. 11. 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 does not apply to forced air type furnaces designed for installation in mobile homes.*

Sec. 9. Minnesota Statutes 1978, Section 116H.129, Subdivision 5, is amended to read:

Subd. 5. [RESIDENTIAL ENERGY DISCLOSURE PROGRAM.] By (MARCH 1, 1979) *May 1, 1980*, the commissioner of administration, in consultation with the director of the energy agency and the appropriate standing committees of the legislature, shall promulgate rules providing for residential energy disclosure requirements and shall approve forms for the purposes of this subdivision. The rules and forms shall provide only for the disclosure of structural characteristics, energy use characteristics relating to energy consumption and conservation, and the extent of compliance with standards adopted pursuant to subdivision 1. Nothing in the forms shall indicate or be deemed to indicate that the residence meets all state building code specifications.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 3, is amended to read:

Subd. 3. No proposed large energy facility shall be certified for construction unless the applicant has justified its need. In assessing need, the director shall evaluate:

- (1) The accuracy of the long range energy demand forecasts on which the necessity for the facility is based;
- (2) The effect of existing or possible energy conservation programs under sections 116H.01 to 116H.15 or other federal or state legislation on long term energy demand;
- (3) The relationship of the proposed facility to overall state energy needs, such as are described in the most recent state energy policy and conservation report prepared pursuant to section 116H.11;
- (4) Promotional activities which may have given rise to the demand for this facility;

(5) Socially beneficial uses of the output of this facility, including its uses to protect or enhance environmental quality;

(6) The effects of the facility in inducing future development;

(7) Possible alternatives for satisfying the energy demand including but not limited to potential for increased efficiency of existing energy generation facilities;

(8) The policies, rules and regulations of other state and federal agencies and local governments (.); and

(9) *Any feasible combination of energy conservation improvements, required by the public service commission pursuant to section 18, that can (1) replace part or all of the energy to be provided by the proposed facility, and (2) compete with it economically.*

Sec. 11. 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, and those state agencies authorized to participate in matters before the Minnesota public service commission involving utility rates and adequacy of utility services, 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. 12. [116H.17] [ENERGY AUDITS.] *The director of the energy agency, in cooperation with the director of consumer services, shall develop the state plan for the program of energy audits of residential and commercial buildings required by 42 United States Code, Section 8211 et seq. The consumer services division and the attorney general are authorized to release information on consumer complaints about the operation of the program to the energy agency.*

Sec. 13. Minnesota Statutes, 1979 Supplement, Section 116H.22, is amended to read:

116H.22 [MONEY FOR SCHOOLS AND GOVERNING BODIES.] (FUNDS) *Money 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. *Money appropriated pursuant to this section is available to school districts and local governmental units that submitted acceptable mini-audits or maxi-audits after April 9, 1976 and before July 1, 1979.*

Sec. 14. [174.256] [PARK AND RIDE PROGRAM.]
Subdivision 1. [PURPOSE.] *It is the purpose of this section to encourage citizens of Minnesota to transfer from low-occupancy vehicles to multi-occupancy vehicles, to reduce the use of the automobile and provide for more efficient usage of existing facilities in heavily traveled corridors and congested areas, to divert automobile drivers from parking spaces in metro areas, to decrease low-occupancy vehicle miles driven and the congestion, pollution, energy consumption, highway damage, and other costs associated with highway use, and to increase the efficiency and productivity of and benefit from public investments in public park and ride facilities and systems in the state, reducing the need for increases in urban land used for parking. It is also the purpose of this section to encourage the use of van pools, car pools, and ride sharing by the citizens of the state.*

Subd. 2. [DEFINITIONS.] *For purposes of this section the following terms have the meanings given them in this subdivision:*

(a) "Commissioner" means the commissioner of transportation.

(b) "Park and ride facility" means a facility consisting of a park and ride lot where commuters' automobiles are parked, and, within a reasonable walking distance, a station or some transfer point where commuters board the transit mode.

(c) "Transit mode" includes transportation by bus, car pool, van pool, and other similar services.

(d) "Exclusive use park and ride lot" means a parking lot that is intended to be used exclusively for park and ride purposes, is constructed with public money and is located within 100 miles of a central business district.

(e) "Joint use park and ride lot" means a parking lot that is intended to be used for other purposes in addition to park and ride and is located within 100 miles of a central business district.

(f) "Fringe parking lot" means a parking lot located outside but near a central business district.

Subd. 3. [GENERAL POWERS AND DUTIES.] *The commissioner shall have the power to:*

(a) Develop and monitor a comprehensive park and ride facility program throughout the state. The program shall coordinate and provide money for the development of a statewide program of park and ride facilities, including joint use park and ride lots, exclusive use park and ride lots, and fringe park and ride lots;

(b) Offer, use and apply the information developed pursuant to clause (a) to assist and advise political subdivisions and recipients of financial assistance in the planning, promotion, development, operation and evaluation of park and ride service facilities. The political subdivision or eligible recipient is responsible for the repair and maintenance of the facility by using local money;

(c) Act upon request as the designated agent of any eligible person for the receipt and disbursement of federal money;

(d) Contract for or provide services as needed in the design or construction of park and ride facilities; and

(e) Establish rules and regulations necessary for implementation of the program.

The commissioner shall perform the duties and exercise the powers under this section in coordination with and in furtherance of statewide, regional, and local transportation plans and transportation development programs.

Subd. 4. [ELIGIBILITY; APPLICATIONS.] A statutory or home rule charter city, county, school district, independent board or agency is eligible to receive financial assistance through the park and ride grant program. Applications for grants shall be approved or denied by the commissioner within 120 days of receipt.

Subd. 5. [EVALUATION AND REPORTS.] The commissioner shall evaluate or contract for the evaluation of park and ride programs developed under the preceding section and submit a report to the legislature by January 15, 1981, including the following information:

(a) The amounts of money spent or obligated for the park and ride programs by the commissioner and the persons receiving those amounts;

(b) The number and type of public park and ride lots in use and a physical description of each;

(c) The types of lots in use, number of individuals served and areas covered;

(d) *A comparison of the cost of providing different types of service;*

(e) *A review of the achievements or failures of the project, problems encountered in implementation and conclusions and recommendations concerning future action.*

Sec. 15. [174.257] [RIDE SHARING PROGRAM.] *The commissioner of transportation shall establish a ride sharing program in order to advise citizens of the available alternatives to travel by low occupancy vehicles and the benefits derived from sharing rides. The program shall provide citizens with necessary information and opportunities for sharing rides, encourage citizens to share rides, and assist citizens in obtaining access to shared rides. The program shall make use of existing services and agencies whenever possible. The program shall give priority to assisting employers who will implement employee ride sharing programs. The services provided by the program shall include, but not be limited to:*

(a) *Providing general information to potential ride sharing users;*

(b) *Establishing procedures for the implementation of ride sharing programs by individuals, groups, corporations or local agencies;*

(c) *Offering assistance to local governments and other political subdivisions in implementing ride sharing programs;*

(d) *Providing technical assistance to those individuals, groups, corporations or local agencies;*

Sec. 16. Minnesota Statutes 1978, Section 216B.16, is amended by adding a subdivision to read:

Subd. 6b. All investments and expenses of a public utility as defined in section 18, subdivision (1)(c), incurred in connection with energy conservation improvements shall be recognized and included by the commission in the determination of just and reasonable rates as if the investments and expenses were directly made or incurred by the utility in furnishing utility service.

Sec. 17. 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 United States Code 8211 et seq. 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 United States Code 8211 et seq., including those associated with program audits, list distribution, customer billing services, arranging services and post-installation inspections shall be treated as current operating expenses of providing utility service and shall be charged to all ratepayers of the public utility in the same manner as other current operating expenses of providing utility service.

Subd. 2. All audits performed pursuant to 42 United States Code 8211 et seq. 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. 18. [216B.241] [ENERGY CONSERVATION IMPROVEMENTS.] Subdivision 1. [DEFINITIONS.] *For purposes of this section, the terms defined in this subdivision shall have the meanings given them:*

(a) "Commission" means the public service commission, department of public service;

(b) "Energy conservation improvement" means the purchase or installation of any device, method or material that increases the efficiency in the residential use of electricity or natural gas including, but not limited to:

- (1) insulation and ventilation;*
- (2) storm or thermal doors or windows;*
- (3) caulking and weatherstripping;*
- (4) furnace efficiency modifications;*
- (5) thermostat or lighting controls;*
- (6) awnings; or*

(7) systems to turn off or vary the delivery of energy. The term "energy conservation improvement" does not include any device or method which creates, converts or actively uses energy from renewable sources such as solar, wind and biomass.

(c) "Investments and expenses of a public utility" includes the investments and expenses incurred by a public utility in connection with an energy conservation improvement including, but not limited to:

(1) *the differential in interest cost between the market rate and the rate charged on a no interest or below market interest loan made by a public utility to a customer for the purchase or installation of an energy conservation improvement;*

(2) *the difference between the utility's cost of purchase or installation of energy conservation improvements and any price charged by a public utility to a customer for such improvements.*

(d) *"Public utility" has the same meaning as given that term in section 216B.02, subdivision 4. For the purposes of this section, "public utility" shall not include cooperative electric associations that become subject to rate regulation after the effective date of this act.*

Subd. 2. [PROGRAMS.] *Prior to January 1, 1981, the commission, after consultation with the energy agency, shall initiate a pilot program designed to demonstrate the feasibility of investments and expenses of a public utility in energy conservation improvements. The commission, as part of the pilot program, shall order at least one public utility to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements shall be offered to the customers. The order of the commission shall provide to the extent practicable for a free choice of contractor, qualified under the residential conservation services program of the energy agency, for consumers participating in the pilot program. The commission shall not order a utility to make any energy conservation improvement investment or expenditure unless it first finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. Investments and expenditures made pursuant to an order shall be treated for rate-making purposes in the manner prescribed in section 16. No utility shall make an energy conservation improvement pursuant to this section to a residential building envelope unless it is the primary supplier of energy used for either space heating or cooling in the building.*

Subd. 3. [OWNERSHIP OF RESIDENTIAL ENERGY CONSERVATION IMPROVEMENTS.] *Any energy conservation improvement made to or installed in any residential building pursuant to this section shall be the exclusive property of the owner of the building except insofar as it is subjected to a security interest in favor of the utility in case of a loan to the building owner. The utility shall have no liability for loss, damage or injury caused directly or indirectly by any energy conservation improvement except for negligence by the utility in purchase, installation, or modification of the product.*

Subd. 4. [FEDERAL LAW PROHIBITIONS.] If investments by public utilities in energy conservation improvements are in any manner prohibited or restricted by federal law and there is a provision under which such prohibition or restriction may be waived, then the commission, the governor, or any other necessary state agency or officer shall take all necessary and appropriate steps to secure a waiver with respect to those public utility investments in energy conservation improvements included in this section.

Sec. 19. Minnesota Statutes, 1979 Supplement, Section 268.37, is amended to read:

268.37. [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.] Subdivision 1. The department of economic security is the state agency to apply for, receive, and disburse (FEDERAL) money made available to the state by federal law (OR RULES PROMULGATED THEREUNDER) for the purpose of weatherizing the residences of low-income persons. The commissioner of economic security shall coordinate available federal money with (ANY) state money appropriated for this purpose.

Subd. 2. The commissioner shall make grants of federal and state money to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. Grant applications shall be submitted in accordance with rules developed pursuant to 42 U.S.C., Sections 6861 to 6872, any other relevant federal weatherization program, and rules promulgated by the commissioner.

Subd. 3. The commissioner shall promulgate temporary rules as necessary to administer the grants program (BY JULY 1, 1979) and shall promulgate permanent rules by July 1, 1980. The rules shall describe: (a) procedures for the administration of grants, (b) data to be reported by grant recipients, and (c) other matters the commissioner finds necessary for the proper administration of the grant program including compliance with relevant federal regulations. Weatherization assistance shall be given to households where the total income does not exceed 125 percent of the poverty level as updated by the federal office of management and budget poverty guidelines.

Subd. 4. [SUPPLEMENTARY STATE GRANTS.] The commissioner shall distribute supplementary state grants in a manner consistent with the goal of producing the maximum number of weatherized units. Supplementary state grants are provided primarily for the payment of additional labor costs for the federal weatherization program, and as an incentive for the increased production of weatherized units.

Criteria for the allocation of state grants to local agencies include: (a) existing local agency production levels, (b) avail-

ability of CETA resources in the area, (c) emergency needs, and (d) the potential for maintaining or increasing acceptable levels of production in the area.

An eligible local agency may receive advance funding for 90 days' production, but thereafter shall receive grants solely on the basis of program criteria.

Subd. 5. The commissioner shall submit reports to the legislature by March 1 of each year, (1980, AND MARCH 1, 1981,) evaluating the weatherization program. The reports shall describe: (a) the number of households weatherized, (b) the average cost per household, (c) any change in energy consumption after weatherization, (d) outreach efforts, and (e) any other information the commissioner feels is relevant, including information routinely submitted to the federal government.

Sec. 20. Minnesota Statutes 1978, Section 462A.05, is amended by adding a subdivision to read:

Subd. 15b. It may make grants to assist in energy conservation rehabilitation measures for existing owner occupied housing including, but not limited to: insulation, storm windows and doors, furnace or space heater repair, cleaning or replacement, chimney construction or improvement, weatherstripping and caulking, and structural or other directly related repairs essential for energy conservation. The grant to any household shall not exceed \$2,000.

To be eligible for an emergency energy conservation grant, a household must be certified as eligible to receive emergency residential heating assistance under either the federal or the state program, and either (1) have had a heating cost for the preceding heating season that exceeded 120 percent of the regional average for the preceding heating season for that energy source as determined by the energy agency, or (2) be eligible to receive a federal energy conservation grant, but be precluded from receiving the grant because of a need for directly related repairs that cannot be paid for under the federal program. The housing finance agency shall make a reasonable effort to determine whether other state or federal loan and grant programs are available and adequate to finance the intended improvements. An emergency energy conservation grant may be made in conjunction with grants or loans from other state or federal programs that finance other needed rehabilitation work. The receipt of a grant pursuant to this section shall not affect the applicant's eligibility for other housing finance agency loan or grant programs.

Temporary rules to implement this subdivision may be promulgated and amended pursuant to chapter 15. The temporary rules may remain in effect until July 1, 1981.

Sec. 21. Minnesota Statutes 1978, Section 462A.21, is amended by adding a subdivision to read:

Subd. 4g. It may make emergency energy conservation grants as provided in section 20 and may pay the costs and expenses necessary and incidental to the development of the emergency energy conservation grant program.

Sec. 22. [EMERGENCY RESIDENTIAL HEATING GRANTS.] *Subdivision 1. The commissioner of economic security shall make grants pursuant to the state plan to county boards, community action agencies, or other public or private nonprofit agencies for the purpose of providing emergency residential heating grants to low income households. These grants shall be made to the same agencies and in the same manner as provided for federal grants under the energy crisis assistance program of 42 United States Code, Section 2809, Paragraph (a), Clause (5), except as otherwise provided in sections 22 to 25.*

Subd. 2. The commissioner of economic security shall promulgate rules that provide: (a) procedures for the administration of grants; (b) data to be reported by grant recipients and heating fuel suppliers; and (c) other matters the commissioner finds necessary for the proper administration of the state and federal grant programs. The rules may take effect as temporary rules upon approval by the attorney general and without the normal publication in the state register and 20 day wait for comments from the public, and may be amended in the same manner at a later date if comments from the public demonstrate that amendments are justified.

Subd. 3. Data on individuals collected, maintained, used, or disseminated pursuant to sections 22 to 25 are private data on individuals and shall not be disclosed except as provided for data in the welfare system under Minnesota Statutes, 1979 Supplement, Section 15.1691.

Sec. 23. [ALLOCATIONS.] *Money appropriated for emergency residential heating grants shall be allocated among local administrative agencies on the basis of the number of households in the area served by the agency whose income falls within the limits specified for grant eligibility in relation to the total of those households in the state.*

Sec. 24. [ELIGIBILITY; AMOUNT OF GRANT.] *Subdivision 1. [INCOME LIMITS.] Emergency residential heating grants under this section shall be paid only to households not eligible for the federal energy crisis assistance program and*

whose total household income does not exceed the following limits:

Size of Household	Not More Than
1	\$ 5,100
2	6,750
3	8,400
4	10,050
5	11,700
6	13,350
	(For each additional household member add \$1,650.)

In determining total household income, a household with earned income may deduct from earned income state and federal income taxes and social security contributions. In addition, a household may deduct medical expenses that are not reimbursed by insurance or other sources and that exceed three percent of the household income.

Subd. 2. [AMOUNT OF GRANT.] The amount of a grant under this section, in combination with the special grant paid by the federal government directly to recipients of supplemental security income and money available to the state under the HEW block grant program shall be the lesser of:

(a) Fifty percent of the cost of residential heating energy paid or reasonably anticipated to be paid by the household during the winter heating season beginning in September and ending in May; or

(b) The appropriate table of maximum grant amounts as follows:

(1) If the maximum grant for fuel oil under the current state plan for the federal energy assistance program at the highest eligible income level is between \$400 and \$600, the following amounts graduated by size of household, income of household, and source of energy:

Household Size	Household Income More Than but	Not More Than	Fuel Oil, Canadian Natural Gas and Propane	Wood and Other Energy Sources
1		\$ 4,250	\$400	\$267
	\$ 4,250	\$ 4,675	\$283	\$189
	\$ 4,675	\$ 5,100	\$167	\$111
2		\$ 5,625	\$400	\$267
	\$ 5,625	\$ 6,188	\$283	\$189
	\$ 6,188	\$ 6,750	\$167	\$111
3		\$ 7,000	\$400	\$267
	\$ 7,000	\$ 7,700	\$283	\$189
	\$ 7,700	\$ 8,400	\$167	\$111
4		\$ 8,375	\$400	\$267
	\$ 8,375	\$ 9,212	\$283	\$189
	\$ 9,212	\$10,050	\$167	\$111
5		\$ 9,750	\$400	\$267
	\$ 9,750	\$10,725	\$283	\$189
	\$10,725	\$11,700	\$167	\$111
6		\$11,125	\$400	\$267
	\$11,125	\$12,238	\$283	\$189
	\$12,238	\$13,350	\$167	\$111

or

(2) If the maximum grant for fuel oil under the current state plan for the federal energy assistance program at the highest eligible income level is \$600 or more, the following amounts graduated by size of household, income of household, and source of energy:

Household Size	Household Income More Than but	Not More Than	Fuel Oil, Canadian Natural Gas and Propane	Wood and Other Energy Sources
1		\$ 4,250	\$600	\$400
	\$ 4,250	\$ 4,675	\$425	\$283
	\$ 4,675	\$ 5,100	\$250	\$167
2		\$ 5,625	\$600	\$400
	\$ 5,625	\$ 6,188	\$425	\$283
	\$ 6,188	\$ 6,750	\$250	\$167
3		\$ 7,000	\$600	\$400
	\$ 7,000	\$ 7,700	\$425	\$283
	\$ 7,700	\$ 8,400	\$250	\$167

For households of more than six members, the amount of the grant is scaled downward as income goes upward in the same manner as provided in tables 1 and 2 above.

Grants for recipients who use two or more types of fuel shall be based on the household's primary energy source.

Users of wood as the primary heating source, whether the wood is purchased or not, are eligible for assistance under this section.

Grants shall not be considered as income or resources under any other public or publicly assisted income tested program.

Sec. 25. [LEGISLATIVE AUDITOR REPORT.] The legislative auditor shall submit to the legislature by January 1 of each year an audit report of the department of economic security concerning their administration of the emergency residential heating grant program. This report shall also contain a summary of the audit results of the local agencies involved in the administration of the program.

These financial and compliance audits of the local agencies shall be initiated, monitored, and approved by the commissioner of economic security. The legislative auditor must approve the selection of the auditors and scope of the audit.

Sec. 26. [STATE PLAN FOR SPENDING FEDERAL MONEY.] *Subdivision 1. The governor shall submit to the appropriate federal agency a state delivery plan for money the state receives under the Federal Home Energy Assistance Act of 1980 that includes the following elements:*

(a) Those households in which one or more individuals are eligible for (a) aid to families with dependent children, (b) supplemental security income payments, (c) food stamps, or (d) certain veteran's benefits as limited by the Home Energy Assistance Act of 1980 shall be categorically eligible for assistance under the state plan, and procedures for simplified application shall be developed.

(b) Users of wood as a primary heating source, whether the wood is purchased or not, shall be eligible for assistance if otherwise eligible under federal law.

(c) Grants under the state plan may be in the form of a direct payment to an eligible household or as a line of credit to an energy supplier. The plan shall describe the conditions under which direct payment is permitted.

(d) Eligible households that have medically necessary cooling costs, as limited by federal law, shall be eligible for assistance.

(e) The state plan shall provide that three percent of the federal money shall be set aside for the emergency uses specified in federal law.

(f) The state plan shall specify the local entity to receive federal funds.

Subd. 2. Before the state plan is submitted to the appropriate federal agency, the governor shall deliver the plan to the appropriate committees of the legislature for review and comment. Thereafter, the governor shall notify the committees of any changes made in the plan.

Sec. 27. [AVAILABILITY OF MATCHING FUNDS; POSITIONS.] *Money appropriated by Extra Session Laws 1979, Chapter 2, Section 45, Subdivision 2, Clause (i) is available to match 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 at least \$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. 28. [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. 29. [MINNESOTA BIOMASS CENTER.] *Subdivision 1. The director of the energy agency, in consultation with the commissioner of agriculture, and the commissioner of economic development, shall prepare a plan for the creation and organization of a Minnesota biomass center, to be delivered to the legislature by January 1, 1981.*

The center shall be the focus of biomass energy activities for the state. To the maximum extent possible, the center shall coordinate its activities and the use of its staff and facilities with those of other entities involved in biomass energy projects.

Subd. 2. [RESPONSIBILITIES.] *The center shall:*

(1) *Coordinate existing education and training programs for biomass energy production and use within the state and develop new programs where necessary. Educational programs shall cover all types of biomass energy production use, including but not limited to production from grain, biowaste, and cellulosic materials;*

(2) *Serve as a central information resource in conjunction with existing agencies and academic institutions in order to provide information to the public on the production and use of biomass energy. The center shall obtain and analyze available information on biomass energy topics and prepare it for distribution to ensure that the public receives the most accurate and up-to-date information available;*

(3) *Participate in necessary research projects to assist in technological advancement in areas of biomass energy production, distribution, and use. The center shall also study the environmental and safety aspects of biomass energy use;*

(4) *Support and coordinate financing activities for biomass energy production, including providing technical assistance and manuals to individuals and groups seeking private, local, state or federal funding. The center shall be responsible for evaluating projects for any state assistance that may become available;*

(5) *Develop consumer information and protection programs for all aspects of biomass energy production and use;*

(6) *Investigate marketing and distribution needs within the state;*

(7) Review state and federal laws and regulations affecting biomass energy production and use, and evaluate regulatory incentives in order to provide the legislature with legislative proposals for the encouragement of biomass energy production and use within the state.

Sec. 30. [ETHANOL DEMONSTRATION PLANT.] The University of Minnesota shall construct and operate a small scale plant for the production of ethanol at the west central experimental station, Morris. 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 by-products produced by the plant. The plant shall be designed for easy replication by farmers. The university shall develop and print at least 5,000 copies of easily understandable plans that demonstrate the construction of a small scale ethanol plant by February 28, 1982. The plans shall be available at no cost from the agricultural extension service.

Sec. 31. [PUBLIC UTILITY DELINQUENCY CHARGES.] A public utility as defined by section 216B.02, a municipality or cooperative electric association, or telephone company as defined by section 237.01 shall, if that utility adopts a policy of imposing a charge or fee upon delinquent residential and farm accounts, provide that each billing shall clearly state the terms and conditions of any penalty in the form of the monthly percentage rate.

Sec. 32. [APPROPRIATIONS.] Subdivision 1. The sum of \$19,930,500 is appropriated from the general fund to the agencies and for the purposes indicated in this section, to be available for the fiscal year ending June 30 in the years indicated. Appropriations for fiscal year 1980 do not cancel but are available until June 30, 1981. Approved complement positions shall be in the unclassified service and for the balance of the biennium ending June 30, 1981 only.

	1980	1981
Subd. 2. LEGISLATIVE		
COORDINATING COMMISSION . . . \$	25,000	

To pay the expenses incurred by the legislative commission on energy created in section 1.

Subd. 3. ADMINISTRATION . . . \$	200,000
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This appropriation is for purchase or lease of commuter vans pursuant to section 16.756.

Subd. 4. ENERGY AGENCY . . . \$	2,175,500
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This appropriation is available for the following purposes:

(a) *Expansion of the energy conservation information center and energy conservation publicity* \$ 123,000

(b) *For the purposes specified in section 29* \$ 50,000

It is a condition of acceptance of the appropriation made in clause (b) that the agency shall submit a work program and progress reports in the form determined by the legislative commission on Minnesota resources. None of the moneys provided in this subdivision may be expended unless the commission has approved the pertinent work program.

(c) *Development of state plan for energy audits for residential and commercial buildings pursuant to section 12.* \$ 70,000

(d) *Energy supply emergency plan development* \$ 5,000

(e) *Renewable energy resource research and development grant rule-making* \$ 7,500

(f) *Wetlands plant biomass research* \$ 225,000

(g) *Energy efficient building education pursuant to section 28* \$ 35,000

(h) *To administer the grant program established by section 7 and to develop model community energy plans and ordinances of statewide applicability* \$ 40,000

Approved complement — 1

(i) *For the community energy program grants established by section 7* \$ 1,250,000

This appropriation is available until expended.

	1980	1981
(j) <i>Energy conservation materials.</i>	\$ 230,000	
(k) <i>Continued operation of fuel allocation program</i>	\$ 140,000	
<i>Approved complement — 5</i>		
<i>Total complement — 11</i>		
<i>Subd. 5. TRANSPORTATION</i>	\$ 400,000	

This appropriation is available for the following purposes:

- (a) *Park and Ride Program* \$ 200,000
- (b) *Ride Sharing Program* \$ 200,000

Subd. 6. ECONOMIC SECURITY. \$12,000,000 \$2,000,000

This appropriation is available for the following purposes:

- (a) *For emergency residential heating assistance* \$ 3,000,000

- (b) *For emergency residential heating assistance for fiscal year 1981* \$2,000,000

(1) If for any reason federal money is not available, the appropriation in clause (b) may be used for grants to be made pursuant to the current state plan. (2) If federal money is available to pay energy grants to persons eligible under section 24, the money appropriated in clause (b) is available for any state matching requirement required by a federal energy assistance program. (3) If a household's income does not exceed 168 percent of office of management and budget nonfarm poverty guidelines and the household is not eligible for assistance under the federal program for fiscal year 1981, the money appropriated in clause (b) is available for grants in the same manner and form as is specified in the state plan for the federal energy assistance

1979

1980

program for fiscal year 1981. (4) If grants are paid from the appropriation of state money in clause (b) to persons eligible to receive grants for the same purpose from federal money, the appropriations shall be reimbursed for those grants from federal money when the federal money becomes available if reimbursement is permitted under federal law.

(c) Local administrative agencies retain up to five percent of the appropriations in clauses (a) and (b) for administrative costs. The state administrative agency may retain up to two percent of the appropriation for administrative costs.

(d) Weatherization of residences pursuant to section 19. \$ 9,000,000

Local administrative agencies may retain up to 7-1/2 percent of the appropriation in this clause for administrative costs. The state administrative agency may retain up to two percent of the appropriation in this clause for administrative costs.

Subd. 7. UNIVERSITY OF MINNESOTA \$ 200,000

For construction and operation of a small scale ethanol plant at the west central experimental station at Morris and the production of plans pursuant to section 30.

Subd. 8. HOUSING FINANCE AGENCY

(a) For the purpose \$ 150,000
of subsidizing the loan origination fee on a rehabilitation loan of \$2,000 or less if the loan is made in accordance with Minnesota Statutes, Section 462A.05, Subdivision 14, to enable the recipient to accomplish energy conservation related improvements. The appropriation in this section may be used only to subsidize that part of a

1979

1980

loan origination fee which is equal to the difference between the initiation fee for the loan and two percent of the face value of the loan. The appropriation shall be available until expended. Before January 15, 1981, the Minnesota housing finance agency shall report to the legislature on the effectiveness of the loan origination fee subsidization program.

(b) To the housing development fund created by section 462A.20, for the purpose of the emergency energy conservation grant program specified in sections 20 and 21, and for the payment of related costs and expenses. \$ 2,000,000

Approved complement — 2.

Subd. 9. **COMMERCE** For development of energy audit program for commercial and residential buildings \$ 30,000

Subd. 10. **PUBLIC WELFARE** To reimburse counties for the county portion of expenses incurred by them in providing residential heating assistance under the emergency assistance and special needs allowance programs during fiscal year 1980. No county match is required for this money. \$ 500,000

Subd. 11. **NATURAL RESOURCES** For the fuelwood management program \$ 250,000

The commissioner of natural resources shall develop and implement a fuelwood management program to increase the availability of fuelwood on public 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. Notwithstanding any law to the contrary, the department may make contracts for professional, technical or consulting services to implement this program. It is a condition of acceptance of the appropriation made in this subdivision that the agency shall submit a work program and progress reports in the form

determined by the legislative commission on Minnesota resources. None of the moneys provided in this subdivision may be expended unless the commission has approved the pertinent work program.

Sec. 33. [REPEALER.] *Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2, are repealed.*

Sec. 34. [EFFECTIVE DATE.] *This act is effective the day following final enactment. The provisions of section 1 shall expire on July 1, 1987. The provisions of sections 22 to 25 shall expire January 2, 1982."*

Delete the title and insert:

"A bill for an act relating to energy; establishing a legislative commission on energy; stating energy policy; broadening the scope of state weatherization programs; creating a state emergency residential heating program; expanding energy awareness programs; creating a Minnesota biomass center; providing for an ethanol demonstration plant; providing grants and assistance for community energy planning; expanding consumer representation in certain energy hearings; regulating delinquency charges on customer or subscriber accounts; providing guidelines for a state plan for spending federal money; reimbursing counties for emergency energy assistance expenses; providing education on building energy efficiency; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 45.17, by adding a subdivision; 90.195; 116H.01; 116H.087; 116H.12, Subdivision 11; 116H.129, Subdivision 5; 216B.16, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2."

We request adoption of this report and repassage of the bill.

House Conferees: KEN G. NELSON, TOM STOA and WILLIAM D. DEAN.

Senate Conferees: HUBERT H. HUMPHREY III, JERALD C. ANDERSON and HARMON T. OGDahl.

Nelson moved that the report of the Conference Committee on H. F. No. 1710 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

CALL OF THE HOUSE

On the motion of Berglin and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Berglin 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. 1710, 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; providing grants for residential heating costs and weatherization; providing guidelines for a state plan for spending federal money; reimbursing counties for heating emergency assistance expenses; defining large energy facilities; authorizing subdivisions to levy for certain energy related activities; providing grants for energy research and development projects; providing education on building energy efficiency; energy audits; ethanol plant demonstration project; creating the alcohol fuels information center; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 116H.087; 116H.12, Subdivision 11; 216B.16, by adding a subdivision; 275.50, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Berglin moved that those not voting be excused from voting. The motion prevailed.

There were 87 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Jude	Nelsen, B.	Sieben, M.
Anderson, B.	Drew	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Eken	Kelly	Nelson	Stadium
Anderson, G.	Elioff	Kempe	Norman	Stoa
Anderson, I.	Ellingson	Kostohryz	Novak	Sviggum
Anderson, R.	Evans	Kroening	Onnen	Tomlinson
Battaglia	Faricy	Lehto	Osthoff	Valan
Begich	Fjoslien	Long	Otis	Vanasek
Berglin	Fritz	Luknic	Patton	Voss
Berkelman	Fudro	Mann	Pehler	Waldorf
Blatz	Greenfield	McCarron	Peterson, B.	Weaver
Brinkman	Heap	McEachern	Peterson, D.	Welch
Byrne	Hoberg	Mehrkens	Pleasant	Wenzel
Carlson, D.	Hokanson	Metzen	Reding	Wynia
Carlson, L.	Jacobs	Minne	Reif	Spkr. Norton
Casserly	Jaros	Moe	Rice	
Clark	Johnson, C.	Munger	Rodriguez	
Clawson	Johnson, D.	Murphy	Sieben, H.	

Those who voted in the negative were:

Aasness	Ewald	Knickerbocker	Prahl	Stowell
Ainley	Forsythe	Kvam	Redalen	Swanson
Albrecht	Friedrich	Laidig	Rees	Thiede
Biersdorf	Halberg	Levi	Rose	Valento
Crandall	Haukoos	Ludeman	Rothenberg	Welker
Dempsey	Heinitz	McDonald	Schreiber	Wieser
Den Ouden	Jennings	Niehaus	Searle	Wigley
Erickson	Kaley	Olsen	Searles	Zubay
Esau	Kalis	Piepho	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO 1534

A bill for an act relating to real estate; increasing certain fees charged by the county recorder and registrar of titles; providing that the county recorder be notified of deferred assessments; amending Minnesota Statutes 1978, Sections 273.111, Subdivision 11; 357.18, Subdivision 1; 375.14; 429.061, Subdivision 2; 462.358, by adding a subdivision; and 508.82.

April 2, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1534, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

We request adoption of this report and repassage of the bill.

House Conferees: JOHN L. WEAVER, JOHN T. CLAWSON, and LEO J. REDING.

Senate Conferees: ROGER E. STRAND, BOB LESSARD and MEL FREDERICK.

Weaver moved that the report of the Conference Committee on H. F. No. 1534 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1534, A bill for an act relating to real estate; increasing certain fees charged by the county recorder and registrar of titles; providing that the county recorder be notified of deferred assessments; amending Minnesota Statutes 1978, Sections 273.111, Subdivision 11; 357.18, Subdivision 1; 375.14; 429.061, Subdivision 2; 462.358, by adding a subdivision; and 508.82.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Knickerbocker moved that those not voting be excused from voting. The motion prevailed.

There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Blatz	Crandall	Erickson
Adams	Anderson, R.	Brinkman	Dempsey	Esau
Ainley	Battaglia	Byrne	Den Ouden	Evans
Albrecht	Begich	Carlson, L.	Drew	Ewald
Anderson, B.	Berglin	Casserly	Eken	Faricy
Anderson, D.	Berkelman	Clark	Elioff	Fjoslien
Anderson, G.	Biersdorf	Corbid	Ellingson	Forsythe

Friedrich	Kempe	Munger	Redalen	Thiede
Fritz	Knickerbocker	Murphy	Reding	Tomlinson
Fudro	Kostohryz	Nelsen, B.	Rees	Valan
Halberg	Kroening	Nelsen, M.	Reif	Valento
Haukoos	Kvam	Nelson	Rice	Vanasek
Heap	Laidig	Niehaus	Rodriguez	Voss
Heinitz	Lehto	Norman	Rose	Waldorf
Hoberg	Levi	Novak	Rothenberg	Weaver
Hokanson	Long	Olsen	Sarna	Welch
Jacobs	Ludeman	Onnen	Schreiber	Welker
Jaros	Luknic	Osthoff	Searles	Wenzel
Jennings	Mann	Otis	Sherwood	Wieser
Johnson, C.	McCarron	Patton	Sieben, H.	Wigley
Johnson, D.	McDonald	Pehler	Sieben, M.	Wynia
Jude	McEachern	Peterson, B.	Simoneau	Zubay
Kahn	Mehrkens	Peterson, D.	Stadum	Spkr. Norton
Kaley	Metzen	Piepho	Stowell	
Kalis	Minne	Pleasant	Sviggum	
Kelly	Moe	Prahl	Swanson	

The bill was repassed, as amended by Conference, and its title agreed to.

CALL OF THE HOUSE LIFTED

Knickerbocker moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1612

A bill for an act relating to metropolitan government; providing for metropolitan area agricultural preserves; providing property tax relief; excepting the conveyance of certain land from restrictions on the filing and recording of conveyances; modifying the policy statement for municipal planning and development; appropriating money; amending Minnesota Statutes 1978, Sections 462.351; and 462.358, Subdivision 4.

April 2, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1612, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1612 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION; POLICY; PURPOSE.] *Subdivision 1. Sections 2 to 17 may be cited as the "metropolitan agricultural preserves act".*

Subd. 2. It is the policy of the state to encourage the use and improvement of its agricultural lands for the production of food and other agricultural products. It is the purpose of sections 2 to 17 to provide an orderly means by which lands in the metropolitan area designated for long term agricultural use through the local and regional planning processes will be taxed in an equitable manner reflecting the long term singular use of the property, protected from unreasonably restrictive local and state regulation of normal farm practices, protected from indiscriminate and disruptive taking of farmlands through eminent domain actions, protected from the imposition of unnecessary special assessments, and given such additional protection and benefits as are needed to maintain viable productive farm operations in the metropolitan area.

Sec. 2. [DEFINITIONS.] *Subdivision 1. For purposes of sections 2 to 17 the terms defined in this section shall have the meanings given them.*

Subd. 2. "Agricultural preserve" or "preserve" means a land area covenanted according to section 5 to remain in agricultural use.

Subd. 3. "Agricultural use" means the production for sale of livestock, dairy animals, dairy products, poultry or poultry products, fur bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be deemed to be in agricultural use.

Subd. 4. "Authority" means the unit of government exercising planning and zoning authority for the land specified in an application as provided under section 5 and pursuant to Minnesota Statutes, Sections 394.21 to 394.37, 462.351 to 462.364, or 366.10 to 366.19. Where both a county and a township have adopted zoning regulations, the authority shall be the unit of government designated to prepare a comprehensive plan pursuant to Minnesota Statutes, Section 473.861, Subdivision 2.

Subd. 5. "Certified long term agricultural land" means land certified pursuant to section 4 as eligible for designation as agricultural preserves.

Subd. 6. "Covenant agreement" means a restrictive covenant initiated by the owner and evidenced by an agreement provided for in section 5 whereby the owner places the limitations on specified land and receives the protections and benefits contained in sections 2 to 17.

Subd. 7. "Long term agricultural land" means land in the metropolitan area designated for agricultural use in local or county comprehensive plans adopted and reviewed pursuant to Minnesota Statutes, Sections 473.175, and 473.351 to 473.871, and which has been zoned specifically for agricultural use permitting a maximum residential density of not more than one unit per quarter/quarter.

Subd. 8. "Metropolitan area" has the meaning given it in Minnesota Statutes, Section 473.121, Subdivision 2.

Subd. 9. "Owner" means a resident of the United States owning land specified in an application pursuant to section 5, and includes an individual, legal guardian or family farm corporation as defined in Minnesota Statutes, Section 500.24, having a joint or common interest in the land. Where land is subject to a contract for deed, owner means the vendor in agreement with the vendee.

Subd. 10. "Quarter/quarter" means one quarter of one quarter of any section in the rectangular land survey system.

Sec. 3. [ELIGIBILITY.] Subdivision 1. Long term agricultural land comprising 40 or more acres shall be eligible for designation as an agricultural preserve.

Subd. 2. Noncontiguous parcels may be included to achieve the minimum acreage requirement in subdivision 1, provided that each parcel is at least ten acres in size and provided that all separate parcels are farmed together as a unit.

Subd. 3. The minimum acreage requirement in subdivision 1 may be reduced to 35 acres provided the land is a single quarter/quarter parcel and the amount less than 40 acres is due to a public road right-of-way or a perturbation in the rectangular survey system resulting in a quarter/quarter of less than 40 acres.

Subd. 4. Contiguous long term agricultural land comprising not less than 20 acres and surrounded by eligible land on not less than two sides shall be eligible for designation as an agricultural preserve provided the authority by resolution determines that: (i) the land area predominantly comprises Class I, II, III, or irrigated Class IV land according to the Land Capability Classification Systems of the Soil Conservation Service and the county soil survey; (ii) the land area is considered by the authority to be an essential part of the agricultural region; and (iii) the parcel was a parcel of record prior to January 1, 1980, or the land was an agricultural preserve prior to becoming a separate parcel of at least 20 acres.

Subd. 5. Contiguous long term agricultural land meeting the total acreage requirements of this section but located in two or

more authorities so that the minimum acreage requirement is not met in one or more of the authorities shall be eligible by joint resolution of the affected authorities.

Sec. 4. [CERTIFICATION.] *Subdivision 1. On or before January 1, 1981 each authority in the metropolitan area having land classified agricultural pursuant to Minnesota Statutes, Section 273.13 shall certify by resolution using appropriate maps which lands, if any, are eligible for designation as agricultural preserves. Maps shall be in sufficient detail to identify eligible lands by property boundaries. Notification of the certification shall be published in a newspaper having a general circulation within the area of jurisdiction of the authority. No additional lands shall qualify for designation as agricultural preserves until the authority certifies qualification.*

Subd. 2. Land shall cease to be eligible for designation as an agricultural preserve when the comprehensive plan and zoning for the land have been amended so that the land is no longer planned for long term agricultural use and is no longer zoned for long term agricultural use, evidenced by a maximum residential density permitting more than one unit per 40 acres. When changes have been made, the authority shall certify by resolution and appropriate maps which lands are no longer eligible. Notification of the decertification shall be published in a newspaper having a general circulation within the area of jurisdiction of the authority.

Subd. 3. The authority shall provide the metropolitan council with suitable maps showing any lands certified eligible pursuant to subdivision 1 or decertified pursuant to subdivision 2. The metropolitan council shall maintain maps of the metropolitan area showing all certified long term agricultural lands.

Sec. 5. [APPLICATION; COVENANT AGREEMENT.] *Subdivision 1. An owner or owners of certified long term agricultural land may apply to the authority with jurisdiction over the land on forms provided by the commissioner of agriculture for the creation of an agricultural preserve at any time. Land for which application is received prior to March 1 of any year shall be assessed pursuant to section 10 for taxes payable in the following year. Land for which application is received on or after March 1 of any year shall be assessed pursuant to section 10 in the following year. The application shall contain at least the following information and such other information as the commissioner deems necessary:*

(a) *Legal description of the area proposed to be designated or parcel identification numbers as designated by the county auditor;*

(b) *Name and address of owner;*

(c) *An affidavit by the authority evidencing that the land is certified long term agricultural land at the date of application;*

(d) *A witnessed signature of the owner covenanting that the land shall be kept in agricultural use, and shall be used in accordance with the provisions of sections 2 to 17 which exist on the date of application;*

(e) *A statement that the restrictive covenant shall be binding on the owner or his successor or assignee, and shall be an easement running with the land;*

(f) *Date of application and date that designation is effectuated.*

Subd. 2. The authority may require an application fee, not to exceed \$50, to defray administrative costs.

Sec. 6. [NOTIFICATION.] Subdivision 1. Within five days of the date of application, the authority shall forward copies of the completed and signed application to the county recorder, the county auditor, the county assessor, the metropolitan council, and the county soil and water conservation district.

Subd. 2. The county recorder shall file and record the restrictive covenant.

Subd. 3. The county auditor, for taxes payable in the following year and thereafter for the duration of the preserve, shall determine mill rates, assessments and taxes involving the preserve according to the provisions of section 10.

Subd. 4. The county assessor, for taxes payable in the following calendar year and thereafter for the duration of the preserve, shall value and assess the agricultural preserve according to section 10.

Subd. 5. The metropolitan council shall maintain agricultural preserve maps, illustrating (a) certified long term agricultural lands; and (b) lands covenanted as agricultural preserves. The council shall make yearly reports to the state planning agency and such other agencies as the council deems appropriate.

Subd. 6. County auditors shall maintain records of the taxes assessed and paid on agricultural preserves in a manner prescribed by the commissioner of revenue for the orderly monitoring of the program.

Subd. 7. The county soil and water conservation district may prepare an advisory statement of existing and potential

conservation problems for the agricultural preserve land. The statement shall be forwarded to the owner of record and a copy of the statement shall be forwarded to the authority.

Sec. 7. [COMMENCEMENT OF PRESERVE.] A land area shall be deemed an agricultural preserve and subject to all the benefits and restrictions of sections 2 to 17 commencing 30 days from the date of application.

Sec. 8. [DURATION.] Subdivision 1. Agricultural preserves shall continue until either the landowner or the authority initiates expiration as provided in this section.

Subd. 2. A landowner may initiate expiration by notifying the authority on a form provided by the commissioner of agriculture. The notice shall describe the property for which expiration is desired and shall state the date of expiration which shall be at least eight years from the date of notice. The notice and expiration may be rescinded by the owner at any time during the first two years following notice.

Subd. 3. The authority may initiate expiration by notifying the landowner by registered letter on a form provided by the commissioner of agriculture, provided that before notification (i) the comprehensive plan and the zoning for the land have been officially amended so that the land is no longer planned for long term agriculture and is no longer zoned for long term agriculture, evidenced by a maximum residential density permitting more than one unit per quarter/quarter, and (ii) the authority has certified such changes pursuant to section 4, subdivision 2. The notice shall describe the property for which expiration is desired and shall state the date of expiration which shall be at least eight years from the date of notice.

Subd. 4. Upon receipt of the notice provided in subdivision 2, or upon notice served by the authority as provided in subdivision 3, the authority shall notify the county recorder, county auditor, county assessor, the metropolitan council, and the county soil and water conservation district of the date of expiration. Designation as an agricultural preserve and all benefits and limitations accruing through sections 2 to 17 for the preserve shall cease on the date of expiration.

Sec. 9. [EARLY TERMINATION.] Termination of an agricultural preserve earlier than a date derived through application of section 8 may be permitted only in the event of a public emergency upon petition from the owner or authority to the governor. The determination of a public emergency shall be by the governor through executive order pursuant to Minnesota Statutes, Sections 4.035 and 12.01 to 12.46. The executive order shall identify the preserve, the reasons requiring the action and the date of termination.

Sec. 10. [AD VALOREM PROPERTY TAXES.] *Subdivision 1. Real property within an agricultural preserve shall be valued and assessed pursuant to Minnesota Statutes, Chapter 273, except as provided in this section.*

Subd. 2. All land classified agricultural and in agricultural use, exclusive of buildings, shall be valued solely with reference to its appropriate agricultural classification and value, notwithstanding Minnesota Statutes, Sections 272.03, Subdivision 8, and 273.11. In determining the value for ad valorem tax purposes the assessor shall not consider any added values resulting from nonagricultural factors.

Subd. 3. (a) After the assessor has determined the market value of all land valued according to subdivision 2, he shall compute the assessed value of those properties by applying the appropriate classification percentages. When the county auditor computes the rate of tax pursuant to Minnesota Statutes, Section 275.09, he shall include the assessed value of land as provided in this clause.

(b) The county auditor shall compute the tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times the total rate of tax for all purposes as provided in clause (a).

(c) The county auditor shall then compute the maximum ad valorem property tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times 105 percent of the previous year's statewide average mill rate levied on property located within townships for all purposes.

(d) The tax due and payable by the owner of preserve land valued according to subdivision 2 and nonresidential buildings will be the amount determined in clause (b) or (c), whichever is less. If the gross tax in clause (c) is less than the gross tax in clause (b), the state shall reimburse the taxing jurisdictions for the amount of difference. Residential buildings shall continue to be valued and classified according to the provisions of Minnesota Statutes, Sections 273.11 and 273.13, as they would be in the absence of this section, and the tax on those buildings shall not be subject to the limitation contained in this clause.

The county auditor shall certify to the commissioner of revenue on or before June 1, 1983, and each year thereafter, the total amount of tax lost to the taxing jurisdictions located within his county as a result of this subdivision. Payments shall be made by the state annually on or before July 15, 1983 and each year thereafter to each of the affected taxing jurisdictions. There is annually appropriated from the general fund in the state treasury to the commissioner of revenue an amount sufficient to make the reimbursement provided in this subdivision. This sec-

tion shall be effective for taxes levied in 1982, payable in 1983 and thereafter.

Sec. 11. [LIMITATION ON CERTAIN PUBLIC PROJECTS.] *Notwithstanding Minnesota Statutes, Chapter 429, construction projects for public sanitary sewer systems and public water systems benefiting land or buildings in agricultural preserves shall be prohibited. New connections between land or buildings in agricultural preserves and sanitary sewers or water systems shall be prohibited. Public sanitary sewer or water systems built in the vicinity of agricultural preserves are deemed of no benefit to the land and buildings in agricultural preserves.*

Sec. 12. [PROTECTION FOR NORMAL FARM PRACTICES.] *Local governments and counties shall be prohibited from enacting ordinances or regulations within an agricultural preserve which would unreasonably restrict or regulate normal farm structures or farm practices in contravention of the purpose of sections 2 to 17 unless the restriction or regulation bears a direct relationship to the public health and safety. This section shall apply to the operation of farm vehicles and machinery in the planting, maintenance and harvesting of crops and in the care and feeding of farm animals, the type of farming, and the design of farm structures, exclusive of residences.*

Sec. 13. [STATE AGENCIES TO BE SUPPORTIVE.] *Subdivision 1. It shall be the policy of all state agencies to encourage the maintenance of viable farming in agricultural preserves.*

Subd. 2. The joint legislative committee on agricultural land preservation shall undertake a study of state agency rules which negatively affect long term agricultural lands. The committee shall identify any state rules which favor nonagricultural development and adversely affect the long term nature of farming in an agricultural preserve. For any rules so identified, the committee shall propose modifications for application to agricultural preserves encourage agriculture as the primary and long term use of land within an agricultural preserve while protecting the health, safety, and welfare of the public. The committee shall make a report on this study to the legislature by January 1, 1982.

Sec. 14. [ANNEXATION PROCEEDINGS.] *Agricultural preserve land within a township shall not be annexed to a municipality pursuant to Minnesota Statutes, Chapter 414, without a specific finding by the Minnesota municipal board that either (a) the expiration period as provided for in section 8 has begun; (b) the surviving unit of government due to size, tax base, population or other relevant factors would not be able to provide normal governmental functions and services; or (c) the agricultural preserve would be completely surrounded by lands within a municipality.*

This section shall not apply to annexation agreements approved by the Minnesota municipal board prior to creation of the preserve.

Sec. 15. [EMINENT DOMAIN ACTIONS.] *Subdivision 1. Any agency of the state, any public benefit corporation, any local, county or regional unit of government, or any other entity possessing powers of eminent domain under Minnesota Statutes, Chapter 117, shall follow the procedures contained in this section before (1) acquiring any land or easement having a gross area over ten acres in size within agricultural preserves; or (2) advancing a grant, loan, interest subsidy or other funds for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities that could be used to serve nonfarm structures within agricultural preserves.*

Subd. 2. At least 60 days prior to an action described in subdivision 1, notice of intent shall be filed with the environmental quality board containing information and in the manner and form required by the environmental quality board. The notice of intent shall contain a report justifying the proposed action, including an evaluation of alternatives which would not require acquisition within agricultural preserves.

Subd. 3. The environmental quality board, in consultation with affected units of government, shall review the proposed action to determine the effect of the action on the preservation and enhancement of agriculture and agricultural resources within the preserves and the relationship to local and regional comprehensive plans.

Subd. 4. If the environmental quality board finds that the proposed action might have an unreasonable effect on an agricultural preserve or preserves, the environmental quality board shall issue an order within the 60 day period for the party to desist from such action for an additional 60 day period.

Subd. 5. During the additional 60 day period, the environmental quality board shall hold a public hearing concerning the proposed action at a place within the affected preserve or otherwise easily accessible to the preserve upon notice in a newspaper having a general circulation within the area of the preserves, and individual notice, in writing, to the municipalities whose territory encompasses the preserves, the agency, corporation or government proposing to take the action, and any public agency having the power of review of or approval of the action, in a manner conducive to the wide dissemination of the findings to the public.

Subd. 6. The review process required in this section may be conducted jointly with any other environmental impact review conducted by the environmental quality board.

Subd. 7. *The environmental quality board may request the attorney general to bring an action to enjoin any agency, corporation or government from violating the provisions of this section.*

Subd. 8. *This section shall not apply to an emergency project which is immediately necessary for the protection of life and property.*

Subd. 9. *The environmental quality board shall be empowered to suspend any eminent domain action for up to one year which it determines to be contrary to the purposes of sections 2 to 17 and for which it determines there are feasible and prudent alternatives which have less negative impact on the agricultural preserves.*

Sec. 16. [CONSERVATION.] *Subdivision 1. Land within an agricultural preserve shall be farmed and otherwise managed according to sound soil and water conservation management practices. Management practices which are not sound shall be any use of the land resulting in wind or water erosion in excess of the soil loss tolerance for each soil type as found in the United States soil conservation service, Minnesota technical guide.*

Subd. 2. *The authority shall be responsible for enforcing this section. Upon receipt of a written complaint stating the conditions or land management practices which are believed to be in violation of this section, the authority shall consult with the county soil and water conservation district. The district shall determine the average soil loss in tons per acre per year for each field cited in the complaint according to the universal soil loss equation and the wind erosion equation, and shall return to the authority a report showing the average soil loss in tons per acre per year for each field and a list of alternative practices that the landowner can use to reduce the soil loss to the limit allowed in subdivision 1. After consultation, and if in the judgment of the authority the land is not being managed properly as required by this section, the authority shall adopt a resolution to this effect and shall seek corrective measures from the owner. At the request of the landowner, the district shall assist in the planning, design and application of the practices selected to reduce the soil loss to an acceptable level and shall give such landowners a high priority for providing technical and cost share assistance.*

Subd. 3. *Any owner who fails to implement corrective measures to the satisfaction of the authority within one year of notice from the authority shall be subject to a fine of not more than \$1,000. The authority may recover the penalty by a civil action in a court of competent jurisdiction.*

Subd. 4. *Costs incurred by the authority in the enforcement of this section may be charged to the property owner. Charges*

not timely paid may be placed on the tax rolls and collected as a special assessment against the property.

Sec. 17. [LAND USE.] *Subdivision 1. Land within an agricultural preserve shall be maintained for agricultural production. The average maximum density of residential structures within an agricultural preserve shall not exceed one unit per 40 acres. The location of any new structure shall conform to locally applicable zoning regulations. Commercial and industrial uses shall not be permitted except that small on-farm commercial or industrial operations normally associated with and important to farming in the area may be permitted by the authority. The authority shall be responsible for enforcing this section.*

Subd. 2. When a separate parcel is created for a residential structure permitted under subdivision 1, the parcel shall cease to be an agricultural preserve unless the eligibility requirements of section 3 are met. However, the residential unit shall continue to be included in the maximum residential density for the original preserve.

Sec. 18. Minnesota Statutes 1978, Section 462.351, is amended to read:

462.351 [MUNICIPAL PLANNING AND DEVELOPMENT; STATEMENT OF POLICY.] The legislature finds that municipalities are faced with mounting problems in providing means of guiding future development of lands so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, to preserve agricultural and other open lands, and to promote the public health, safety, (MORALS) and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve citizens more effectively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of sections 462.351 to 462.364 to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.

Sec. 19. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 12. "Subdivision" means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of

streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

(a) *Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;*

(b) *Creating cemetery lots;*

(c) *Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.*

Sec. 20. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 14. "Plat" means the drawing or map of a subdivision prepared for filing of record pursuant to chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to section 462.358 and chapter 505.

Sec. 21. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 15. "Subdivision regulation" means an ordinance adopted pursuant to section 462.358 regulating the subdivision of land.

Sec. 22. Minnesota Statutes 1978, Section 462.352 is amended by adding a subdivision to read:

Subd. 16. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Sec. 23. Minnesota Statutes 1978, Section 462.352, is amended by adding a subdivision to read:

Subd. 17. "Preliminary approval" means official action taken by a municipality on an application to create a subdivision which establishes the rights and obligations set forth in section 462.358 and the applicable subdivision regulation. In accordance with section 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facili-

ties, park and drainage facilities, and lands to be dedicated for public use.

Sec. 24. Minnesota Statutes 1978, Section 462.355, Subdivision 4, is amended to read:

Subd. 4. [INTERIM ORDINANCE.] If a municipality is conducting (OR IN GOOD FAITH INTENDS TO CONDUCT) studies (WITHIN A REASONABLE TIME) or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section (473.-852) 462.352, subdivision 16, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use (OR), development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is (CREATED) effective, and may be (RENEWED) extended for (ONE ADDITIONAL YEAR) such additional periods as the municipality may deem appropriate, not exceeding a total additional period of 18 months. No interim ordinance may halt, delay, or impede a subdivision which has been given preliminary approval prior to the effective date of the interim ordinance.

Sec. 25. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 1a. [AUTHORITY.] To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area. However, if a municipality extends the application of its subdivision or zoning regulations to unincorporated territory, upon the pe-

tition of any county board or town board affected by the subdivision or zoning regulations, a joint board shall be established consisting of a three-member committee with one member appointed from each of the municipal, town and county governing bodies. This joint board shall adopt zoning and subdivision regulations under Minnesota Statutes, Sections 462.351 to 462.364 for the entire area within two miles of the city located within a town, and designate one of the governing bodies to serve as the governing body and board of appeals and adjustment for purposes of sections 462.357 and 462.358 within the area. During the time before the joint board adopts subdivision regulations, the subdivision regulations which the municipality has extended shall apply.

Sec. 26. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 2a. [TERMS OF REGULATIONS.] The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit the issuance of building permits for any tracts, lots, or parcels for which required subdivision approval has not been obtained. The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

Sec. 27. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 2b. [DEDICATION.] The regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements.

In addition, the regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, playgrounds, trails, or open space; provided that (a) the municipality may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval, (b) any cash payments received shall be placed in a special fund by the municipality used only for the purposes for which the money was obtained, (c) in establishing the reasonable portion to be dedicated, the regulations may consider the open space, park, recreational, or common areas and facilities which the applicant proposes to reserve for the subdivision, and (d) the municipality reasonably determines that it will need to acquire that portion of land for the purposes stated in this paragraph as a result of approval of the subdivision.

Sec. 28. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 3a. [PLATTING.] The regulations may require that any subdivision creating parcels, tracts, or lots, shall be platted. The regulations shall require that all subdivisions which create five or more lots or parcels which are 2-1/2 acres or less in size shall be platted. The regulations shall not conflict with the provisions of chapter 505 but may address subjects similar and additional to those in that chapter.

Sec. 29. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 3b. [REVIEW PROCEDURES.] The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may prescribe fees sufficient to defray the costs incurred by the municipality in the review and investigation of and actions upon such applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law

or charter. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

Sec. 30. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 3c. [EFFECT OF SUBDIVISION APPROVAL.] For one year following preliminary approval and for two years following final approval, unless the subdivider and the municipality agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the municipality may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving

planned and staged development, a municipality may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

Sec. 31. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 4a. [DISCLOSURE BY SELLER; BUYER'S ACTION FOR DAMAGES.] A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted municipal subdivision regulations apply, shall attach to the instrument of conveyance either: (a) recordable certification by the clerk of the municipality that the subdivision regulations do not apply, or that the subdivision has been approved by the governing body, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the municipality in this case because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or (b) a statement which names and identifies the location of the appropriate municipal offices and advises the grantee that municipal subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the municipality. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this subdivision shall be grounds for damages. If the buyer establishes his right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five per centum of the purchase price of the land.

Sec. 32. Minnesota Statutes 1978, Section 462.358, Subdivision 4, is amended to read:

Subd. 4b. [RESTRICTIONS ON FILING AND RECORDING CONVEYANCES.] In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective. The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

(2) was the subject of a written agreement to convey entered into prior to such time,

(3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966, or

(4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or

((4)) (5) is a single parcel of *commercial or industrial* land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width (.), or

(6) is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed. A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

Sec. 33. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 9. [LIMITATIONS.] Nothing in this section shall be construed to require a municipality to regulate subdivisions or to regulate all subdivisions which it is authorized to regulate by this section.

Sec. 34. [EXTENSION OF TIME FOR COMPLIANCE.] *Any municipality which has in effect on or before the effective date of this act an ordinance for subdivision controls may elect not to come into compliance with any change in subdivision regulations as may be required by this act until such time as the ordinance for subdivision controls is next amended.*

Sec. 35. *Minnesota Statutes 1978, Sections 462.352, Subdivision 4; and 462.358, Subdivisions 1, 2, and 3 are repealed.*

Sec. 36. [EFFECTIVE DATE.] *Sections 1 to 17 are effective on June 1, 1980."*

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

"A bill for an act relating to metropolitan government; providing for metropolitan area agricultural preserves; providing for municipal planning; authorizing regulation of subdivisions; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Sections 462.351; 462.352, by adding subdivisions; 462.355, Subdivision 4; 462.358, Subdivision 4, and by adding subdivisions; repealing Minnesota Statutes 1978, Sections 462.352, Subdivision 4; and 462.358, Subdivisions 1, 2 and 3."

We request adoption of this report and repassage of the bill.

House Conferees: WILLIAM SCHREIBER, CONNIE M. LEVI and JAMES R. CASSERLY.

Senate Conferees: GERRY SIKORSKI, GENE MERRIAM and STEVE ENGLER.

Schreiber moved that the report of the Conference Committee on H. F. No. 1612 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1612, A bill for an act relating to metropolitan government; providing for metropolitan area agricultural preserves; providing property tax relief; excepting the conveyance of certain land from restrictions on the filing and recording of conveyances; modifying the policy statement for municipal planning and development; appropriating money; amending Minnesota Statutes 1978, Sections 462.351; and 462.358, Subdivision 4.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 73 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Adams	Berkelman	Crandall	Haukoos	Jude
Anderson, B.	Blatz	Ellingson	Heap	Kempe
Anderson, D.	Brinkman	Evans	Heinitz	Knickerbocker
Anderson, G.	Carlson, D.	Ewald	Hoberg	Kostohryz
Anderson, R.	Carlson, L.	Forsythe	Hokanson	Kvam
Berglin	Clark	Fudro	Johnson, C.	Laidig

Lehto	Nelson	Peterson, D.	Searle	Valan
Levi	Norman	Pleasant	Searles	Valento
Long	Novak	Reding	Sherwood	Vanasek
Mann	Olsen	Rees	Sieben, M.	Weaver
McCarron	Osthoff	Reif	Simoneau	Wenzel
McDonald	Otis	Rose	Stadum	Wynia
Minne	Patton	Rothenberg	Stoa	Spkr. Norton
Munger	Pehler	Sarna	Stowell	
Murphy	Peterson, B.	Schreiber	Sviggum	

Those who voted in the negative were:

Aasness	Den Ouden	Jacobs	Metzen	Tomlinson
Ainley	Drew	Jennings	Nelsen, B.	Waldorf
Albrecht	Elioff	Johnson, D.	Niehaus	Welch
Anderson, I.	Erickson	Kaley	Onnen	Welker
Battaglia	Esau	Kalis	Piepho	Wieser
Begich	Faricy	Kroening	Prahl	Wigley
Biersdorf	Fjoslien	Ludeman	Redalen	Zubay
Byrne	Friedrich	Luknic	Rice	
Clawson	Fritz	McEachern	Rodriguez	
Dempsey	Greenfield	Mehrkens	Thiede	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1435

A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1978, Section 147.09.

April 1, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1435, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments, and that H. F. No. 1435 be further amended as follows:

Page 2, after line 7, insert:

"Sec. 2. [REPEALER.] Minnesota Statutes 1978, Sections 144.59; 144.60; 144.61; 144.62; 144.63; 144.64; and 144.65 are repealed."

Renumber sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "abolishing the hospital administrator registration program;"

Page 1, line 5, before the period, insert "; repealing Minnesota Statutes 1978, Sections 144.59 to 144.65"

We request adoption of this report and repassage of the bill.

House Conferees: MARY M. FORSYTHE, ROBERT W. REIF and PAUL MCCARRON.

Senate Conferees: DELORES J. KNAAK, GENE MERRIAM and JEROME GUNDERSON.

Forsythe moved that the report of the Conference Committee on H. F. No. 1435 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1435, A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1978, Section 147.09.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1662

A bill for an act relating to state government; providing for a demonstration job-sharing project in state government; appropriating money.

April 3, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1662, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1662 be amended as follows:

Page 2, lines 14 and 15, delete “, with the exception of the coordinator of this program”

Page 3, line 30, before “clause” insert “subdivision 2,”

Page 4, line 16, delete “or Minnesota” and insert “, the” and delete “as” and insert “, or the highway patrol retirement fund, whichever is”

Page 4, line 18, after “system” insert “or the highway patrol retirement fund”

Page 5, line 2, delete “to” and insert “shall”

We request adoption of this report and repassage of the bill.

House Conferees: LINDA BERGLIN, LONA A. MINNE and GARY W. LAIDIG.

Senate Conferees: EMILY A. STAPLES, TOM A. NELSON and HARMON T. OGDahl.

Berglin moved that the report of the Conference Committee on H. F. No. 1662 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1662, A bill for an act relating to state government; providing for a demonstration job-sharing project in state government; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 117 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley	Kvam	Stowell	Welker	Wigley
Jennings	Ludeman	Thiede		

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 729

A bill for an act relating to public welfare; increasing personal needs allowance for residents of certain facilities; restricting the use of allowances by third parties; providing for a civil action and damages; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 256B.35.

April 2, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 729, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 729 be further amended as follows:

Page 1, line 19, delete "\$33" and insert "\$35"

Page 2, line 12, after "audits" insert "*at the same time as cost report audits required under section 256B.27, subdivision 2a, and at any other time but*"

Page 2, line 13, after "years" insert a comma

Page 2, lines 14 and 15, delete "*by the skilled nursing home or intermediate care facility*"

Page 2, lines 17 to 19, delete "*The field audits may be conducted at the same time as cost report audits required under section 256B.27, subdivision 2a.*"

Page 2, line 27, delete "shall" and insert "may"

Page 3, line 18, delete "\$540,000" and insert "\$452,500"

We request adoption of this report and repassage of the bill.

House Conferees: LEE GREENFIELD, JANET H. CLARK and JOHN DREW.

Senate Conferees: CONRAD M. VEGA, TOM A. NELSON and JOHN B. KEEFE.

Greenfield moved that the report of the Conference Committee on H. F. No. 729 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 729, A bill for an act relating to public welfare; increasing personal needs allowance for residents of certain facilities; restricting the use of allowances by third parties; providing for a civil action and damages; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 256B.35.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage 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	Anderson, B.	Anderson, R.	Biersdorf	Carlson, D.
Adams	Anderson, D.	Battaglia	Blatz	Carlson, L.
Ainley	Anderson, G.	Berglin	Brinkman	Casserly
Albrecht	Anderson, I.	Berkelman	Byrne	Clark

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

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Eken from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1006, A bill for an act relating to the Eastern Itasca and Greenway Joint Recreation Boards; regulating their tax levies.

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

The report was adopted.

Eken from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1950, A bill for an act relating to towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1006 and 1950 were read for the second time.

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 7, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 7, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives