

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

FIFTY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 13, 1981

The House of Representatives convened at 11:00 a.m. and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Pastor Blair K. Anderson, Redeemer Lutheran Church, White Bear Lake, Minnesota.

The roll was called and the following members were present:

Aasness	Esau	Kalis	Nysether	Sherman
Ainley	Evans	Kelly	O'Connor	Sherwood
Anderson, B.	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, G.	Fjoslien	Kostohryz	Olsen	Simoneau
Anderson, I.	Forsythe	Kvam	Onnen	Skoglund
Anderson, R.	Friedrich	Laidig	Osthoff	Stadum
Battaglia	Greenfield	Lehto	Otis	Staten
Begich	Gruenes	Lemen	Peterson, B.	Stowell
Berkelman	Gustafson	Levi	Peterson, D.	Stumpf
Blatz	Halberg	Long	Piepho	Sviggum
Brandl	Hanson	Ludeman	Pogemiller	Swanson
Brinkman	Harens	Luknic	Redalen	Tomlinson
Byrne	Hauge	Mann	Reding	Valan
Carlson, D.	Haukoos	Marsh	Rees	Valento
Carlson, L.	Heap	McCarron	Reif	Vanasek
Clark, J.	Heinitz	McDonald	Rice	Vellenga
Clark, K.	Himle	McEachern	Rodriguez, C.	Voss
Clawson	Hoberg	Mehrkens	Rodriguez, F.	Weaver
Dahlvang	Hokanson	Metzen	Rose	Welch
Dean	Hokr	Minne	Rothenberg	Welker
Dempsey	Jacobs	Munger	Samuelson	Wenzel
Den Ouden	Jennings	Murphy	Sarna	Wieser
Drew	Johnson, C.	Nelsen, B.	Schafer	Wigley
Eken	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Elioff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	

A quorum was present.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 942, 968, 1139 and 553 and S. F. Nos. 980, 28, 395 and 400 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 11, 1981

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

Dear Speaker Sieben:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 889, relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; providing for licensing of thermal exchange devices;

Sincerely,

ALBERT H. QUIE
Governor

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

May 11, 1981

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

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 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 1981</i>	<i>Date Filed 1981</i>
18		161	May 11	May 11
77		162	May 11	May 11

53rd Day]

WEDNESDAY, MAY 13, 1981

3041

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1981</i>	<i>Date Filed 1981</i>
291		163	May 11	May 11
432		164	May 11	May 11
443		165	May 11	May 11
550		166	May 11	May 11
556		167	May 11	May 11
625		168	May 11	May 11
823		169	May 11	May 11
1193		170	May 11	May 11
1248		171	May 11	May 11
1278		172	May 11	May 11
	28	173	May 11	May 11
	54	174	May 11	May 11
	443	175	May 11	May 11
	509	176	May 11	May 11
	886	177	May 11	May 11
	932	178	May 11	May 11

Sincerely,

JOAN ANDERSON GROWE
Secretary of StateSTATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

May 12, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of RepresentativesThe Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 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 1981</i>	<i>Date Filed 1981</i>
	889	179	May 11	May 11

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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:

H. F. No. 161, A bill for an act relating to the city of Cloquet; permitting the city to contract, pay, and tax for certain public transportation services.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 696, A bill for an act relating to the city of East Grand Forks; permitting the city to acquire and develop certain land for industrial purposes.

H. F. No. 1022, A bill for an act relating to claims against the state; appropriating money for the payment thereof.

H. F. No. 1301, A bill for an act relating to consumer protection; providing for a definition of building materials which may contain urea formaldehyde; providing for exceptions; amending Minnesota Statutes 1980, Section 325F.18, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 829, A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1980, Section 375.01.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 604, A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

PATRICK E. FLAHAVEN, Secretary of the Senate

Peterson, D., moved that the House refuse to concur in the Senate amendments to H. F. No. 604, 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 that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2, A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; 609.135, Subdivision 1; 609.185; 609.19; 609.195; 609.20; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

The Senate has appointed as such committee Messrs. Waldorf, Hanson, Keefe, Dahl and Lindgren.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 586, A bill for an act relating to crimes; authorizing courts to order certain persons to participate in counseling in

domestic abuse cases; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 6; 595.02; 609.348; 609.35; 626.556, Subdivision 2; and 629.341, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 609.

The Senate has appointed as such committee Ms. Berglin, Messrs. Frederickson and Frank.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 817, A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

The Senate has appointed as such committee Messrs. Purfeerst, Spear and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 936, A bill for an act relating to natural resources; raising limitations on values of state timber which may be sold at public auction or informal sale; providing for special auction sales and changing certain other provisions relating to the sale and removal of state timber; sale of stumpage; amending Minnesota Statutes 1980, Sections 90.031, Subdivision 4; 90.101, Subdivision 1; 90.151, Subdivisions 11 and 13; 90.173; 90.181, Subdivision 2; 90.191, Subdivision 1; 282.04, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 90.

The Senate has appointed as such committee Messrs. Hanson, Lessard and Willet.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1445, A bill for an act relating to taxation; appropriating money for state payments to local units of government; adjusting the school agricultural credit, increasing the rate and acreage and imposing maximum acreage restrictions; limiting the amount of homestead credits; limiting certain local levies; imposing additional income taxes on corporations; limiting certain deductions; changing interest rates on delinquent taxes; rescheduling certain payments to local governments; changing definition of claimant for property tax refund and offsetting credit based on amount of medical assistance; providing for declaration and estimated payments of gross earnings tax; requiring deduction of federal taxes on the accrual basis; repealing distribution of estate taxes to counties; increasing the local effort levy for school districts to 23 mills; adjusting the maximum amount of market value subject to certain homestead classification ratios based upon average sale price of homes; providing a new method of calculating the inflation adjustments for income tax brackets, personal credits and standard deduction; increasing the rate of tax on vending machine sales; providing an accelerated payment schedule of June sales tax liability for certain vendors; providing property tax open space treatment for archery and firearms ranges; modifying the notification procedure prior to forfeiture of real property in certain cases; changing the definition of "sale" for purposes of the sales tax; exempting certain feminine hygiene products from the sales tax; limiting the sales tax exemption on foods; imposing a gross receipts tax on wrestling; providing that intoxicating liquor must be registered by the brand owner; modifying the notification procedure prior to forfeiture of real property in certain cases; providing that the disallowance of income tax deductions relating to substandard housing shall not expire; clarifying which parties are to be served with notices of appeal; changing requirements for filing certain abstracts and statements of exemption; changing certain fees to be charged by county auditors and treasurers; changing method of computing attached machinery aids; clarifying assessment of property of cooperative associations; providing certain dates for delivery and return of tax lists; providing interest rates on delinquent taxes; repealing publisher's bonds; changing certain definitions for the property tax refund; providing additional authority for county boards to reduce values; providing county valuation of certain airport property; amending

Minnesota Statutes 1980, Sections 124.01, Subdivision 3; 124.213; 270.051, Subdivision 2; 270.11, Subdivision 2; 270.75; 271.10, Subdivision 2; 272.02, Subdivision 1; 272.025, Subdivision 3; 272.46; 272.47; 273.112, Subdivision 3; 273.115, Subdivision 4; 273.116, Subdivision 4; 273.13, Subdivisions 6, 6a, 7 and 15a; 273.136, Subdivision 3; 273.138, Subdivisions 2 and 5; 273.139, Subdivision 3; 273.40; 275.075; 275.08; 275.50, Subdivision 2; 275.51, Subdivision 1, and by adding subdivisions; 275.55; 276.01; 277.15; 279.02; 279.03; 279.14; 279.37, Subdivision 6; 281.23, Subdivision 5; 290.01, Subdivisions 20 and 23; 290.06, Subdivisions 2d, 3g, and by adding a subdivision; 290.067, Subdivision 2; 290.09, Subdivisions 4, 10 and 15; 290.10; 290.18, Subdivision 2; 290A.03, Subdivisions 8 and 13; 290A.04, by adding a subdivision; 290A.07, Subdivision 2; 297A.01, Subdivision 3; 297A.02; 297A.25, Subdivision 1; 340.621; 375.192, Subdivision 2; 423A.02; 473.626; 477A.01, Subdivision 4b; 477A.03; 477A.13; Laws 1975, Chapter 226, Section 4, as amended; proposing new law coded in Minnesota Statutes, Chapters 273, 275, 295 and 297A; repealing Minnesota Statutes 1980, Sections 275.50, Subdivisions 5 and 6; 275.51, Subdivisions 3d, 4 and 5; 275.52; 275.53; 275.54; 275.551; 275.552; 275.58; 275.59; 279.11; and 291.33.

The Senate has appointed as such committee Messrs. Johnson, Hanson, Peterson, C. C., Ms. Berglin and Mr. Pehler.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 452, A bill for an act relating to the state board of investment; establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Spear; Moe, D. M. and Dahl have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark, K., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee ap-

pointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 452. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1132, A bill for an act relating to education; allowing area vocational-technical institutes to grant degrees under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 121.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Hughes, Merriam and Lindgren have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Heap moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1132. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1212, A bill for an act relating to municipalities; discontinuance of unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Davis; Pehler and Peterson, R. W. have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1212. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 120, 132, 315 and 1205.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 120, A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 290.61; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; 333.055, Subdivision 4; 333.19, Subdivision 1; 367.42, Subdivision 1; 462.601; and 462.605; proposing new law coded in Minnesota Statutes, Chapters 300, 302A, and 316; repealing Minnesota Statutes 1980, Sections 300.082 and 301.01 to 301.67.

The bill was read for the first time.

Ellingson moved that S. F. No. 120 and H. F. No. 165, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 132, A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes 1980, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivision 1; 354A.24; 354A.32; 354A.39; and 354A.41.

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

S. F. No. 315, A bill for an act relating to health; establishing a state advisory task force on epilepsy; appropriating money.

The bill was read for the first time.

Osthoff moved that S. F. No. 315 and H. F. No. 20, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1205, A bill for an act relating to taxation; real property; allowing property used by certain disabled persons to qualify for 3cc classification; amending Minnesota Statutes 1980, Section 273.13, Subdivision 7.

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

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 98

A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

May 11, 1981

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

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 98, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendment, and that H. F. No. 98 be further amended as follows:

Delete the amendment to page 4, line 19

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

House Conferees: LEE GREENFIELD, KEN G. NELSON and O. J. HEINITZ.

Senate Conferees: HUBERT H. HUMPHREY III, GENE WALDORF and JOHN BERNHAGEN.

Greenfield moved that the report of the Conference Committee on H. F. No. 98 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 98, A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

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 83 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fjoslien	Kostohryz	Olsen	Sherman
Anderson, I.	Greenfield	Lehto	Osthoff	Sieben, M.
Berkelman	Gustafson	Lemen	Otis	Simoneau
Blatz	Halberg	Levi	Peterson, D.	Skoglund
Brandl	Hanson	Long	Pogemiller	Stumpf
Brinkman	Hauge	Luknic	Redalen	Swanson
Byrne	Heap	Mann	Reding	Tomlinson
Carlson, L.	Heinitz	McCarron	Reif	Vanasek
Clark, J.	Hoberg	McEachern	Rice	Vellenga
Clark, K.	Hokanson	Metzen	Rodriguez, C.	Voss
Clawson	Hokr	Minne	Rodriguez, F.	Weaver
Dahlvang	Jacobs	Munger	Rose	Welch
Drew	Johnson, C.	Murphy	Rothenberg	Wenzel
Eken	Jude	Nelson, K.	Samuelson	Wynia
Ellingson	Kahn	Norton	Sarna	Spkr. Sieben, H.
Evans	Kelly	Novak	Schreiber	
Ewald	Knickerbocker	Ogren	Searles	

Those who voted in the negative were:

Aasness	Erickson	Kaley	Nysether	Stowall
Ainley	Esau	Kalis	Onnen	Sviggum
Anderson, G.	Forsythe	Kvam	Piepho	Valento
Anderson, R.	Friedrich	Ludeman	Rees	Welker
Battaglia	Gruenes	McDonald	Schafer	Wieser
Begich	Haukoos	Mehrkens	Schoenfeld	Wigley
Dempsey	Himle	Nelsen, B.	Shea	Zubay
Den Ouden	Jennings	Niehaus	Sherwood	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 126

A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

May 11, 1981

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

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 126, 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. 126 be further amended as follows:

Page 1, line 26, delete "*Subd. 3. [ACCESS POINTS.]*"

Page 1, line 27, after "*of*" insert "*the*"

Page 1, line 27, delete "*containing an*"

Page 1, line 28, delete "*aeration system*"

Page 2, line 4, delete "*4*" and insert "*3*"

Page 2, line 12, delete "*5*" and insert "*4*"

Page 3, delete lines 22 and 23

Page 3, line 24, delete "*(13)*" and insert "*(12)*"

Page 3, line 26, delete "*(14)*" and insert "*(13)*"

Page 3, line 35, reinstate the old language and delete the new language

Page 4, line 3, delete "*or a map of the area affected*" and strike "*; and*" and insert "*. A map of the affected area may be included in the notice in lieu of the names of the owners or of the descriptions of the properties affected by the project or both. The notice shall*"

Page 4, after line 10, insert:

"Sec. 4. Minnesota Statutes 1980, Section 112.53, Subdivision 2, is amended to read:

Subd. 2. [MAILING.] The managers shall give notice by mail, within one week after the beginning of publication, to the director and to each person, corporation, and public body (AFFECTED) *that owns property benefited or damaged* by the proposed improvement as shown by the engineers and appraisers report. The notice shall contain a brief description of the proposed improvement and state: that the engineer's and appraisers' report are on file with the managers and available for public in-

spection; the time and place of hearing; and that the addressee's name appears as an affected party.

Sec. 5. Minnesota Statutes 1980, Section 112.53, Subdivision 4, is amended to read:

Subd. 4. Where the improvement affects the lands and properties in more than one county, separate notices shall be prepared and published in each county affected showing only the general description of the proposed improvement and the names and descriptions of the properties affected in the county or, *in lieu of the names or descriptions or both, a map of the area affected in the county.* Notice by mail as provided in subdivision 2 shall be given.

Sec. 6. [MURRAY COUNTY DITCHES.]

Pursuant to agreement under Minnesota Statutes, Section 471.59, Murray County may delegate to the city of Slayton all or part of its powers and duties relating to all or part of any county ditch. The city may exercise any of the delegated powers within or outside the city in the same manner as the county.

Sec. 7. [EFFECTIVE DATE.]

Section 6 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing bodies of Murray County and the city of Slayton."

Amend the title as follows:

Page 1, line 7, delete "to show" and insert "in lieu of the names of owners or descriptions of affected properties in a"

Page 1, line 8, delete "an assessment area" and insert "a proposed watershed improvement in a watershed benefit"

Page 1, line 8, after the semicolon insert "permitting Murray County and the city of Slayton to enter an agreement for the administration of county ditches;"

Page 1, line 9, delete "Subdivision 1" and insert "Subdivisions 1, 2 and 4"

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

House Conferees: BRUCE ANDERSON, LEROY STUMPF and TOM REES.

Senate Conferees: MARION MENNING, A. O. H. SETZEPFANDT and CHARLES A. BERG.

Anderson, B., moved that the report of the Conference Committee on H. F. No. 126 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 126, A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	Olsen	Sieben, M.
Ainley	Evans	Kostohryz	Onnen	Simoneau
Anderson, B.	Fjoslien	Kyam	Osthoff	Skoglund
Anderson, G.	Forsythe	Lehto	Otis	Stadum
Anderson, I.	Friedrich	Lemen	Peterson, B.	Staten
Anderson, R.	Greenfield	Levi	Peterson, D.	Stowell
Battaglia	Gruenes	Long	Piepho	Stumpf
Begich	Gustafson	Ludeman	Pogemiller	Sviggun
Berkelman	Hanson	Luknic	Redalen	Swanson
Blatz	Hauge	Mann	Reding	Tomlinson
Brandl	Haukoos	Marsh	Rees	Valan
Brinkman	Heap	McCarron	Reif	Valento
Byrne	Heinitz	McDonald	Rice	Vanasek
Carlson, L.	Himle	McEachern	Rodriguez, C.	Vellenga
Clark, J.	Hoberg	Mehrkens	Rodriguez, F.	Voss
Clark, K.	Hokanson	Metzen	Rose	Weaver
Clawson	Hokr	Minne	Rothenberg	Welch
Dahlvang	Jacobs	Munger	Samuelson	Wenzel
Dean	Jennings	Murphy	Sarna	Wieser
Dempsey	Johnson, C.	Nelsen, B.	Schafer	Wigley
Den Ouden	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Drew	Jude	Niehaus	Schreiber	Zubay
Eken	Kahn	Norton	Searles	Spkr. Sieben, H.
Elioff	Kaley	Novak	Shea	
Ellingson	Kalis	Nysether	Sherman	
Erickson	Kelly	Ogren	Sherwood	

Those who voted in the negative were:

Welker

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1052

A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

May 11, 1981

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

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 1052, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment and that H. F. No. 1052 be further amended as follows:

Page 1, line 14, after "acres" insert "*and shall be located adjacent to the peripheral boundary of the land under the custodial control of the community college board*"

Page 1, line 15, before the period insert "*; provided, that prior to reversion the tract shall be offered for sale for a period of 120 days to the current owner of the housing units thereon for a consideration equal to the unimproved value of the tract. For the purpose of this sale, the commissioner shall designate therefor two or more of the regularly appointed and qualified state appraisers to determine the value of the tract*"

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

House Conferees: PAUL D. AASNESS, ARLENE I. LEHTO and FRED C. NORTON.

Senate Conferees: WAYNE OLHOFT, A. O. H. SETZEPFANDT and DAVID RUED.

Aasness moved that the report of the Conference Committee on H. F. No. 1052 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1052, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

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 7 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	Olsen	Simoneau
Ainley	Ewald	Knickerbocker	Onnen	Stadum
Anderson, B.	Fjoslien	Kostohryz	Osthoff	Staten
Anderson, G.	Forsythe	Kvam	Otis	Stowell
Anderson, I.	Friedrich	Lehto	Peterson, B.	Stumpf
Anderson, R.	Greenfield	Lemen	Peterson, D.	Sviggum
Battaglia	Gruenes	Levi	Piepho	Swanson
Begich	Gustafson	Ludeman	Pogemiller	Tomlinson
Berkelman	Halberg	Luknic	Redalen	Valan
Blatz	Hauge	Mann	Reding	Valento
Brandl	Haukoos	Marsh	Rees	Vanasek
Brinkman	Heap	McCarron	Reif	Vellenga
Byrne	Heinitz	McDonald	Rice	Weaver
Carlson, L.	Himle	McEachern	Rose	Welch
Clark, J.	Hoberg	Mehrkens	Rothenberg	Welker
Clark, K.	Hokanson	Metzen	Samuelson	Wenzel
Dahlvang	Hokr	Minne	Sarna	Wieser
Dean	Jacobs	Murphy	Schafer	Wigley
Dempsey	Jennings	Nelsen, B.	Schoenfeld	Wynia
Den Ouden	Johnson, C.	Nelson, K.	Schreiber	Zubay
Drew	Johnson, D.	Niehaus	Searles	Spkr. Sieben, H.
Eken	Jude	Norton	Shea	
Elioff	Kahn	Novak	Sherman	
Erickson	Kaley	Nysether	Sherwood	
Esau	Kalis	Ogren	Sieben, M.	

Those who voted in the negative were:

Ellingson	Long	Rodriguez, C.	Skoglund	Voss
Hanson	Munger			

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 182

A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding

a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

May 11, 1981

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

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 182, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendments and that H. F. No. 182 be further amended as follows:

Page 10, line 16, delete "\$2,000" and insert "\$2,700"

Page 10, line 18, after "loan" insert "secured by a first lien on a borrower's primary residence"

Page 10, line 20, delete the first "a" and insert "the"

Page 10, line 21, delete everything after "home"

Page 10, line 22, delete "primary residence"

Page 10, line 22, after the period, insert "*If the proceeds of the loan are used to finance the purchase of the borrower's primary residence, the licensee shall consent to the subsequent transfer of the real estate if the existing borrower continues after transfer to be obligated for repayment of the entire remaining indebtedness. The licensee shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily maintain the property used as collateral, and (2) executes an agreement in writing with the licensee whereby the transferee assumes the obligations of the existing borrower under the loan instruments. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument. A licensee may charge a fee not in excess of one-tenth of one percent of the remaining unpaid principal balance in the event the loan is assumed by the transferee and the existing borrower continues after the transfer to be obligated for repayment of the*

entire assumed indebtedness. A licensee may charge a fee not in excess of one percent of the remaining unpaid principal balance in the event the remaining indebtedness is assumed by the transferee and the existing borrower is released from all obligations under the loan instruments, but in no event shall the fee exceed \$150."

Page 14, line 5, delete ", computing"

Page 14, delete line 6

Page 14, line 7, delete everything before the period

Page 14, line 21, delete "reasonable"

Page 14, delete line 22

Page 14, line 23, delete everything before "actual"

Page 14, line 32, before the colon, insert "; provided the costs do not exceed one percent of the principal amount or \$250, whichever is greater"

Page 15, line 11, delete "and" and insert a comma

Page 15, line 11, after "56.01" insert "and section 56.12"

Page 15, line 13, delete "consumer price index for urban wage" and insert "implicit price deflator for the gross national product, 1972 = 100, compiled by the United States department of commerce"

Page 15, delete lines 14 and 15

Page 15, line 16, delete everything before the comma

Page 15, line 36, delete "Bureau of Labor Statistics" and insert "department of commerce"

Page 16, line 2, delete "Bureau of Labor Statistics" and insert "department of commerce"

Page 16, after line 18, insert:

"Subd. 5. [ATTORNEY'S FEES.] No term of writing may provide for the payment by the debtor of attorney's fees."

Page 18, line 23, after the period insert "The sale of credit life and credit accident and health insurance shall be subject to the provisions of chapter 62B, except that the term of the insurance may exceed 60 months if the term of the loan exceeds 60 months."

Page 19, line 4, delete "LAST" and after "YEAR" insert "LAST REPORTED TO THE DEPARTMENT OF COMMERCE"

Page 19, after line 7, insert:

"The licensee shall have 30 days after the insurance company submits its report of losses to the department of commerce for the previous calendar year to change its disclosure to reflect the current loss ratio."

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

House Conferees: THOMAS R. BERKELMAN, JAMES P. METZEN and DOUGLAS R. EWALD.

Senate Conferees: COLLIN C. PETERSON, OTTO T. BANG, JR. and ROBERT J. TENNESSEN.

Berkelman moved that the report of the Conference Committee on H. F. No. 182 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 182, A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

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 76 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Johnson, D.	Nelsen, B.	Sherman
Ainley	Ewald	Kaley	Niehaus	Sherwood
Anderson, B.	Fjoslien	Knickerbocker	Norton	Stadum
Anderson, R.	Forsythe	Kvam	Nysether	Stowell
Berkelman	Gruenes	Laidig	Olsen	Swiggum
Blatz	Gustafson	Lehto	Onnen	Swanson
Brandl	Hanson	Lemen	Peterson, B.	Tomlinson
Brinkman	Hauge	Levi	Piepho	Valento
Carlson, L.	Heap	Ludeman	Redalen	Voss
Dahlvang	Heinitz	Luknic	Rees	Welker
Dean	Himle	Mann	Reif	Wigley
Dempsey	Hoberg	Marsh	Rose	Zubay
Den Ouden	Hokanson	McDonald	Rothenberg	
Drew	Hokr	Mehrkens	Schafer	
Erickson	Jennings	Metzen	Schreiber	
Esau	Johnson, C.	Murphy	Searles	

Those who voted in the negative were:

Anderson, I.	Greenfield	McCarron	Peterson, D.	Staten
Battaglia	Halberg	Minne	Reding	Vanasek
Begich	Haukoos	Nelson, K.	Rice	Vellenga
Byrne	Jude	Novak	Rodriguez, C.	Weaver
Clark, J.	Kalis	O'Connor	Samuelson	Welch
Clark, K.	Kelly	Ogren	Schoenfeld	Wenzel
Clawson	Kostohryz	Osthoft	Shea	Wieser
Ellingson	Long	Otis	Skoglund	Wynia

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 Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 28 and H. F. No. 750, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Metzen moved that the rules be so far suspended that S. F. No. 28 be substituted for H. F. No. 750 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 28 was read for the second time.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of S. F. No. 1040.

S. F. No. 1040 was reported to the House.

Long moved to amend S. F. No. 1040, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 115A.03, Subdivision 15, is amended to read:

Subd. 15. "Intrinsic suitability" of a land area or site means that, (BECAUSE OF) *based on existing data on the inherent and natural attributes, physical features, and location of the land area or site, there is no known reason why the waste facility proposed to be located in the area or site (WOULD NOT BE LIKELY TO RESULT IN MATERIAL HARM TO THE PUBLIC HEALTH AND SAFETY AND NATURAL RESOURCES AND THAT THEREFORE THE PROPOSED FACILITY CAN)* cannot reasonably be expected to qualify for permits in accordance with agency rules. *Agency certification of intrinsic suitability shall be based on data submitted to the agency by the proposing entity and data included by the hearing examiner in the record of any public hearing on recommended certification, and applied against criteria in agency rules and any additional criteria developed by the agency in effect at the time the proposing entity submits the site for certification.*

Sec. 2. Minnesota Statutes 1980, Section 115A.03, Subdivision 29, is amended to read:

Subd. 29. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant (FOR DISPOSAL AT A SEWAGE SLUDGE DISPOSAL FACILITY). Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Sec. 3. Minnesota Statutes 1980, Section 115A.05, Subdivision 3, is amended to read:

Subd. 3. [TEMPORARY MEMBERS.] For the purposes of each project review conducted by the board under sections 115A.18 to 115A.30 and 115A.32 to 115A.39 and for the purpose of preparing and adopting the hazardous waste management plan under section 115A.11 and making decisions on the elements of the certification of need for disposal required under sections 115A.18 to 115A.30, six local representatives shall be added to the board as temporary voting members, as provided in sections 115A.22, subdivision 4, and 115A.34. The provisions of section (15.075) 15.0575, subdivisions 3 and 4 relating to compensation, removal, and vacancy shall apply to temporary members except that the rate of compensation shall be \$50 per day spent on

board activities and that appointments by the governor to fill vacancies shall take effect in the same manner as the original appointment.

Sec. 4. Minnesota Statutes 1980, Section 115A.06, Subdivision 4, is amended to read:

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer areas surrounding sites for hazardous waste facilities approved by the board pursuant to sections 115A.18 to 115A.30 and 115A.32 to 115A.39, *and any temporary interest in any land subject to the development moratorium established by section 115A.21, subdivision 3.* Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with sections 115A.57 to 115A.59. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds which provided funds used to acquire the property and to evaluate the eligibility of the property for inclusion in the inventory under section 115A.09 or candidacy under sections 115A.18 to 115A.30. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 to 94.347 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. Where the property is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the property is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property

caused by its designation in the inventory of (SITES AND BUFFER) *preferred* areas under section 115A.09 or as a candidate site under sections 115A.18 to 115A.30 or its selection as a site or buffer area.

Sec. 5. Minnesota Statutes 1980, Section 115A.06, Subdivision 5, is amended to read:

Subd. 5. [RIGHT OF ACCESS.] Whenever the board or the chairperson acting on behalf of the board deems it necessary to the accomplishment of its purposes, the board or any member, employee, or agent thereof, when authorized by it or the chairperson, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damages to the property caused by the entrance and activity. *The board may pay a reasonable estimate of the damages it believes will be caused by the entrance and activity before entering any property.*

Sec. 6. Minnesota Statutes 1980, Section 115A.06, is amended by adding a subdivision to read:

Subd. 13. [PRIVATE AND NON-PUBLIC DATA.] *Any data held by the board which consists of trade secret information as defined by section 15.1673, subdivision 1, clause (b), sales information, or any other information which, if public, would tend to adversely affect the competitive position of the subject of the data, shall be classified as private or non-public data as defined in section 15.162, subdivisions 5a and 5c if the subject of the data has certified that the data qualifies as non-public or private data under this subdivision and the chairman of the waste management board approves the classification in writing. When data is classified private or non-public pursuant to this subdivision the board may:*

(a) *Use the data to compile and publish analyses or summaries and to carry out its statutory responsibilities in a manner which does not identify the subject of the data; or*

(b) *Disclose the data when it is obligated to disclose it to comply with federal law or regulation but only to the extent required by the federal law or regulation. The subject of data classified as private or non-public pursuant to this subdivision may authorize the disclosure of some or all of that data by the board.*

Sec. 7. Minnesota Statutes 1980, Section 115A.08, Subdivision 4, is amended to read:

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT; DRAFT MANAGEMENT PLAN AND CERTIFICATION OF NEED.] By (JANUARY 1) *August 15*, 1982, the board through its chairperson shall report to the legislative commission on hazardous waste management. The report shall include at least:

(a) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications and an explanation of the preliminary design and operating specifications for disposal facilities selected for consideration under section 115A.23;

(b) an evaluation of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(c) an evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery, and the potential of the alternatives to reduce the need for and practice of disposal;

(d) an evaluation of feasible and prudent disposal abatement objectives, along with a description of hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those objectives.

The report shall analyze the environmental, social, and economic effects of the alternatives and methods by which unavoidable adverse effects could be mitigated. The report shall include a draft hazardous waste management plan, based on the analysis in the report and proposed for adoption pursuant to section 115A.11, and a draft certificate or certificates of need proposed for issuance under section 115A.24.

Sec. 8. Minnesota Statutes 1980, Section 115A.08, Subdivision 5, is amended to read:

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] By (JANUARY 1) *August 15*, 1982, the board through its chairperson shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan

council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.

Sec. 9. Minnesota Statutes 1980, Section 115A.08, Subdivision 6, is amended to read:

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] By January 1, 1981, the board through its chairperson shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board and the chairperson on behalf of the board shall encourage public debate and discussion of the issues relating to the reports. The board and the chairperson on behalf of the board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility (SITES) *areas* prepared pursuant to Section 115A.09. The board and the chairperson on behalf of the board shall follow the procedures set out in section 115A.22, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. To assist it in preparing the reports required by subdivisions 4 and 5, the board through its chairperson shall make grants to each local project review committee established for a candidate site for disposal identified under sections 115A.18 to 115A.30. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants. The board and the chairperson on behalf of the board shall request recommendations from the private waste management industry, the board's advisory councils, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The reports of the board shall summarize the comments received and the board's response to the comments.

Sec. 10. Minnesota Statutes 1980, Section 115A.09, is amended to read:

115A.09 [DUTIES OF THE BOARD; INVENTORY OF PREFERRED (SITES) *AREAS* FOR HAZARDOUS WASTE PROCESSING FACILITIES.]

Subdivision 1. [BOARD RESPONSIBILITY.] By (NOVEMBER) *January* 1, (1981) *1982*, the board shall prepare an inventory of preferred (SITES) *areas of up to ten square miles*

in size for commercial hazardous waste processing facilities. No preferred area may extend into more than one statutory or home rule charter city or town, but the board may propose adjoining preferred areas in adjacent cities and towns. The inventory shall include at least three (SITES) areas for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

Subd. 2. [EVALUATION OF (SITES) AREAS.] The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of (SITES) areas under this section. The board and the chairperson on behalf of the board shall evaluate the (SITES) areas in consultation with the board's advisory councils, the affected counties and regions, generators of hazardous waste, and prospective facility developers. The evaluation shall consider at least the consistency of (SITES) areas with state and federal regulations, local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential (SITES) areas, and the location of hazardous waste generators. (NO SITE SHALL BE INCLUDED IN THE INVENTORY UNLESS THE AGENCY CERTIFIES ITS INTRINSIC SUITABILITY FOR THE USE INTENDED. NO LAND SHALL BE EXCLUDED FROM CONSIDERATION FOR INCLUSION IN THE INVENTORY EXCEPT LAND DETERMINED BY THE AGENCY TO BE INTRINSICALLY UNSUITABLE) *The agency shall prepare a report on the suitability of each proposed area for the use intended.*

Subd. 3. [PROCEDURES.] The board shall propose the inventory of (SITES) areas by (JUNE) August 1, 1981 by publication in the state register and newspapers of general circulation in the state and by mail to each regional development commission, *metropolitan council*, and local government unit containing a proposed (SITE) area. (ANY) *The publications and mailing shall include notice of* (PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE BOARD'S PROPOSAL OF A SITE FOR INCLUSION IN THE INVENTORY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) *hearings on the board's proposal. The hearings shall be conducted by the state office of administrative hearings in a manner determined by the hearing examiner to be consistent with the completion of the proceedings and the examiner's report in the time allowed by this section. At the hearing, any (COUNTY) local government unit in which (A SITE) an area is proposed for inclusion in the inventory may propose an alternative (SITE) area or (SITES) areas within (THE COUNTY) its*

jurisdiction. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed area or alternative areas which is relevant to the board's decision on the areas to be included in the inventory. The contested case procedures of chapter 15 shall not apply to this hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. When any (SITE) area in the inventory becomes unavailable as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, provided, however, that during the period when the inventory is being amended any other (SITE) area in the inventory may be reviewed and approved under sections 115A.32 to 115A.39. No action of the board shall be held invalid by reason of the board's failure to notify any of the entities listed in this subdivision.

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board through its chairperson may make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board through its chairperson shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.

Sec. 11. Minnesota Statutes 1980, Section 115A.11, Subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] By (MAY 1) *December 15, 1982*, the board shall adopt a hazardous waste management plan. The plan shall include at least the following elements:

(a) an estimate of the types and volumes of hazardous waste which will be generated in the state through the year 2000;

(b) specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and practice of disposal, through waste reduction, pretreatment, processing, and resource recovery.

(c) a description of the minimum disposal capacity and capability needed to be developed within the state for use through the year 2000, based on the achievement of the objectives under clause (b).

The plan shall require the establishment of at least one commercial disposal facility in the state.

Sec. 12. Minnesota Statutes 1980, Section 115A.19, is amended to read:

115A.19 [PROCEDURE NOT EXCLUSIVE.]

Except as provided in Minnesota Statutes 1980, Section 115A.21, Subdivision 1, the procedure established by sections 115A.18 to 115A.30 for the permitting of hazardous waste disposal facilities shall not preclude the issuance of permits by the agency pursuant to section 116.07 for disposal facilities at sites not reviewed under sections 115A.18 to 115A.30.

Sec. 13. Minnesota Statutes 1980, Section 115A.20, is amended to read:

115A.20 [EVALUATION OF SITES.]

The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of sites for commercial disposal facilities under sections 115A.18 to 115A.30, *nor shall the agency be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability of sites for commercial disposal facilities under sections 115A.18 to 115A.30.* In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

(a) economic feasibility, including proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) intrinsic suitability of the sites;

(c) federal and state pollution control and environmental protection rules;

(d) the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;

(e) the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(f) the adverse effects of a facility at the site on agriculture and natural resources and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and requirements respecting the design and operation of a disposal facility at the proposed site.

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 14. Minnesota Statutes 1980, Section 115A.21, Subdivision 1, is amended to read:

Subdivision 1. [SELECTION.] By (AUGUST 1, 1981) *March 15, 1982*, the board shall select six locations in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency (ON AUGUST 1, 1981,) may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites. *The agency shall suspend its review of any permit application being reviewed by the board for inclusion as a candidate site until the site is eliminated from consideration as a candidate site.*

Sec. 15. Minnesota Statutes 1980, Section 115A.21, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] As soon as practicable, the board through its chairperson shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. The board may select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to assist the evaluation of sites and the selection of candidate sites. By November 1, 1980, the board through its chairperson shall notify each regional development commission, or the metropolitan council, and each local government unit within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize any conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under sections 115A.18 to 115A.30 and the hazardous waste reports and plans required under sections 115A.04 to 115A.15. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and local government unit on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board through its chairperson shall make a written response to any recommendations, explaining its disposition of the recommendations. *The board shall provide to the agency data relating to the intrinsic*

suitability of the sites to be proposed as candidate sites as soon as available but no later than November 1, 1981. By (MAY 1) November 15, 1981, the board shall propose at least six locations as candidate sites, the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable, and the board through its chairperson and the director shall publish notice of hearings on the board's proposal and the director's recommendations. Notice shall be published in the state register and newspapers of general circulation in the state and shall (NOTIFY) be sent by mail to all regional development commissions, or the metropolitan council, and to local government units containing a proposed candidate site. (ANY PERSON OBJECTING TO THE AGENCY'S CERTIFICATION OR THE BOARD'S PROPOSAL OF A SITE FOR CANDIDACY SHALL HAVE 30 DAYS IN WHICH TO REQUEST A HEARING. IF A HEARING IS REQUESTED, THE HEARING SHALL BE ORDERED BY THE CHAIRPERSON OF THE BOARD AND) The hearings shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency and board in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the board and additional information on the proposed sites which is relevant to the board's decision on candidate sites and the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The hearing examiner may consolidate hearings. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify sites accordingly by March 1, 1982. No action of the board or agency shall be held invalid by reason of the board's or agency's failure to notify any of the entities listed in this subdivision.

Sec. 16. Minnesota Statutes 1980, Section 115A.22, Subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By (SEPTEMBER 1, 1981) April 15, 1982, the governor shall appoint the chairperson and members of each local project review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor.

Sec. 17. Minnesota Statutes 1980, Section 115A.22, Subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] By (OCTOBER 1, 1981) *May 15, 1982*, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under sections 115A.18 to 115A.30. *If a local committee fails to appoint a temporary board member within 45 days after the appointment of the committee the governor shall appoint a temporary board member to represent the committee on the board.* Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located. *Temporary board members shall serve for terms lasting until the board has taken final action pursuant to section 115A.28 and, in the case of members representing the site or sites finally chosen for the facility, until the commencement of the operation of the facility at that site.*

Sec. 18. Minnesota Statutes 1980, Section 115A.23, is amended to read:

115A.23 [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.]

By (JANUARY 1) *August 15, 1982*, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste in sufficient detail and extent in the judgment of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 115A.25. The preliminary design and operating specifications shall not be final and shall not preclude the consideration of other specifications nor foreclose the subsequent addition by the board of other disposal facility alternatives.

Sec. 19. Minnesota Statutes 1980, Section 115A.24, is amended to read:

115A.24 [CERTIFICATION OF NEED.]

Subdivision 1. [CERTIFICATE.] Except as provided in subdivision 2, by (MAY 1) December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact

upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Subd. 2. [CONDITION.] No certificate or certificates of need for disposal facilities for hazardous waste shall be issued by the board pursuant to subdivision 1 unless legislation is enacted to:

(a) Define the liability of owners and operators of disposal facilities and generators and other persons responsible for the disposal of hazardous waste;

(b) Provide the appropriate units of state or local government with the capability to clean up disposal sites or take other action to mitigate an imminent or substantial danger to public health or welfare or the environment from the disposal of hazardous waste; and

(c) Provide for the payment of the state's share of costs incurred pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, as amended, as required by that act as a match to federal moneys.

Sec. 20. Minnesota Statutes 1980, Section 115A.26, is amended to read:

115A.26 [AGENCIES; PERMIT CONDITIONS.]

Within 60 days following (THE ACCEPTANCE) *determination of adequacy* of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, each permitting state agency shall issue a notice of intent to

issue permits, indicating the terms, conditions, and requirements of agency approval for all permits needed at each candidate site for the establishment of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.

Sec. 21. Minnesota Statutes 1980, Section 115A.28, Subdivision 2, is amended to read:

Subd. 2. [BOARD'S DECISION PARAMOUNT.] The board's decision under subdivision 1 shall be final and shall supersede and preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) *and the requirements of sections 473H.02 to 473H.17; except that a facility established pursuant to the decision shall be subject to those terms, conditions, and requirements of permitting agencies embodied in the board's decision and (EXCEPT AS PROVIDED IN) any requirements imposed pursuant to subdivision 3.* The permitting agencies shall issue permits within 60 days following and in accordance with the board's final decision, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of a facility in accordance with the final decision of the board and permits issued pursuant thereto.

Sec. 22. Minnesota Statutes 1980, Section 115A.33, is amended to read:

115A.33 [ELIGIBILITY; REQUEST FOR REVIEW.]

The following persons shall be eligible to request supplementary review by the board pursuant to sections 115A.32 to 115A.39: (a) a generator of sewage sludge within the state who has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; (b) a political subdivision which has been issued permits by the agency, or a political subdivision acting on behalf of a person who has been issued permits by the agency, for a solid waste facility which is no larger than 250 acres, not including any proposed buffer area, and located outside the metropolitan area; (c) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator for managing the hazardous wastes produced by the generator only; (d) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities

adopted pursuant to section 115A.09; (e) *a person who has been issued permits by the agency for a disposal facility for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous waste processing facility operated by the person.* The metropolitan waste control commission shall not be eligible to request review under clause (a) for a sewage sludge disposal facility. The metropolitan waste control commission shall not be eligible to request review under clause (a) for a solid waste facility with a proposed permitted life of longer than four years. The board may require completion of a plan conforming to the requirements of section 115A.46, before granting review under clause (b). A request for supplementary review shall show that the required permits for the facility have been issued by the agency and that a political subdivision has refused to approve the establishment or operation of the facility.

Sec. 23. Minnesota Statutes 1980, Section 115A.34, is amended to read:

115A.34 [APPOINTMENT OF TEMPORARY BOARD MEMBERS.]

Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under sections 115A.32 to 115A.39, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the chairperson of the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the chairperson of the waste management board determines the proposed facility would be principally located. If the proposed facility is located in unorganized territory, all six members shall be selected by the governing board of the county. Temporary members shall be residents of the county in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. *If the appointing authority fails to appoint temporary board members in the period allowed, the governor shall appoint the temporary members to represent the local interests in accordance with this section.* Temporary board members shall serve for terms lasting until the board has taken final action on the facility.

Sec. 24. Minnesota Statutes 1980, Section 115A.37, Subdivision 2, is amended to read:

Subd. 2. [DECISION PARAMOUNT.] The decision of the board to approve a facility shall be final and shall supersede and

preempt requirements of state agencies and political subdivisions (, EXCEPTING ONLY) and the requirements of sections 473H.02 to 473H.17; except that the facility shall be subject to those terms, conditions, and requirements of permitting agencies embodied in the board's approval and (EXCEPT AS PROVIDED IN) any requirements imposed pursuant to subdivision 3. The permitting agencies shall issue or amend the permits for the facility within 60 days following and in accordance with the final decision of the board, and all permits shall conform to the terms, conditions, and requirements of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of the facility in accordance with the final decision of the board and permits issued pursuant thereto.

Sec. 25. Minnesota Statutes 1980, Section 115A.54, Subdivision 3, is amended to read:

Subd. 3. [OBLIGATIONS OF RECIPIENT.] No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the (AGENCY) board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

Sec. 26. Minnesota Statutes 1980, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during

which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing, and disposal of hazardous waste, recognizing that due to variable factors, a single standard of hazardous waste control may not be applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 27. Minnesota Statutes 1980, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality

or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, processing, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. The agency shall adopt such rules and standards for (THE DISPOSAL OF) sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of (DISPOSAL) facilities, and operation of (DISPOSAL) facilities and (DISPOSAL) sites. The agency shall promulgate temporary rules for sewage sludge (DISPOSAL) pursuant to section 15.0412, subdivision 5. Any such rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to collection, transportation, processing, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, processing, and disposal of solid waste and (THE DISPOSAL OF) sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, rules or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind rules and standards having the force

of law relating to any purpose within the provisions of this chapter for the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public utilities commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221. In implementing its hazardous waste rules, the pollution control agency shall give high priority to providing planning and technical assistance to hazardous waste generators. The agency shall assist generators in investigating the availability and feasibility of both interim and long term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 28. Minnesota Statutes 1980, Section 116.41, Subdivision 2, is amended to read:

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency shall conduct training programs for persons operating facilities for the disposal of waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. *Certificates shall not be required for a private individual for landspreading and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.*

Sec. 29. Minnesota Statutes 1980, Section 400.161, is amended to read:

400.161 [HAZARDOUS WASTE REGULATIONS.]

The county may by ordinance establish and revise rules, regulations, and standards relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, transportation, processing, disposal, and storage of hazardous waste, (d) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. (ANY ORDINANCE UNDER THIS SECTION SHALL EMBODY STANDARDS AND REQUIREMENTS ESTABLISHED BY RULE OF THE AGENCY.) *County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, modifying, imposing conditions upon, or revoking permits (PURSUANT TO THE PROVISIONS OF THIS SECTION) or licenses and county hazardous waste regulations (PROMULGATED HEREUNDER) and ordinances shall be subject to review, denial, suspension, modification, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, deny, suspend, modify, or reverse the action of the county. After (15 DAYS) this period, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.*

Sec. 30. Minnesota Statutes 1980, Section 473.149, Subdivision 2b, is amended to read:

Subd. 2b. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By (OCTOBER 1, 1981) *February 1, 1982*, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision

1a, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 1a, shall extend until October 1, 1983.

Sec. 31. Minnesota Statutes 1980, Section 473.149, Subdivision 2c, is amended to read:

Subd. 2c. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES; REPORT TO LEGISLATURE.] By (JANUARY 1) *August 15, 1982*, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Sec. 32. Minnesota Statutes 1980, Section 473.149, Subdivision 2e, is amended to read:

Subd. 2e. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 473.833. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 473.833. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights, as defined in section 473.833, no longer needed for disposal facilities. *The schedule shall also include a closure schedule and plans for post-closure management for facilities in existence prior to January 1, 1983.*

Sec. 33. Minnesota Statutes 1980, Section 473.149, is amended by adding a subdivision to read:

Subd. 4a. [RIGHT OF ACCESS.] Whenever the council deems it necessary to the evaluation of a disposal site or buffer area under chapter 473, the council or any member, employee, or agent thereof, when authorized by it, may enter upon any public or private property for the purpose of obtaining information or conducting surveys or investigations if the entrance and activity are undertaken after reasonable notice and during normal business hours. The council shall compensate for any damage to the property caused by the entrance and activity.

Sec. 34. Minnesota Statutes 1980, Section 473.153, Subdivision 1, is amended to read:

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish (AT LEAST ONE FACILITY FOR SEWAGE SLUDGE DISPOSAL AND AT LEAST ONE FACILITY FOR SOLID WASTE DISPOSAL) the facilities needed for the disposal of sewage sludge and solid waste generated by the commission. The council and the commission shall establish at least one facility.

Sec. 35. Minnesota Statutes 1980, Section 473.153, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] By (JULY) November (1) 15, 1981, the council shall select (THREE) six candidate sites for the disposal of the commission's sewage sludge and (THREE CANDIDATE SITES FOR THE DISPOSAL OF THE COMMISSION'S) solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its (APPARENT) intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the (AGENCY) council. The council shall provide to the agency data relating to the intrinsic suit-

ability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by November 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 36. Minnesota Statutes 1980, Section 473.153, Subdivision 6, is amended to read:

Subd. 6. [COUNCIL SITE SELECTION.] Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission (AS A SEWAGE SLUDGE DISPOSAL FACILITY AND AT LEAST ONE OF THE CANDIDATE SITES FOR ACQUISITION AND DEVELOPMENT BY THE COMMISSION AS A SOLID WASTE DISPOSAL FACILITY). Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns. *The requirements of sections 473H.02 to 473H.17 shall not apply to the selection and acquisition of the sites.*

Sec. 37. Minnesota Statutes 1980, Section 473.516, Subdivision 4, is amended to read:

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities and sites. Each permit shall require a regular monitoring and testing program to be carried out by the waste control commission. A regular inspection program shall be conducted by the agency or a county under contract to the agency. The commission shall reimburse the agency quarterly for the cost of the program, and the amounts reimbursed are hereby appropriated to the agency for the purposes of the program. *The commission shall attempt to the greatest practical extent to provide a sludge quality that permits desired nutrient loadings and minimizes elements not essential for plant growth when sludge is disposed of on private property as a soil conditioner or amendment. The commission shall provide recipients with information on the facility generating the sludge and the content of the sludge taken from its various treatment facilities.*

Sec. 38. Minnesota Statutes 1980, Section 473.801, is amended by adding a subdivision to read:

Subd. 4. Unless otherwise provided the definitions of terms defined in section 115A.03 shall apply to sections 473.801 to 473.823.

Sec. 39. Minnesota Statutes 1980, Section 473.803, Subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By (JUNE) October (1) 15, 1981, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be (PROPOSED BY THE COUNTY OR APPROVED) *adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic*

suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county (OR AGENCY). Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. *Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. A moratorium is hereby imposed on development*

within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 40. Minnesota Statutes 1980, Section 473.811, Subdivision 2, is amended to read:

Subd. 2. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. *The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the county board shall determine, but any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with the provisions of chapter 475.* No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Sec. 41. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 2a. [COUNTY SOLID WASTE INDUSTRIAL DEVELOPMENT REVENUE BONDS.] *A metropolitan county may issue revenue bonds to finance solid waste and related facilities projects located inside or outside the boundaries of cities or towns described in section 368.01 under and pursuant to the provisions of chapter 474.*

Sec. 42. Minnesota Statutes 1980, Section 473.811, Subdivision 3, is amended to read:

Subd. 3. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facili-

ties, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy (PROVIDED THAT THE DEALINGS OF EACH COUNTY SHALL BE ON A COMPETITIVE BASIS SO AS NOT TO CREATE AN UNFAIR OR UNREASONABLE ADVANTAGE OR RESTRAINT OF TRADE ON THE PART OF THE COUNTY).

Sec. 43. Minnesota Statutes 1980, Section 473.811, Subdivision 4, is amended to read:

Subd. 4. [COUNTY CONTRACTS.] Each metropolitan county may contract for the *acquisition or use of existing public or private solid waste facilities or any facilities deemed necessary or useful for resource recovery from solid waste* and may contract with any person for the operation (AND) or maintenance, or both, of any solid waste facility owned by the county. The contract shall provide for the operation (AND) or maintenance, or both, of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto. *Any contract for the operation or maintenance of a solid waste facility may provide for the sale of solid waste, materials, electric energy, steam or other product to the operator or for a fee payable to the operator, which may be a fixed fee, or a fee based on tonnage or a percentage of income or other measure, or any combination thereof. A metropolitan county may warrant to the operator of a solid waste facility or contract purchaser of any solid waste, materials, electric energy, steam or other product the quality, composition and available quantity of the solid waste, materials, electric energy, steam or other product to be sold or delivered.*

Sec. 44. Minnesota Statutes 1980, Section 473.811, is amended by adding a subdivision to read:

Subd. 4b. [CONTRACTS; NEGOTIATION.] *Notwithstanding any other law, a metropolitan county may contract for the acquisition, construction, improvement, maintenance or operation of solid waste facilities or property or property rights for solid waste facilities by any means available and in the manner determined by the county board, with or without advertisement for bids. A metropolitan county may select and employ a construction manager for construction and acquisition of solid waste facilities or property or property rights for solid waste facilities and negotiate and enter into a construction manage-*

ment agreement, which may but need not include a guaranteed maximum price. A construction manager shall give a bond to the county in accordance with section 574.26 if a construction management agreement provides for a guaranteed maximum price, provided that the amount of any bond furnished by any contractor or subcontractor for performance of and payment of labor and materials under a contract or subcontract for solid waste facilities or property or property rights for solid waste facilities included in the guaranteed maximum price may be substituted to the extent of the bond amount for the bond of the construction manager. A construction management agreement for acquisition and construction of solid waste facilities or property or property rights for solid waste facilities may be combined with a contract for maintenance or operation, or both, of the facilities and negotiated with the same person.

Sec. 45. Minnesota Statutes 1980, Section 473.811, Subdivision 5b, is amended to read:

Subd. 5b. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the collection, storage, transportation, processing, and disposal of hazardous waste, and (d) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. *County hazardous waste ordinances shall embody and be consistent with agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days.* Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification have 15 days *in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances* to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in chapter 15.

Sec. 46. Minnesota Statutes 1980, Section 473.811, Subdivision 8, is amended to read:

Subd. 8. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823

and sections 473.827, 473.831, 473.833, and 473.834. Such property may be sold in the manner provided by section 458.196, *or may be sold in such other manner and on such terms and conditions as the county board shall determine.* Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Sec. 47. Minnesota Statutes 1980, Section 473.831, Subdivision 1, is amended to read:

Subdivision 1. [GENERAL OBLIGATION BONDS.] (FOLLOWING THE ADOPTION OF THE REVISIONS TO ITS POLICY PLAN REQUIRED BY SECTION 473.149, SUBDIVISION 2E,) The council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 473.833 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. *The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council.* The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Sec. 48. Minnesota Statutes 1980, Section 473.833, is amended by adding a subdivision to read:

Subd. 2a. [ENVIRONMENTAL ANALYSIS.] *By January 1, 1983, each metropolitan county shall complete an analysis comparing the environmental effects of solid waste disposal facilities at the sites in the county which are included in the metropolitan inventory of solid waste disposal sites adopted*

by the metropolitan council pursuant to section 473.149, subdivision 2b. The analysis shall be in detail sufficient, in the judgment of the county board, to inform adequately the county site selection authority established under subdivision 3 of the environmental effects of facilities at sites within the county and to assure that facilities at the sites can reasonably be expected to qualify for permits in accordance with the rules of the agency.

Sec. 49. Minnesota Statutes 1980, Section 473.834, Subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 473.831, shall be annually apportioned *and certified* by the council to each (CITY AND TOWN) *county* in the metropolitan area, in the proportion that the assessed value of all taxable property within (SUCH CITY OR TOWN) *each county* bears to the assessed value of the taxable property in all (SUCH CITIES AND TOWNS, AS LAST FINALLY EQUALIZED BEFORE OCTOBER 1 IN THE YEAR IN WHICH THE ALLOCATION IS MADE) *the counties, except that the apportionment to each county shall first be adjusted to reflect exemptions from payment required by subdivision 1 and reductions in payment required by subdivision 3.*

Sec. 50. [APPROPRIATIONS.]

Subdivision 1. The appropriation of \$1,200,000 made available for certain purposes before June 30, 1981, by Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 3, Clause (b), is available for expenditure for those purposes until expended.

Subd. 2. The appropriation made in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 4, Clause (b), is available until expended.

Subd. 3. The two positions in the unclassified service created in Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6, shall not cancel when the appropriation is expended. The continuation of the positions is dependent upon the availability of money in the general services revolving fund, resource recovery account established in section 115A.15, subdivision 6.

Sec. 51. [REPEALER.]

Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5, are repealed.

Sec. 52. [EFFECTIVE DATE; APPLICATION.]

This act is effective the day following final enactment. Sections 30 to 49 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to the environment; clarifying terms, procedures, powers, and duties in the waste management act and for counties and metropolitan waste management; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.05, Subdivision 3; 115A.06, Subdivisions 4 and 5, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.34; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2b, 2c, 2e, and by adding a subdivision; 473.153, Subdivisions 1, 2 and 6; 473.516, Subdivision 4; 473.801, by adding a subdivision; 473.803, Subdivision 1a; 473.811, Subdivisions 2, 3, 4, 5b, 8, and by adding subdivisions; 473.831, Subdivision 1; 473.833, by adding a subdivision; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5."

The motion prevailed and the amendment was adopted.

Long moved to amend S. F. No. 1040, as amended, as follows:

Page 3, line 4, after "any" insert "*permanent or temporary*"

Page 3, lines 9 to 11, delete the new language

Page 8, line 34, delete the comma and insert "or"

Page 9, line 19, after "*The*" insert "*rulemaking and*"

Page 10, line 20, after the period insert "*The board may make the implementation of elements of the plan contingent on actions of the legislature which have been recommended in the reports submitted pursuant to section 115A.08.*"

Page 13, line 10, after the comma insert "and"

Page 13, line 13, delete the comma and insert a period and strike "and"

Page 13, line 34, after "*The*" insert "*rulemaking and*"

Page 14, after line 7, insert a section to read:

"Sec. 16. Minnesota Statutes 1980, Section 115A.21, Subdivision 3, is amended to read:

Subd. 3. [MORATORIUM.] *In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on all development (, EXCEPT HAZARDOUS WASTE FACILITIES,) within each proposed or candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and at least equal in area to the site. The moratorium on candidate sites and buffer areas shall extend until six months following final action of the board pursuant to sections 115A.18 to 115A.30. No development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium without the approval of the board. No land use control of any political subdivision shall permit development which has not been approved by the board, nor shall any political subdivision sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the board. The board shall not approve actions which would jeopardize the availability of a candidate site for use as a hazardous waste facility. The board may establish guidelines for reviewing requests for approval under this subdivision. The guidelines shall not be subject to the rule-making provisions of chapter 15. Requests for approval shall be submitted in writing to the chairperson of the board and shall be deemed to be approved by the board unless the chairperson otherwise notifies the submitter in writing within 15 days."*

Renumber sections accordingly

Page 24, line 22, after the period insert "*Notwithstanding the provisions of section 15.0412, subdivision 5, the temporary rules shall be effective until permanent rules are promulgated or March 1, 1982, whichever is earlier.*"

Page 30, line 9, delete "*November*" and insert "*December*"

Page 31, line 13, after "*The*" insert "*rulemaking and*"

Page 31, line 18, delete "*November*" and insert "*December*"

Page 31, after line 27, insert a section to read:

"Sec. 37. Minnesota Statutes 1980, Section 473.153, Subdivision 3, is amended to read:

Subd. 3. [MORATORIUM.] *In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on development within the area of each (PROPOSED) candidate site and buffer area selected by the council. The moratorium shall extend until six months following the council's decision under subdivision 6. No*

development shall be allowed to occur within the area of a (PROPOSED) site or buffer area during the period of the moratorium *without the approval of the council*. No county, city, or town land use control shall permit (SUCH) development *which has not been approved by the council*, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow (SUCH) development to occur *which has not been approved by the council*. The council shall not approve actions which would jeopardize the availability of a candidate site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chairman of the council and shall be deemed to be approved by the council unless the chairman otherwise notifies the submitter in writing within 15 days."

Renumber sections accordingly

Page 32, lines 2 to 4, delete the new language

Page 34, line 12, after "The" insert "rulemaking and"

Page 35, line 1, after the period insert "In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites,"

Page 35, line 2, after "imposed" insert "as provided in this subdivision"

Page 35, line 8, after "moratorium" insert "without the approval of the council"

Page 35, line 9, strike "such" and after "development" insert "which has not been approved by the council"

Page 35, line 12, strike "such" and after "occur" insert "which has not been approved by the council. The council shall not approve actions which would jeopardize the availability of a site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chairman of the council and shall be deemed to be approved by the council unless the chairman otherwise notifies the submitter in writing within 15 days."

Page 35, line 18, after "facilities" insert ", related transmission facilities," and strike "a"

Page 35, line 19, strike "solid waste facility" and insert "the facilities"

Page 39, line 7, after "in" delete "*such other*" and insert "*the*" and after "on" delete "*such*" and insert "*the*" and delete "*as*" and insert "*determined by*"

Page 39, line 8, delete "*shall determine*"

Page 41, line 3, delete "*subdivsion*" and insert "*subdivision*"

Page 41, line 25, delete "30" and insert "31"

Page 41, line 25, delete "49" and insert "51"

Further amend the title as follows:

Page 1, line 13, delete ", Subdivisions 1 and 2"

Page 1, line 19, after "2" insert ", 3"

The motion prevailed and the amendment was adopted.

Jude and Schoenfeld moved to amend S. F. No. 1040, as amended, as follows:

Page 2, line 3, after the period insert "*Land with soils designated class I or II by the United States soil conservation service shall not be deemed intrinsically suitable.*"

Page 26, after line 3, insert a section to read:

"Sec. 28. [116.082] [CERTAIN PERMITS PROHIBITED.]

The agency shall not grant a permit for a new waste disposal facility if the facility is proposed to be located on land with soils designated class I or II by the United States soil conservation service."

Renumber sections accordingly

Further amend the title as follows:

Page 1, line 23, after the semicolon insert "proposing new law coded in Minnesota Statutes, Chapter 116;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 40 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Jude	Niehaus	Shea
Anderson, B.	Fjoslien	Kalis	Nysether	Sherman
Anderson, G.	Hauge	Levi	O'Connor	Stadum
Brinkman	Heinitz	Ludeman	Ogren	Stumpf
Dempsey	Himle	Luknic	Onnen	Sviggum
Den Ouden	Jennings	Mann	Reding	Welker
Eken	Johnson, C.	McEachern	Schafer	Wenzel
Erickson	Johnson, D.	Mehrkens	Schoenfeld	Wigley

Those who voted in the negative were:

Ainley	Friedrich	Laidig	Peterson, B.	Skoglund
Anderson, I.	Greenfield	Lehto	Peterson, D.	Staten
Anderson, R.	Gruenes	Lemen	Piepho	Stowell
Battaglia	Gustafson	Long	Pogemiller	Swanson
Begich	Halberg	Marsh	Redalen	Tomlinson
Berkelman	Hanson	McCarron	Rees	Valan
Blatz	Harens	McDonald	Reif	Valento
Brandl	Haukoos	Metzen	Rice	Vanasek
Byrne	Heap	Minne	Rodriguez, C.	Vellenga
Carlson, D.	Hoberg	Munger	Rodriguez, F.	Voss
Carlson, L.	Hokanson	Murphy	Rose	Weaver
Clark, J.	Hokr	Nelsen, B.	Rothenberg	Welch
Clawson	Jacobs	Nelson, K.	Samuelson	Wieser
Dahlvang	Kahn	Norton	Schreiber	Wynia
Drew	Kaley	Novak	Searles	Zubay
Elioff	Kelly	Olsen	Sherwood	Spkr. Sieben, H.
Ellingson	Knickerbocker	Osthoff	Sieben, M.	
Evans	Kostohryz	Otis	Simoneau	

The motion did not prevail and the amendment was not adopted.

Jude moved to amend S. F. No. 1040, as amended, as follows:

Page 4, line 15, after the period, insert:

"In determining the fair market value of such property there shall be included any appreciation in the value of the property which would have occurred but for the fact that the property was designated in an inventory of sites or buffer areas, designated as a candidate site or buffer area, or selected as a site or buffer area."

Page 17, after line 30, insert a section to read:

"Sec. 22. [115A.302] [COMPENSATION.]

The board shall compensate owners and lessees of land contiguous to a new waste disposal facility sited by or for the board for decreases in the fair market value of their interest in the land and for reductions in the rate of appreciation of that value caused by proximity to the facility. The method for determining the amount of compensation and the procedures for filing

and appeal shall be as provided for eminent domain proceedings in chapter 117."

Page 21, after line 2, insert a section to read:

"Sec. 26. [115A.692] [COMPENSATION.]

The district shall compensate owners and lessees of land contiguous to a new waste disposal facility sited by or for the district for decreases in the fair market value of their interest in the land and for reductions in the rate of appreciation of that value caused by proximity to the facility. The method for determining the amount of compensation and the procedures for filing and appeal shall be as provided for eminent domain proceedings in chapter 117."

Page 26, after line 23, insert a section to read:

"Sec. 29. [368.011] [COMPENSATION.]

The town shall compensate owners and lessees of land contiguous to a new waste disposal facility sited by or for the town for decreases in the fair market value of their interest in the land and for reductions in the rate of appreciation of that value caused by proximity to the facility. The method for determining the amount of compensation and the procedures for filing and appeal shall be as provided for eminent domain proceedings in chapter 117."

Page 27, after line 27, insert sections to read:

"Sec. 30. [400.18] [COMPENSATION.]

The county shall compensate owners and lessees of land contiguous to a new waste disposal facility sited by or for the county for decreases in the fair market value of their interest in the land and for reductions in the rate of appreciation of that value caused by proximity to the facility. The method for determining the amount of compensation and the procedures for filing and appeal shall be as provided for eminent domain proceedings in chapter 117."

Sec. 31. [412.223] [COMPENSATION.]

The city shall compensate owners and lessees of land contiguous to a new waste disposal facility sited by or for the city for decreases in the fair market value of their interest in the land and for reductions in the rate of appreciation of that value caused by proximity to the facility. The method for determining the amount of compensation and the procedures for filing and appeal shall be as provided for eminent domain proceedings in chapter 117."

Page 32, after line 4, insert a section to read:

"Sec. 37. [473.155] [COMPENSATION.]

The commission shall compensate owners and lessees of land contiguous to a new waste disposal facility sited by or for the commission for decreases in the fair market value of their interest in the land and for reductions in the rate of appreciation of that value caused by proximity to the facility. The method for determining the amount of compensation and the procedures for filing and appeal shall be as provided for eminent domain proceedings in chapter 117."

Page 40, after line 25 insert:

"Sec. 48. Minnesota Statutes 1980, Section 473.833, Subdivision 5, is amended to read:

Subd. 5. [COMPENSATION.] Where the development right or fee is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. Where the fee is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the development rights are acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property less the value of the land as restricted to the use to which it is devoted at the time of the acquisition. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area. *In determining the fair market value of such property there shall be included any appreciation in the value of the property which would have occurred but for the fact that the property was designated in an inventory of sites or buffer areas, designated as a candidate site or buffer area, or selected as a site or buffer area.* Where the fee is subsequently condemned after the acquisition of the development rights, the land owner's compensation shall be based on the value of the property as restricted to the use permitted at the date of the subsequent acquisition.

Page 41, after line 3, insert a section to read:

"Sec. 50. [473.836] [COMPENSATION.]

The county shall compensate owners and lessees of land contiguous to a new waste disposal facility sited by or for the county for decreases in the fair market value of their interest in the land and for reductions in the rate of appreciation of that value caused by proximity to the facility. The method for determining the amount of compensation and the procedures for filing

and appeal shall be as provided for eminent domain proceedings in chapter 117."

Renumber the sections

Further amend the title as follows:

Page 1, line 22, before "by" insert "Subdivision 5, and"

Page 1, line 23, after the semicolon insert "proposing new law coded in Minnesota Statutes, Chapters 115A, 368, 400, 412, and 473;"

The motion did not prevail and the amendment was not adopted.

S. F. No. 1040, A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; clarifying and changing waste management powers of metropolitan counties; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.05, Subdivision 3; 115A.06, Subdivisions 4 and 5, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.34; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2b, 2c and 2e, and by adding a subdivision; 473.153, Subdivisions 1, 2 and 6; 473.801, by adding a subdivision; 473.803, Subdivision 1a; 473.811, Subdivisions 2, 3, 4, 5b, and 8, and by adding subdivisions; 473.831, Subdivision 1; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 100 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Clark, J.	Friedrich	Hoberg	Laidig
Anderson, R.	Clawson	Greenfield	Hokanson	Lehto
Battaglia	Dahlvang	Gruenes	Hokr	Lemen
Begich	Drew	Halberg	Jacobs	Long
Berkelman	Elioff	Hanson	Johnson, C.	Luknic
Blatz	Ellingson	Harens	Kahn	Marsh
Brandl	Evans	Haukoos	Kaley	McCarron
Byrne	Ewald	Heap	Kelly	McDonald
Carlson, D.	Fjoslien	Heinitz	Knickerbocker	Mehrkens
Carlson, L.	Forsythe	Himle	Kostohryz	Metzen

Minne	Osthoff	Rice	Sieben, M.	Vanasek
Munger	Otis	Rodriguez, C.	Simoneau	Vellenga
Murphy	Peterson, B.	Rodriguez, F.	Skoglund	Voss
Nelsen, B.	Peterson, D.	Rose	Stadum	Weaver
Nelson, K.	Piepho	Rothenberg	Staten	Welch
Norton	Pogemiller	Sarna	Stowell	Wieser
Novak	Redalen	Schreiber	Swanson	Wigley
Nysether	Reding	Searles	Tomlinson	Wynia
O'Connor	Rees	Sherman	Valan	Zubay
Olsen	Reif	Sherwood	Valento	Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Erickson	Kalis	Onnen	Welker
Ainley	Esau	Ludeman	Samuelson	Wenzel
Anderson, B.	Hauge	Mann	Schafer	
Anderson, G.	Jennings	McEachern	Schoenfeld	
Dempsey	Johnson, D.	Niehaus	Stumpf	
Den Ouden	Jude	Ogren	Sviggun	

The bill was passed, as amended, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 604:

Peterson, D.; Osthoff and Laidig.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1212:

Clawson, Ogren and Dean.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 452:

Clark, K.; Sarna and Drew.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1132:

Heap; Johnson, C., and Zubay.

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

REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 315, A bill for an act relating to taxation; real property; decreasing the classification ratio on apartments; amending Minnesota Statutes 1980, Section 273.13, Subdivision 19.

Reported the same back with the following amendments:

Page 1, line 12, delete "32" and insert "36"

Page 1, line 13, after "value" insert "*in 1982 and 34 percent of market value in 1983 and thereafter*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Taxes to which was referred:

H. F. No. 1210, A bill for an act relating to taxation; providing that an electing small business corporation for federal income tax purposes shall be an electing small business corporation for Minnesota income tax purposes; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.974; proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.971; 290.972; 290.973; and 290.975.

Reported the same back with the following amendments:

Page 9, line 1, after the stricken "Modifications" insert "*A modification*" and reinstate "*affecting shareholders of electing small*"

Page 9, reinstate line 2

Page 9, line 3, reinstate "Code of 1954" and after the stricken comma insert "*shall be made*" and reinstate the stricken period

Page 9, line 23, reinstate "In cases where the election under section 1372 of the"

Page 9, reinstate line 24

Page 9, line 25, reinstate "this chapter and at the close of the taxable"

Page 9, line 26, reinstate "year immediately preceding the effective election under" and insert "*this chapter*"

Page 9, line 27, reinstate "the corporation has a reserve of undistributed taxable"

Page 9, reinstate lines 28 to 36

Page 10, lines 1 to 15, reinstate the stricken language

Page 11, line 23, delete "290.973;"

Amend the title as follows:

Page 1, line 9, delete "290.973;"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 315 and 1210 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Eken, Mann, Stumpf and Valan introduced:

H. F. No. 1494, A bill for an act relating to agriculture; creating a family farm finance agency; authorizing the agency to issue debt obligations and to make loans for the acquisition of farm land; transferring the family farm security program to the agency; appropriating money; amending Minnesota Statutes 1980, Sections 41.51; 41.52, Subdivisions 1, 5, 8, 9 and 10, and by adding subdivisions; 41.54, Subdivision 4; 41.55; 41.56; 41.57; 41.58; 41.59, Subdivisions 1 and 2; and 41.60; proposing new law coded in Minnesota Statutes, Chapter 41; repealing Minnesota Statutes 1980, Section 41.53.

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

Sherwood introduced:

H. F. No. 1495, A bill for an act relating to municipal government; abolishing the Minnesota municipal board; transferring its duties to the commissioner of administration; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 414.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

McEachern, Begich and Welch introduced :

H. F. No. 1496, A bill for an act relating to congressional districts; reapportioning congressional districts; amending Minnesota Statutes 1980, Sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

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

Anderson, I., introduced :

H. F. No. 1497, A bill for an act relating to game and fish; dates when possession of certain fishing gear restricted; amending Minnesota Statutes 1980, Section 101.42, Subdivision 18.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kaley, Reding and Sarna introduced :

H. F. No. 1498, A bill for an act relating to retirement; including employees at the state ceremonial building in the unclassified employees plan; amending Minnesota Statutes 1980, Section 352D.02, Subdivision 1.

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

HOUSE ADVISORIES

The following House Advisories were introduced :

Minne; Peterson, D., and Kostohryz introduced :

H. A. No. 33, A proposal to study eligibility criteria used in Minnesota housing finance agency programs.

The advisory was referred to the Committee on General Legislation and Veterans Affairs.

Pogemiller; Carlson, D.; Nelsen, B.; Mann and Anderson, G., introduced :

H. A. No. 34, A proposal to study the effects of Minnesota operating railroads forming or joining holding companies.

The advisory was referred to the Committee on Transportation.

Anderson, G., Osthoff and Valan were excused while in conference committee.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 968 and S. F. No. 400.

H. F. No. 968, A bill for an act relating to penalties for crimes; creating the Minnesota law enforcement training account and the crime victim assistance account; appropriating money; amending Minnesota Statutes 1980, Sections 171.16, Subdivision 3; 299B.06; 588.01, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 626.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kelly	O'Connor	Sherwood
Ainley	Ewald	Knickerbocker	Ogren	Sieben, M.
Anderson, B.	Fjoslien	Kostohryz	Olsen	Skoglund
Anderson, I.	Forsythe	Kvam	Onnen	Stadum
Anderson, R.	Friedrich	Laidig	Osthoff	Staten
Battaglia	Greenfield	Lehto	Otis	Stowell
Begich	Gruenes	Lemen	Peterson, B.	Stumpf
Berkelman	Gustafson	Levi	Piepho	Sviggum
Blatz	Halberg	Long	Pogemiller	Swanson
Brandl	Hanson	Ludeman	Redalen	Tomlinson
Brinkman	Hauge	Luknic	Reding	Valan
Byrne	Haukoos	Mann	Rees	Valento
Carlson, D.	Heap	Marsh	Reif	Vanasek
Carlson, L.	Heinitz	McCarron	Rice	Vellenga
Clark, J.	Himle	McDonald	Rodriguez, C.	Voss
Clark, K.	Hoberg	McEachern	Rodriguez, F.	Weaver
Clawson	Hokanson	Mehrkens	Rose	Welch
Dahlvang	Hokr	Metzen	Rothenberg	Welker
Dean	Jacobs	Munger	Samuelson	Wenzel
Dempsey	Jennings	Murphy	Sarna	Wieser
Den Ouden	Johnson, C.	Nelsen, B.	Schafer	Wigley
Drew	Johnson, D.	Nelson, K.	Schoenfeld	Wynia
Eloff	Jude	Niehaus	Schreiber	Zubay
Ellingson	Kahn	Norton	Searles	Spkr. Sieben, H.
Erickson	Kaley	Novak	Shea	
Esau	Kalis	Nysether	Sherman	

The bill was passed and its title agreed to.

The Speaker called Wynia to the Chair.

S. F. No. 400, A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time

peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two members to the peace officers standards and training board from among elected city officials; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kelly	Ogren	Sieben, M.
Ainley	Evans	Knickerbocker	Olsen	Simoneau
Anderson, B.	Ewald	Kostohryz	Onnen	Skoglund
Anderson, I.	Fjoslien	Kvam	Osthoff	Stadum
Anderson, R.	Forsythe	Laidig	Otis	Staten
Battaglia	Friedrich	Lehto	Peterson, D.	Stowell
Begich	Greenfield	Lemen	Piepho	Stumpf
Berkelman	Gruenes	Long	Pogemiller	Sviggum
Blatz	Gustafson	Ludeman	Redalen	Swanson
Brandl	Halberg	Luknic	Reding	Tomlinson
Brinkman	Hanson	Mann	Rees	Valan
Byrne	Hauge	Marsh	Reif	Valento
Carlson, D.	Haukoos	McCarron	Rice	Vanasek
Carlson, L.	Heap	McDonald	Rodriguez, C.	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, F.	Voss
Clark, K.	Himle	Mehrkens	Rose	Weaver
Clawson	Hoberg	Minne	Rothenberg	Welch
Dahlvang	Hokanson	Munger	Samuelson	Welker
Dean	Jacobs	Murphy	Sarna	Wenzel
Dempsey	Jennings	Nelsen, B.	Schafer	Wieser
Den Ouden	Johnson, C.	Nelson, K.	Schoenfeld	Wigley
Drew	Johnson, D.	Niehaus	Schreiber	Wynia
Eken	Jude	Norton	Searles	Zubay
Elioff	Kahn	Novak	Shea	Spkr. Sieben, H.
Ellingson	Kaley	Nysether	Sherman	
Erickson	Kalis	O'Connor	Sherwood	

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, I., requested immediate consideration of S. F. Nos. 279 and 1079; H. F. Nos. 1448 and 1184 and S. F. No. 1305.

S. F. No. 279 was reported to the House.

Norton moved to amend S. F. No. 279, the unofficial engrossment, as follows:

Page 5, line 11, after "1981" insert "*and subsequent years*"

Page 5, line 12, after "1982" insert "*and subsequent years*"

The motion prevailed and the amendment was adopted.

S. F. No. 279, A bill for an act relating to taxation; providing that certain emergency shelters are exempt from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Ainley	Ewald	Kostohryz	Olsen	Simoneau
Anderson, B.	Fjoslien	Kvam	Onnen	Skoglund
Anderson, I.	Forsythe	Laidig	Otis	Stadum
Anderson, R.	Friedrich	Lehto	Peterson, B.	Staten
Battaglia	Greenfield	Long	Peterson, D.	Stowell
Begich	Gruenes	Ludeman	Piepho	Stumpf
Berkelman	Halberg	Luknic	Pogemiller	Svigum
Blatz	Hanson	Mann	Redalen	Swanson
Brandl	Harens	Marsh	Reding	Tomlinson
Brinkman	Hauge	McCarron	Rees	Valan
Byrne	Haukoos	McDonald	Reif	Valento
Carlson, D.	Heinitz	McEachern	Rice	Vanasek
Carlson, L.	Himle	Mehrkens	Rodriguez, C.	Vellenga
Clark, J.	Hoberg	Metzen	Rodriguez, F.	Voss
Clark, K.	Hokanson	Minne	Rose	Weaver
Clawson	Jacobs	Munger	Rothenberg	Welch
Dahlvang	Jennings	Murphy	Samuelson	Wenzel
Dempsey	Johnson, C.	Nelsen, B.	Sarna	Wieser
Drew	Johnson, D.	Nelson, K.	Schafer	Wigley
Eken	Jude	Niehaus	Schoenfeld	Wynia
Elioff	Kahn	Norton	Schreiber	Zubay
Ellingson	Kaley	Novak	Searles	Spkr. Sieben, H.
Erickson	Kalis	Nysether	Shea	
Esau	Kelly	O'Connor	Sherman	
Evans	Knickerbocker	Ogren	Sieben, M.	

Those who voted in the negative were:

Den Ouden Welker

The bill was passed, as amended, and its title agreed to.

S. F. No. 1079 was reported to the House.

Reding moved to amend S. F. No. 1079, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [353.025] [CITY MANAGERS; ELECTION; DEFERRED COMPENSATION.]

Subdivision 1. [DEFINITIONS.] For purposes of this section "city manager" means (1) a person duly appointed to and holding the position of city manager in a Plan B statutory city or in a home rule city operating under the "council-manager" form of government, or (2) a person appointed to and holding the position of chief administrative officer of a home rule charter city or a statutory city pursuant to a charter provision, ordinance, or resolution establishing such a position and prescribing its duties and responsibilities. "Governing body" means the city council of the city employing the city manager. "Election" means the election described in subdivision 2.

Subd. 2. [ELECTION.] A city manager may elect to be excluded from membership in the association. The election of exclusion shall be made within 30 days following the commencement of employment or within 30 days following the effective date of this act, whichever occurs later, in writing on a form prescribed by the executive director and shall be approved by a resolution of the governing body of the city. The election of exclusion shall not be effective until it is filed with the executive director. Membership of a city manager in the association shall cease on the date the written election is received by the executive director or upon a later date specified. The election to be excluded from membership shall include a provision agreeing that the person will not at any time in the future seek any authorization to purchase service credit for any period of excluded service and shall be irrevocable.

Subd. 3. [DEFERRED COMPENSATION; CITY CONTRIBUTION.] If an election of exclusion is made, and if the city manager and the governing body of the city agree in writing that the additional compensation is to be deferred and shall be contributed on behalf of the city manager to a deferred compensation program which meets the requirements of section 457 of the Internal Revenue Code of 1954, as amended through December 31, 1980, the governing body may compensate the city manager, in addition to the salary allowed under any limitation imposed on salaries by law or charter, in an amount equal to the employer contribution which would be required by section 353.27, subdivision 3, if the city manager were a member of the association.

Subd. 4. [REFUNDS; DEFERRED ANNUITY.] A city manager who makes an election to be excluded from membership is entitled to a refund of accumulated deductions or, if otherwise qualified, a deferred annuity in the manner provided by section 353.34, at the option of the manager.

Subd. 5. [ELECTION; OTHER EMPLOYMENT.] If a city manager who has made an election to be excluded accepts

employment in another governmental subdivision or accepts employment other than as a city manager in the same city, the election shall be deemed to have been rescinded on the effective date of employment.

Sec. 2. Minnesota Statutes 1980, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "homeowners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended through December 31, 1979.

The term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.

For taxable years beginning after December 31, 1980 and before January 1, 1983, the provisions of section 404 (relating to partial exclusions of dividends and interest received by individuals) of the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223, shall apply.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for the reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for the previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or

separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1978, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954 to the extent of the credit under section 38 of the Internal Revenue Code of 1954 that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, if the nonprofit corporation is domiciled outside of Minnesota;

(14) Exempt-interest dividends, as defined in section 852 (b) (5) (A) of the Internal Revenue Code of 1954, not included in federal adjusted gross income pursuant to section 852 (b) (5) (B) of the Internal Revenue Code of 1954, except for that portion of exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain recognized by a trust on the sale or exchange of property as defined in section 641 (c) (1) of the Internal Revenue Code of 1954;

(16) An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;

(17) To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9);

(18) The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss; (AND)

(19) The amount of a distribution from an individual housing account which is to be included in gross income as required under clause (c) of section 290.09, subdivision 30 (.) ; and

(20) *To the extent excluded from federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 1, the amount of contributions made by the city manager or administrator which is equal to the amount which would have been the city manager's or administrator's employee contribution pursuant to section 353.27, subdivision 2, if he were a member of the public employees retirement association.*

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of the portion

of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether the amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954. The maximum amount of this subtraction shall be \$11,000 less the amount by which the individual's federal adjusted gross income, plus the ordinary income portion of a lump sum distribution as defined in section 402(e) of the Internal Revenue Code of 1954, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$11,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954 but only to the extent that the credit is connected with or

allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain recognized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; (AND)

(18) Minnesota exempt-interest dividends as provided by subdivision 27; and

(19) To the extent included in federal adjusted gross income, in the case of a city manager or city administrator who elects to be excluded from the public employees retirement association and who makes contributions to a deferred compensation program pursuant to section 1, the amount of payments from the deferred compensation program equivalent to the amount of contributions taxed under clause (a)(20).

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from the corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and the corporation is liquidated or the individual shareholder disposes of the stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, the shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable

income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that the reserve is distributed to shareholders the distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that the amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that the amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1, clause (2) in computing Minnesota inheritance or estate tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have the amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

S. F. No. 1079, A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; modifying the income taxation of deferred compensation contributions by certain city managers; amending Minne-

sota Statutes 1980, Section 290.01, Subdivision 20; proposing new law coded in Minnesota Statutes, Chapter 353.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Ewald	Kvam	Ogren	Sherwood
Anderson, B.	Fjoslien	Laidig	Olsen	Sieben, M.
Anderson, I.	Forsythe	Lehto	Onnen	Simoneau
Anderson, R.	Friedrich	Lemen	Otis	Skoglund
Battaglia	Greenfield	Levi	Peterson, B.	Stadum
Begich	Gruenes	Long	Peterson, D.	Staten
Berkelman	Halberg	Ludeman	Piepho	Stowell
Blatz	Hanson	Luknic	Pogemiller	Stumpf
Brandl	Hauge	Mann	Redalen	Svigum
Brinkman	Haukoos	Marsh	Reding	Swanson
Byrne	Heap	McCarron	Rees	Tomlinson
Carlson, D.	Heinitz	McDonald	Reif	Valan
Carlson, L.	Himle	McEachern	Rice	Valento
Clark, J.	Hoberg	Mehrrens	Rodriguez, C.	Vanasek
Clawson	Hokanson	Metzen	Rodriguez, F.	Vellenga
Dahlvang	Jacobs	Minne	Rose	Voss
Dempsey	Jennings	Munger	Rothenberg	Weaver
Den Ouden	Johnson, D.	Murphy	Samuelson	Welch
Drew	Jude	Nelsen, B.	Sarna	Welker
Eken	Kahn	Nelson, K.	Schafer	Wenzel
Elioff	Kaley	Niehaus	Schoenfeld	Wieser
Ellingson	Kalis	Norton	Schreiber	Wigley
Erickson	Kelly	Novak	Searles	Wynia
Esau	Knickerbocker	Nysether	Shea	Zubay
Evans	Kostohryz	O'Connor	Sherman	Spkr. Sieben, H.

The bill was passed, as amended, and its title agreed to.

CALL OF THE HOUSE

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

Aasness	Dean	Hauge	Knickerbocker	Murphy
Ainley	Den Ouden	Haukoos	Kostohryz	Nelson, K.
Anderson, B.	Eken	Heap	Kvam	Niehaus
Battaglia	Elioff	Heinitz	Laidig	Norton
Begich	Ellingson	Himle	Lehto	Nysether
Berkelman	Erickson	Hoberg	Lemen	O'Connor
Blatz	Esau	Hokr	Levi	Ogren
Brandl	Ewald	Jacobs	Long	Olsen
Brinkman	Fjoslien	Jennings	Ludeman	Onnen
Byrne	Friedrich	Johnson, D.	Luknic	Otis
Carlson, D.	Greenfield	Jude	Mann	Peterson, B.
Carlson, L.	Gustafson	Kahn	Marsh	Peterson, D.
Clark, J.	Halberg	Kaley	McCarron	Piepho
Clark, K.	Hanson	Kalis	Minne	Pogemiller
Clawson	Harens	Kelly	Munger	Redalen

Reding	Sarna	Simoneau	Tomlinson	Wenzel
Rees	Schafer	Skoglund	Valento	Wieser
Rice	Schoenfeld	Staten	Vellenga	Wigley
Rodriguez, C.	Schreiber	Stowell	Voss	Wynia
Rodriguez, F.	Shea	Stumpf	Weaver	Zubay
Rose	Sherman	Svigum	Welch	Spkr. Sieben, H.
Rothenberg	Sherwood	Swanson	Welker	

Voss 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.

POINT OF ORDER

Swanson raised a point of order pursuant to rule 4.9. The Speaker pro tempore deferred her decision pursuant to Section 244 of "Mason's Manual of Legislative Procedure."

H. F. No. 1448, A bill for an act relating to counties; excepting a county legal assistance levy from levy limits; amending Minnesota Statutes 1980, Section 375.167, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

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

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

There were 76 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Lemen	Olsen	Staten
Anderson, I.	Evans	Levi	Osthoff	Stumpf
Anderson, R.	Greenfield	Long	Otis	Swanson
Battaglia	Gustafson	Luknic	Peterson, D.	Tomlinson
Begich	Hanson	Mann	Pogemiller	Vanasek
Berkelman	Harens	McCarron	Reding	Vellenga
Blatz	Hauge	McEachern	Rice	Voss
Brandl	Haukoos	Metzen	Rodriguez, C.	Weaver
Byrne	Hokanson	Minne	Rodriguez, F.	Welch
Carlson, L.	Jacobs	Munger	Samuelson	Wenzel
Clark, J.	Jude	Murphy	Sarna	Wynia
Clark, K.	Kahn	Nelson, K.	Schoenfeld	Spkr. Sieben, H.
Clawson	Kalis	Norton	Shea	
Dahlvang	Kelly	Novak	Sieben, M.	
Drew	Kostohryz	O'Connor	Simoneau	
Elioff	Lehto	Ogren	Skoglund	

Those who voted in the negative were:

Aasness	Brinkman	Dean	Den Ouden	Esau
Ainley	Carlson, D.	Dempsey	Erickson	Ewald

Fjoslien	Hokr	McDonald	Reif	Stowell
Forsythe	Jennings	Nelsen, B.	Rose	Sviggum
Friedrich	Johnson, D.	Niehaus	Rothenberg	Valento
Gruenes	Kaley	Nysether	Schafer	Welker
Halberg	Knickerbocker	Onnen	Schreiber	Wieser
Heap	Kvam	Peterson, B.	Searles	Wigley
Heinitz	Laidig	Piepho	Sherman	Zubay
Himle	Ludeman	Redalen	Sherwood	
Hoberg	Marsh	Rees	Stadum	

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

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

H. F. No. 1184 was reported to the House.

Hanson moved to amend H. F. No. 1184, as follows:

Page 1, delete lines 9 to 26 and insert:

"Section 1. [38.26] [PAYMENTS FOR CITY SERVICES.]

The board of managers of the society shall enter and make payments pursuant to a written agreement with the city council of any city within which the boundaries of the state fairgrounds are located. The agreement shall provide that the society will compensate the city for the cost of providing city services to occupants or users of the fairgrounds and any additional costs incurred by the city as a result of the use of the fairgrounds, including a reasonable amount for wear and tear on and demand for additional capital facilities. The board of managers and the city shall renegotiate the terms of the agreement at least once every two years."

Page 2, delete lines 1 to 17

Page 3, line 5, before "Section" insert "Section 1 is effective the day following final enactment."

Further amend the title:

Page 1, line 2, delete "providing for taxation of"

Page 1, line 3, delete "certain leased fairground property" and insert "requiring the state agricultural society to negotiate an agreement to provide compensation for certain city services"

Page 1, line 5, delete "Sections 272.01," and insert "Section"

Page 1, line 6, delete "Subdivision 2; and"

Page 2, line 6, after "subdivision" insert "; and proposing new law coded in Minnesota Statutes, Chapter 38"

The motion prevailed and the amendment was adopted.

H. F. No. 1184, A bill for an act relating to taxation; providing for taxation of certain leased fairground property; providing for homestead classification of certain leased premises; amending Minnesota Statutes 1980, Sections 272.01, Subdivision 2; and 273.13, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Johnson, C.	Norton	Sarna
Anderson, I.	Elioff	Jude	Novak	Shea
Anderson, R.	Ellingson	Kahn	O'Connor	Sherman
Battaglia	Ewald	Kelly	Ogren	Sieben, M.
Begich	Forsythe	Laidig	Olsen	Simoneau
Blatz	Friedrich	Lehto	Otis	Skoglund
Brandl	Greenfield	Lemen	Peterson, D.	Staten
Byrne	Gruenes	Long	Piepho	Swanson
Carlson, D.	Gustafson	Mann	Pogemiller	Tomlinson
Carlson, L.	Hanson	Marsh	Rees	Vanasek
Clark, J.	Harens	McCarron	Reif	Vellenga
Clark, K.	Hauge	Metzen	Rice	Voss
Clawson	Heap	Minne	Rodriguez, C.	Welch
Dahlvang	Heinitz	Munger	Rodriguez, F.	Wenzel
Dean	Hokanson	Murphy	Rose	Wynia
Dempsey	Hokr	Nelson, K.	Rothenberg	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Haukoos	Levi	Osthoff	Stadum
Brinkman	Himle	Ludeman	Peterson, B.	Stowell
Den Ouden	Hoberg	Luknic	Redalen	Sviggum
Erickson	Jacobs	McDonald	Schafer	Valento
Esau	Jennings	Nelsen, B.	Schoenfeld	Weaver
Evans	Johnson, D.	Niehaus	Schreiber	Welker
Fjoslien	Kalis	Nysether	Searles	Wieser
Halberg	Kvam	Onnen	Sherwood	Wigley

The bill was passed, as amended, and its title agreed to.

S. F. No. 1305 was reported to the House.

Lehto moved to amend S. F. No. 1305, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended by Laws 1973, Chapter 325, Section 1, is amended to read:

Sec. 11. [DULUTH, CITY OF; TRANSIT AUTHORITY.]

Subdivision 1. Notwithstanding anything to the contrary contained in the charter of the city of Duluth, any ordinance thereof, or any statute applicable thereto, limiting the amount levied in any one year for general or special purposes, the city council of the city of Duluth shall each year, at the time the tax levies for the support of the city are made, levy a tax on all taxable property in an amount not to exceed (1.5) 3 mills in any year, by ordinance (, SUBJECT TO THE REFERENDUM PROVISIONS OF THE HOME RULE CHARTER OF THE CITY OF DULUTH). *An ordinance fixing the levy shall take effect immediately upon its passage and approval.* The proceeds from such levy shall be paid into the city treasury, and shall be deposited in the operating fund provided for under section 4, subdivision 3, of this act.

Sec. 2. [LOCAL APPROVAL; EFFECTIVE DATE.]

This act is effective only with approval of a majority of the voters of the city voting on the question of its approval at a special or regular election. It shall then take effect the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 2."

Delete the title and insert:

"A bill for an act relating to the city of Duluth; providing tax financing for the transit authority; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 41 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Berkelman	Hauge	Munger	Rees	Vellenga
Clark, K.	Heinitz	Norton	Rodriguez, C.	Wieser
Clawson	Jennings	Nysether	Rodriguez, F.	Wigley
Dempsey	Kalis	O'Connor	Rothenberg	Zubay
Eken	Kelly	Olsen	Sherman	Spkr. Sieben, H.
Esau	Knickerbocker	Peterson, B.	Simoneau	
Fjoslien	Lehto	Piepho	Skoglund	
Greenfield	Long	Pogemiller	Stowell	
Gustafson	Mann	Reding	Tomlinson	

Those who voted in the negative were:

Aasness	Begich	Carlson, D.	Dean	Ellingson
Ainley	Blatz	Carlson, L.	Den Ouden	Erickson
Anderson, I.	Brandl	Clark, J.	Drew	Evans
Battaglia	Byrne	Dahlvang	Elioff	Forsythe

Friedrich	Jude	Murphy	Peterson, D.	Sviggum
Gruenes	Kahn	Nelsen, B.	Redalen	Valento
Hanson	Lemen	Nelson, K.	Reif	Voss
Haukoos	Ludeman	Niehaus	Rice	Weaver
Heap	Marsh	Novak	Rose	Welch
Himle	McDonald	Ogren	Sarna	Welker
Hoberg	McEachern	Onnen	Schafer	Wenzel
Hokanson	Metzen	Osthoff	Schoenfeld	Wynia
Jacobs	Minne	Otis	Sieben, M.	

The motion did not prevail and the amendment was not adopted.

Lehto moved that S. F. No. 1305 be temporarily laid over. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 766.

H. F. No. 766 was reported to the House.

Norton moved to amend H. F. No. 766, as follows:

Page 5, line 14, after "price" insert "*which includes construction and construction related costs, construction management fees, architects fees, the cost of fixed equipment and site development costs,*"

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

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

Aasness	Erickson	Jude	Murphy	Rodriguez, F.
Ainley	Esau	Kahn	Nelsen, B.	Rose
Anderson, I.	Evans	Kaley	Niehaus	Rothenberg
Battaglia	Ewald	Kelly	Norton	Sarna
Blatz	Fjoslien	Knickerbocker	Novak	Schafer
Brandl	Greenfield	Kostohryz	Nysether	Schoenfeld
Brinkman	Gruenes	Kvam	O'Connor	Schreiber
Byrne	Gustafson	Laidig	Ogren	Searles
Carlson, D.	Halberg	Lehto	Olsen	Sherman
Carlson, L.	Hanson	Lemen	Onnen	Sherwood
Clark, J.	Harens	Levi	Osthoff	Sieben, M.
Clark, K.	Haukoos	Long	Otis	Simoneau
Clawson	Heap	Ludeman	Peterson, D.	Skoglund
Dahlvang	Himle	Luknic	Piepho	Stadium
Dean	Hoberg	Marsh	Pogemiller	Staten
Dempsey	Hokanson	McCarron	Redalen	Stowell
Den Ouden	Hokr	McDonald	Rees	Stumpf
Eken	Jacobs	McEachern	Reif	Sviggum
Elioff	Jennings	Minne	Rice	Swanson
Ellingson	Johnson, C.	Munger	Rodriguez, C.	Tomlinson

Valento
Vellenga
Voss

Weaver
Welch
Welker

Wenzel
Wieser
Wigley

Wynia
Zubay

Spkr. Sieben, H.

Simoneau 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.

POINT OF ORDER

The pending point of order raised earlier today by Swanson pursuant to rule 4.9 was reported to the House. The Speaker pro tempore ruled the point of order not well taken.

The Speaker resumed the Chair.

Swanson moved to amend H. F. No. 766, the first engrossment, as amended, as follows:

Page 3, line 2, after "that" insert " , during all phases of construction or any remodeling of the existing structures, operating bed capacity shall not exceed 600 beds and that"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 66 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kahn	Onnen	Swanson
Ainley	Friedrich	Kaley	Osthoff	Valento
Anderson, B.	Greenfield	Knickerbocker	Peterson, B.	Vellenga
Anderson, I.	Gruenes	Lemen	Piepho	Weaver
Anderson, R.	Halberg	Levi	Reif	Welch
Blatz	Harens	Ludeman	Rodriguez, C.	Welker
Byrne	Haukoos	Luknic	Rose	Wieser
Clawson	Heinitz	McDonald	Sarna	Wigley
Dahlvang	Himle	McEachern	Schafer	Wynia
Dean	Hoberg	Mehrkens	Schreiber	Zubay
Dempsey	Hokanson	Metzen	Shea	
Den Ouden	Hokr	Niehaus	Sherman	
Esau	Jennings	Ogren	Stumpf	
Fjoslien	Jude	Olsen	Svigum	

Those who voted negative were:

Anderson, G.	Clark, J.	Ewald	Kalis	Marsh
Battaglia	Clark, K.	Gustafson	Kelly	McCarron
Begich	Drew	Hanson	Kostohryz	Minne
Berkelman	Eken	Hauge	Kvam	Munger
Brandl	Elioff	Heap	Laidig	Murphy
Brinkman	Ellingson	Jacobs	Lehto	Nelsen, B.
Carlson, D.	Erickson	Johnson, C.	Long	Nelson, K.
Carlson, L.	Evans	Johnson, D.	Mann	Norton

Novak	Redalen	Samuelson	Skoglund	Vanasek
Nysether	Reding	Schoenfeld	Stadum	Voss
O'Connor	Rees	Searles	Staten	Wenzel
Otis	Rice	Sherwood	Stowell	Spkr. Sieben, H.
Peterson, D.	Rodriguez, F.	Sieben, M.	Tomlinson	
Pogemiller	Rothenberg	Simoneau	Valan	

The motion did not prevail and the amendment was not adopted.

Lemen moved to amend H. F. No. 766, the first engrossment, as amended, as follows:

Page 3, line 25, after *"including"* insert *"three percent of all research grants from private or public sources for activities at University Hospitals and two percent of all Medical School tuition revenue, in addition to"*

The motion did not prevail and the amendment was not adopted.

Lemen moved to amend H. F. No. 766, the first engrossment, as amended, as follows:

Page 4, line 27, delete *"To reduce the amount of taxes otherwise"*

Page 4, delete lines 28 to 32

The motion did not prevail and the amendment was not adopted.

Lemen moved to amend H. F. No. 766, the first engrossment, as amended, as follows:

Page 3, line 6, after *"agency"* insert *"provided that the total capacity of University Hospitals shall not exceed 675 beds"*

The motion did not prevail and the amendment was not adopted.

Dean moved to amend H. F. No. 766, the first engrossment, as amended, as follows:

Page 5, after line 23, insert:

"Subd. 9. [LIMITATION ON USE OF BOND PROCEEDS.] The proceeds from the sale of bonds authorized by subdivision 1 may not be loaned to the board of regents if the proceeds will be used to pay for:

(1) the construction of a new hospital building with a capacity in excess of 520 beds; or,

(2) *the remodeling of the existing hospital to result in newly constructed hospital facilities and newly remodeled facilities in excess of 520 beds. Notwithstanding this limitation, the proceeds may be used for the purposes stated in this subdivision if the board of regents requests that the legislature permit the use and describes, in detail, the justification, and the legislature, by concurrent resolution, permits the use.*

Subd. 10. [REPORT TO THE LEGISLATURE.] Not later than February 15th of each year, the board of regents shall report to the legislature on the status of the capital project out-charged by subdivision 1. The report shall include a statement of any proposed changes in the scope or size of the project, costs incurred, contracts let and the amount of each, any unanticipated costs or factors which could result in expenditures in excess of bond proceeds, any other matters which the chairman of the house appropriations committee or senate finance committee requests, and any other matter which the board believes may be of interest to the legislature. The report may be discontinued after a report is filed indicating that all work to construct hospital facilities has been completed."

Amend the title as follows :

Page 1, line 5, after the first semicolon, insert "limiting the use of the proceeds of the bonds; requiring an annual report to the legislature;"

The motion prevailed and the amendment was adopted.

McDonald, Jude, Rees, Wenzel and Harens offered an amendment to H. F. No. 766.

POINT OF ORDER

Dean raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

McDonald appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

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

There were 99 yeas and 26 nays as follows :

Those who voted in the affirmative were:

Ainley	Esau	Kahn	Norton	Sherman
Anderson, B.	Evans	Kaley	Novak	Sieben, M.
Anderson, I.	Ewald	Kalis	O'Connor	Simoneau
Anderson, R.	Forsythe	Kelly	Ogren	Skoglund
Battaglia	Friedrich	Knickerbocker	Olsen	Staten
Begich	Greenfield	Kostohryz	Osthoff	Stowell
Berkelman	Gustafson	Kvam	Otis	Stumpf
Brandl	Halberg	Laidig	Peterson, D.	Svigum
Brinkman	Hanson	Lehto	Pogemiller	Swanson
Carlson, D.	Hauge	Levi	Reding	Tomlinson
Carlson, L.	Haukoos	Long	Rice	Vanasek
Clark, J.	Heinitz	Luknic	Rodriguez, C.	Vellenga
Clark, K.	Himle	Mann	Rodriguez, F.	Voss
Clawson	Hoberg	McCarron	Rose	Welch
Dahlvang	Hokanson	McEachern	Samuelson	Wenzel
Dean	Jacobs	Metzen	Sarna	Wieser
Drew	Jennings	Minne	Schoenfeld	Wynia
Eken	Johnson, C.	Munger	Schreiber	Zubay
Elioff	Johnson, D.	Murphy	Searles	Spkr. Sieben, H.
Ellingson	Jude	Nelson, K.	Shea	

Those who voted in the negative were:

Aasness	Harens	Niehaus	Rees	Welker
Blatz	Heap	Nysether	Reif	Wigley
Dempsey	Lemen	Onnen	Schafer	
Den Ouden	Ludeman	Peterson, B.	Stadum	
Fjoslien	Marsh	Piepho	Valento	
Gruenes	McDonald	Redalen	Weaver	

So it was the judgment of the House that the decision of the Speaker should stand and the amendment was not in order.

H. F. No. 766, as amended, was given its third reading.

Welch moved that H. F. No. 766 be re-referred to the Committee on Appropriations.

A roll call was requested and properly seconded.

The question was taken on the Welch motion and the roll was called.

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

There were 44 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Halberg	Kahn	Niehaus
Anderson, B.	Drew	Haukoos	Lemen	Olsen
Blatz	Esau	Himle	Levi	Onnen
Clark, K.	Fjoslien	Hoberg	Ludeman	Peterson, B.
Clawson	Forsythe	Jennings	Marsh	Piepho
Dempsey	Gruenes	Jude	McDonald	Reif

Rodriguez, C.	Shea	Swanson	Weaver	Wigley
Schafer	Stumpf	Valento	Welch	Wynia
Schreiber	Sviggum	Vellenga	Welker	

Those who voted in the negative were:

Ainley	Evans	Knickerbocker	O'Connor	Sherwood
Anderson, I.	Ewald	Kostohryz	Ogren	Sieben, M.
Anderson, R.	Friedrich	Kvam	Osthoff	Simoneau
Battaglia	Greenfield	Laidig	Otis	Skoglund
Begich	Gustafson	Lehto	Peterson, D.	Stadum
Berkelman	Hanson	Long	Pogemiller	Staten
Brandl	Harens	Luknic	Redalen	Stowell
Brinkman	Hauge	Mann	Reding	Tomlinson
Byrne	Heap	McCarron	Rees	Valan
Carlson, D.	Heinitz	Mehrkens	Rice	Vanasek
Carlson, L.	Hokanson	Minne	Rodriguez, F.	Voss
Clark, J.	Hokr	Munger	Rose	Wenzel
Dahlvang	Jacobs	Murphy	Rothenberg	Wieser
Dean	Johnson, C.	Nelsen, B.	Samuelson	Zubay
Eken	Johnson, D.	Nelson, K.	Sarna	Spkr. Sieben, H.
Elioff	Kaley	Norton	Schoenfeld	
Ellingson	Kalis	Novak	Searles	
Erickson	Kelly	Nysether	Sherman	

The motion did not prevail.

H. F. No. 766, A bill for an act relating to the University of Minnesota hospitals; authorizing the sale of state bonds and loan of the proceeds of the sale to the board of regents of the University of Minnesota; limiting the use of the proceeds of the bonds; requiring an annual report to the legislature; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

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

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

There were 82 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark, J.	Gustafson	Knickerbocker	Metzen
Anderson, G.	Dahlvang	Hanson	Kostohryz	Minne
Anderson, I.	Dean	Harens	Kvam	Munger
Anderson, R.	Eken	Hauge	Laidig	Murphy
Battaglia	Elioff	Heap	Lehto	Nelsen, B.
Begich	Ellingson	Heinitz	Levi	Nelson, K.
Berkelman	Erickson	Jacobs	Long	Norton
Brandl	Evans	Johnson, C.	Luknic	Novak
Brinkman	Ewald	Johnson, D.	Mann	O'Connor
Carlson, D.	Friedrich	Kalis	McCarron	Ogren
Carlson, L.	Greenfield	Kelly	McEachern	Otis

Peterson, D.	Rose	Shea	Staten	Voss
Pogemiller	Rothenberg	Sherwood	Stowell	Wenzel
Reding	Samuelson	Sieben, M.	Tomlinson	Spkr. Sieben, H.
Rees	Sarna	Simoneau	Valan	
Rice	Schoenfeld	Skoglund	Vanasek	
Rodriguez, F.	Searles	Stadum	Vellenga	

Those who voted in the negative were:

Ainley	Fjoslien	Kahn	Osthoff	Swanson
Anderson, B.	Forsythe	Kaley	Peterson, B.	Valento
Blatz	Gruenes	Lemen	Piepho	Weaver
Byrne	Halberg	Ludeman	Reif	Welch
Clark, K.	Haukoos	Marsh	Rodriguez, C.	Welker
Clawson	Himle	McDonald	Schafer	Wieser
Dempsey	Hoberg	Mehrkens	Schreiber	Wigley
Den Ouden	Hokanson	Niehaus	Sherman	Wynia
Drew	Jennings	Nysether	Stumpf	Zubay
Esau	Jude	Onnen	Sviggum	

The bill was passed, as amended, and its title agreed to.

MOTION FOR RECONSIDERATION

Wenzel moved that the vote whereby H. F. No. 403, as amended, was not passed on Special Orders on Monday, May 11, 1981, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Wenzel motion to reconsider H. F. No. 403, as amended, and the roll was called.

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

There were 67 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Drew	Jude	Ogren	Simoneau
Anderson, I.	Elioff	Kahn	Osthoff	Skoglund
Anderson, R.	Ellingson	Knickerbocker	Otis	Staten
Battaglia	Fjoslien	Laidig	Peterson, D.	Tomlinson
Begich	Greenfield	Levi	Pogemiller	Vanasek
Berkelman	Halberg	Long	Reding	Vellenga
Blatz	Hanson	Luknie	Reif	Voss
Brandl	Harens	McCarron	Rice	Welch
Byrne	Hauge	Minne	Rodriguez, C.	Wenzel
Carlson, L.	Heap	Murphy	Rodriguez, F.	Wynia
Clark, J.	Hokanson	Nelson, K.	Sarna	Spkr. Sieben, H.
Clark, K.	Hokr	Norton	Schreiber	
Clawson	Jacobs	Novak	Shea	
Dean	Johnson, C.	O'Connor	Sieben, M.	

Those who voted in the negative were:

Aasness	Forsythe	Kvam	Piepho	Stumpf
Ainley	Friedrich	Ludeman	Redalen	Sviggum
Anderson, G.	Gruenes	Mann	Rees	Swanson
Brinkman	Gustafson	Marsh	Rose	Valan
Carlson, D.	Haukoos	McDonald	Rothenberg	Valento
Dahlvang	Heinitz	McEachern	Samuelson	Weaver
Dempsey	Himle	Mehrken	Schafer	Welker
Den Ouden	Hoberg	Nelsen, B.	Schoenfeld	Wieser
Eken	Jennings	Niehaus	Searles	Wigley
Erickson	Johnson, D.	Nysether	Sherman	Zubay
Esau	Kaley	Olsen	Sherwood	
Evans	Kalis	Onnen	Stadum	
Ewald	Kelly	Peterson, B.	Stowell	

The motion prevailed.

Halberg moved that the action whereby H. F. No. 403, as amended, was given its third reading be now reconsidered. The motion prevailed.

H. F. No. 403 was reported to the House.

Halberg and Schreiber moved to amend H. F. No. 403, as amended, as follows:

Page 3, delete lines 10 and 11 and insert:

"the person or organization presenting the petition the opportunity to include their position on the matter to the shareholders in a substantially similar mode and range of distribution."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

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

There were 76 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dean	Heap	Long	Ogren
Anderson, R.	Drew	Hoberg	Luknic	Olsen
Battaglia	Eken	Hokanson	Marsh	Osthoff
Begich	Elioff	Hokr	McCarron	Otis
Berkelman	Ellingson	Jacobs	McEachern	Peterson, D.
Blatz	Fjoslien	Jude	Metzen	Pogemiller
Brandl	Greenfield	Kahn	Minne	Reif
Byrne	Gustafson	Kelly	Murphy	Rice
Carlson, L.	Halberg	Kostohryz	Nelson, K.	Rodriguez, C.
Clark, J.	Hanson	Laidig	Norton	Rodriguez, F.
Clark, K.	Harens	Lemen	Novak	Sarna
Clawson	Hauge	Levi	O'Connor	Schreiber

Searles	Simoneau	Swanson	Voss	Wynia
Shea	Skoglund	Tomlinson	Welch	Spkr. Sieben, H.
Sherman	Staten	Vanasek		
Sieben, M.	Stumpf	Vellenga		

Those who voted in the negative were:

Aasness	Ewald	Knickerbocker	Peterson, B.	Stowell
Ainley	Forsythe	Kvam	Piepho	Sviggum
Anderson, I.	Friedrich	Ludeman	Redalen	Valento
Brinkman	Gruenes	Mann	Reding	Weaver
Carlson, D.	Haukoos	McDonald	Rees	Welker
Dahlvang	Heinitz	Mehrkins	Rose	Wenzel
Dempsey	Himle	Munger	Rothenberg	Wieser
Den Ouden	Jennings	Nelsen, B.	Schafer	Wigley
Erickson	Johnson, D.	Niehaus	Schoenfeld	Zubay
Esau	Kaley	Nysether	Sherwood	
Evans	Kalis	Onnen	Stadum	

The motion prevailed and the amendment was adopted.

Heinitz was excused from 6:05 p.m. until 8:30 p.m.

Friedrich and Sviggum moved to amend H. F. No. 403, the first engrossment, as amended, as follows:

Page 3, delete lines 12 to 17

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Eken moved that those not voting be excused from voting. The motion did not prevail.

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

There were 67 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Lemen	Reding	Stumpf
Ainley	Friedrich	Ludeman	Rees	Sviggum
Anderson, B.	Gruenes	Mann	Reif	Valan
Blatz	Halberg	Marsh	Rose	Valento
Brinkman	Heap	McDonald	Rothenberg	Weaver
Carlson, D.	Himle	Mehrkins	Schafer	Welch
Dahlvang	Hoberg	Nelsen, B.	Schoenfeld	Welker
Dean	Jennings	Niehaus	Schreiber	Wenzel
Dempsey	Johnson, D.	Nysether	Searles	Wieser
Den Ouden	Kaley	Olsen	Shea	Wigley
Erickson	Kalis	Onnen	Sherman	Zubay
Esau	Knickerbocker	Peterson, B.	Sherwood	
Evans	Kvam	Piepho	Stadum	
Ewald	Laidig	Redalen	Stowell	

Those who voted in the negative were:

Anderson, G.	Eken	Johnson, C.	Murphy	Samuelson
Anderson, I.	Elioff	Jude	Nelson, K.	Sarna
Anderson, R.	Ellingson	Kahn	Norton	Sieben, M.
Battaglia	Fjoslien	Kelly	Novak	Simoneau
Begich	Greenfield	Kostohryz	O'Connor	Skoglund
Berkelman	Gustafson	Lehto	Ogren	Staten
Brandl	Hanson	Levi	Osthoff	Swanson
Byrne	Harens	Long	Otis	Tomlinson
Carlson, L.	Hauge	Luknic	Peterson, D.	Vanasek
Clark, J.	Haukoos	McCarron	Pogemiller	Vellenga
Clark, K.	Hokanson	Metzen	Rice	Voss
Clawson	Hokr	Minne	Rodriguez, C.	Wynia
Drew	Jacobs	Munger	Rodriguez, F.	Spkr. Sieben, H.

The motion prevailed and the amendment was adopted.

Hauge moved to amend H. F. No. 403, as amended, as follows:

Page 2, line 19, after "*meetings*" insert "*except those of an emergency nature*"

Page 2, line 22, after "*association*" insert "*except those of an emergency nature*"

The motion prevailed and the amendment was adopted.

Rees and Halberg moved to amend H. F. No. 403, as amended, as follows:

Page 1 of the Halberg amendment, line 2, delete "*organization*" and insert "*organizers of the petition*"

Page 1, line 5, after "*distribution.*" insert "*The costs of such inclusion shall be paid by the organizers of the petition.*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

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

There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Erickson	Gruenes	Jennings
Ainley	Carlson, D.	Esau	Halberg	Johnson, C.
Anderson, B.	Dahlvang	Evans	Heap	Johnson, D.
Anderson, G.	Dean	Ewald	Himle	Kaley
Anderson, I.	Dempsey	Forsythe	Hoberg	Kalis
Brandl	Den Ouden	Friedrich	Hokr	Knickerbocker

Kvam	Metzen	Redalen	Shea	Valan
Laidig	Nelsen, B.	Rees	Sherman	Valento
Lemen	Niehaus	Rose	Sherwood	Weaver
Ludeman	Nysether	Rothenberg	Stadum	Welker
Mann	Olsen	Schafer	Stowell	Wieser
Marsh	Onnen	Schoenfeld	Stumpf	Wigley
McDonald	Peterson, B.	Schreiber	Sviggum	Zubay
Mehrkens	Piepho	Searles	Tomlinson	

Those who voted in the negative were:

Anderson, R.	Ellingson	Kostohryz	Ogren	Skoglund
Battaglia	Fjoslien	Lehto	Otis	Staten
Begich	Greenfield	Levi	Peterson, D.	Swanson
Berkelman	Gustafson	Long	Pogemiller	Vanasek
Blatz	Hanson	Luknic	Reding	Vellenga
Byrne	Harens	McCarron	Reif	Voss
Carlson, L.	Hauge	Minne	Rice	Welch
Clark, J.	Haukoos	Munger	Rodriguez, C.	Wenzel
Clark, K.	Hokanson	Murphy	Rodriguez, F.	Wynia
Clawson	Jacobs	Nelson, K.	Samuelson	Spkr. Sieben, H.
Drew	Jude	Norton	Sarna	
Eken	Kahn	Novak	Sieben, M.	
Eloff	Kelly	O'Connor	Simoneau	

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend H. F. No. 403, as amended, as follows:

Page 2, line 8, strike "one" insert "two"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

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

There were 50 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kaley	Mehrkens	Stumpf
Anderson, B.	Friedrich	Kalis	Niehaus	Sviggum
Anderson, G.	Gruenes	Kelly	Piepho	Swanson
Anderson, R.	Hauge	Knickerbocker	Redalen	Valan
Brinkman	Heap	Kvam	Rees	Valento
Carlson, D.	Himle	Laidig	Schafer	Weaver
Dempsey	Hoberg	Ludeman	Searles	Welker
Den Ouden	Jennings	Mann	Sherman	Wieser
Erickson	Johnson, C.	Marsh	Sherwood	Wigley
Esau	Johnson, D.	McDonald	Stadum	Zubay

Those who voted in the negative were:

Ainley	Battaglia	Begich	Blatz	Brandl
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Byrne	Halberg	Metzen	Pogemiller	Skoglund
Carlson, L.	Hanson	Minne	Reding	Staten
Clark, J.	Harens	Murphy	Reif	Stowell
Clark, K.	Haukoos	Nelsen, B.	Rice	Tomlinson
Clawson	Hokanson	Nelson, K.	Rodriguez, C.	Vanasek
Dahlvang	Hokr	Norton	Rodriguez, F.	Vellenga
Drew	Jacobs	Novak	Rose	Voss
Eken	Jude	Nysether	Rothenberg	Welch
Elioff	Kahn	O'Connor	Samuelson	Wenzel
Ellingson	Kostohryz	Ogren	Sarna	Wynia
Evans	Lemen	Olsen	Schoenfeld	Spkr. Sieben, H.
Ewald	Levi	Osthoff	Schreiber	
Fjoslien	Long	Otis	Shea	
Greenfield	Luknic	Peterson, B.	Sieben, M.	
Gustafson	McCarron	Peterson, D.	Simoneau	

The motion did not prevail and the amendment was not adopted.

H. F. No. 403, A bill for an act relating to public utilities; providing for rights of shareholders of cooperative electric associations; proposing new law coded in Minnesota Statutes, Chapter 216B.

The bill was read for the third time, as amended, and placed upon its final passage.

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

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

There were 69 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Elioff	Jude	O'Connor	Shea
Anderson, R.	Ellingson	Kahn	Ogren	Sieben, M.
Battaglia	Fjoslien	Kelly	Osthoff	Simoneau
Begich	Greenfield	Kostohryz	Otis	Skoglund
Berkelman	Gustafson	Levi	Peterson, D.	Staten
Blatz	Halberg	Long	Pogemiller	Tomlinson
Brandl	Hanson	Luknic	Rees	Vanasek
Byrne	Harens	McCarron	Reif	Vellenga
Carlson, L.	Hauge	Metzen	Rice	Voss
Clark, J.	Heap	Minne	Rodriguez, C.	Welch
Clark, K.	Hokanson	Murphy	Rodriguez, F.	Wenzel
Clawson	Hokr	Nelson, K.	Samuelson	Wynia
Drew	Jacobs	Norton	Sarna	Spkr. Sieben, H.
Eken	Johnson, C.	Novak	Schreiber	

Those who voted in the negative were:

Aasness	Dean	Forsythe	Johnson, D.	Mann
Ainley	Dempsey	Friedrich	Kaley	Marsh
Anderson, B.	Den Ouden	Gruenes	Kalis	McDonald
Anderson, G.	Erickson	Haukoos	Knickerbocker	Mehrkens
Brinkman	Esau	Himle	Kvam	Niehaus
Carlson, D.	Evans	Hoberg	Laidig	Nysether
Dahlvang	Ewald	Jennings	Ludeman	Olsen

Onnen	Rose	Sherman	Sviggum	Welker
Peterson, B.	Rothenberg	Sherwood	Swanson	Wieser
Piepho	Schafer	Stadum	Valan	Wigley
Redalen	Schoenfeld	Stowell	Valento	Zubay
Reding	Searles	Stumpf	Weaver	

The bill was passed, as amended, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

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 Files, herewith returned:

H. F. No. 284, A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

H. F. No. 1065, A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

H. F. No. 1163, A bill for an act relating to the Greenway joint recreation board; regulating its tax levies.

H. F. No. 1200, A bill for an act relating to courts; extending application of the provision of law providing for payment of travel expenses for certain district court judges; amending Laws 1980, Chapter 614, Section 162.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 98, A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amend-

ing Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of Conference Committee on:

H. F. No. 182, A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 697, A bill for an act relating to agriculture; regulating alien use of agricultural land; providing penalties; amending Minnesota Statutes 1980, Section 500.221.

PATRICK E. FLAHAVEN, Secretary of the Senate

Stumpf moved that the House refuse to concur in the Senate amendments to H. F. No. 697, 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 356, A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hanson moved that the House refuse to concur in the Senate amendments to H. F. No. 356, 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 678, A bill for an act relating to elections; changing certain election procedures, requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; and 207.20, Subdivision 1; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; and 202A.54.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House refuse to concur in the Senate amendments to H. F. No. 678, 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1475, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Sections 116.18, Subdivisions 1 and 4; and 174.50, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved that the House refuse to concur in the Senate amendments to H.F. No. 1475, that the Speaker appoint a Conference Committee of 5 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1474, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 121.

PATRICK E. FLAHAVEN, Secretary of the Senate

Eken moved that the House refuse to concur in the Senate amendments to H. F. No. 1474, that the Speaker appoint a conference Committee of 5 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 Files, herewith transmitted:

S. F. Nos. 388 and 1084.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 388, A bill for an act relating to public employment labor relations; modifying the definition of non-essential supervisory employees; amending Minnesota Statutes 1980, Sections 179.63, Subdivision 9; and 179.71, Subdivision 3.

The bill was read for the first time.

Murphy moved that S. F. No. 388 and H. F. No. 1242, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1084, A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1980, Section 340.14, Subdivision 5.

The bill was read for the first time.

Dahlvang moved that S. F. No. 1084 and H. F. No. 1040, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 697:

Stumpf; Anderson, B., and Redalen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 356:

Kahn, Vanasek and Laidig.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 678:

Osthoff, Minne and Peterson, D.

Eken 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.

Johnson, C.; McEachern; Nelson, K.; Forsythe; Jennings; Levi; Johnson, D.; Laidig; Anderson, R.; Anderson, G.; Nelsen, B., and Erickson were excused while in conference committee.

CALL OF THE HOUSE LIFTED

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

CONSIDERATION UNDER RULE 1.10

Anderson, I., requested immediate consideration of S. F. No. 1305, temporarily laid over earlier today under Rule 1.10. S. F. No. 1305 was again reported to the House.

Lehto moved to amend S. F. No. 1305, as follows:

Page 2, delete lines 15 to 21

Renumber the section

Amend the title as follows:

Page 1, line 3, delete "and the city of Hermantown"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 28 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Berkelman	Gustafson	Kostohryz	Munger	Piepho
Clark, K.	Harens	Lehto	Norton	Pogemiller
Greenfield	Kelly	Long	O'Connor	Reding
Gruenes	Knickerbocker	Luknic	Peterson, B.	Rodriguez, C.

Schoenfeld
SheaSimoneau
SkoglundStaten
Vanasek

Vellenga

Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Den Ouden	Hokanson	Minne	Sherman
Ainley	Drew	Hokr	Murphy	Sherwood
Anderson, I.	Elioff	Jacobs	Niehaus	Sieben, M.
Battaglia	Ellingson	Jennings	Olsen	Stadum
Begich	Esau	Jude	Onnen	Stowell
Blatz	Evans	Kahn	Osthoff	Svigum
Brandl	Friedrich	Kalis	Otis	Valento
Brinkman	Halberg	Kvam	Peterson, D.	Voss
Byrne	Hanson	Lemen	Redalen	Weaver
Carlson, D.	Haukoos	Ludeman	Reif	Welch
Carlson, L.	Heap	Mann	Rodriguez, F.	Welker
Clark, J.	Heinitz	Marsh	Sarna	Wenzel
Dahlvang	Himle	McDonald	Schafer	Wigley
Dempsey	Hoberg	Metzen	Schreiber	Wynia

The motion did not prevail and the amendment was not adopted.

S. F. No. 1305 was continued under rule 1.10.

SPECIAL ORDERS

The Speaker called Wynia to the Chair.

S. F. No. 728 was reported to the House.

Anderson, I., moved to amend S. F. No. 728 as follows:

Page 1, line 9, after "*business*" delete "*within 35 miles of the town of Big Falls in*" and insert "*in the city of Northome*"

Page 1, line 11, delete "*facility*" and insert "*facilities within 35 miles of its principle place of business*"

Page 1, line 14, delete "*in the town of Big Falls*" and insert "*pursuant to this act*"

Page 1, line 18, delete "*town board of*" and insert "*governing body of the city of Northome*"

Page 1, line 19, delete "*the town of Big Falls*"

Page 1, line 20, before the period insert "*, Subdivision 3*"

Amend the title as follows:

Page 1, line 2, delete "*Big Falls*" and insert "*Northome*"

The motion prevailed and the amendment was adopted.

S. F. No. 728, A bill for an act relating to the city of Big Falls; authorizing the establishment of detached banking facilities.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kaley	Olsen	Simoneau
Ainley	Esau	Kalis	Onnen	Skoglund
Anderson, B.	Evans	Kelly	Osthoff	Stadum
Anderson, G.	Ewald	Knickerbocker	Otis	Staten
Anderson, I.	Fjoshien	Kostohryz	Peterson, D.	Stowell
Battaglia	Friedrich	Kvam	Piepho	Stumpf
Begich	Greenfield	Lemen	Redalen	Sviggum
Berkelman	Gruenes	Long	Reding	Swanson
Blatz	Gustafson	Ludeman	Rees	Tomlinson
Brandl	Halberg	Luknic	Reif	Valento
Brinkman	Hanson	Mann	Rice	Vanasek
Byrne	Harens	Marsh	Rodriguez, C.	Vellenga
Carlson, D.	Hauge	McDonald	Rodriguez, F.	Voss
Carlson, L.	Haukoos	Metzen	Rose	Weaver
Clark, J.	Heap	Minne	Rothenberg	Welch
Clark, K.	Heinitz	Munger	Samuelson	Welker
Clawson	Himle	Murphy	Sarna	Wenzel
Dahlvang	Hoberg	Nelsen, B.	Schafer	Wieser
Dean	Hokanson	Niehaus	Schoenfeld	Wigley
Dempsey	Hokr	Norton	Schreiber	Wynia
Den Ouden	Jacobs	Novak	Shea	Zubay
Drew	Jennings	Nysether	Sherman	Sprk. Sieben, H.
Eken	Jude	O'Connor	Sherwood	
Elioff	Kahn	Ogren	Sieben, M.	

Those who voted in the negative were:

Lehto

The bill was passed, as amended, and its title agreed to.

S. F. No. 440 was reported to the House.

Anderson, I., moved to amend S. F. No. 440, as follows:

Delete everything after the enacting clause and insert page 1, line 8 to page 33, line 6 of H. F. No. 491, the first engrossment, and when amended, the following further amendments:

Pages 1 and 2, delete section 1

Page 7, line 28, delete "18" and insert "17"

Page 12, line 30, delete "13" and insert "12"

Page 13, line 7, delete "13" and insert "12"

Page 15, line 3, delete "9" and insert "8"

Page 16, line 15, delete "9" and insert "8"

Page 16, line 33, delete "5" and insert "4"

Page 20, line 14, delete "9" and insert "8"

Page 21, line 32, delete "10" and insert "9"

Page 23, line 8, delete "section 10" and insert "sections 8 and 9"

Page 23, line 28, delete "13" and insert "12"

Page 23, line 29, delete "10" and insert "9"

Page 31, line 1, delete "9" and insert "8"

Page 32, line 4, delete "10" and insert "9"

Page 32, line 9, delete "9" and insert "8"

Pages 32 and 33, delete sections 24 and 25 and insert

"Sec. 23. [AFFECTED LOCAL GOVERNMENTAL UNITS.]

This act applies to Koochiching county and the cities of International Falls, South International Falls, and Ranier.

Sec. 24. [EFFECTIVE DATE; LOCAL APPROVAL.]

This act is effective in the local government units named in section 23 upon approval by all of the government units named in section 23 and upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3."

Renumber the sections

The motion prevailed and the amendment was adopted.

S. F. 440, A bill for an act establishing the North Koochiching county waste water treatment board; prescribing its duties and powers; providing for the treatment and disposal of waste water in described areas.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kalis	Olsen	Sherwood
Ainley	Ellingson	Kelly	Onnen	Sieben, M.
Anderson, B.	Esau	Knickerbocker	Osthoff	Simoneau
Anderson, G.	Evans	Kostohryz	Otis	Skoglund
Anderson, I.	Ewald	Kvam	Peterson, D.	Stadum
Battaglia	Fjoslien	Lehto	Piepho	Staten
Begich	Friedrich	Lemen	Pogemiller	Stowell
Berkelman	Greenfield	Long	Redalen	Stumpf
Blatz	Gruenes	Luknic	Reding	Svigum
Brandl	Halberg	Mann	Rees	Swanson
Brinkman	Hanson	Marsh	Reif	Tomlinson
Byrne	Harens	McDonald	Rice	Valento
Carlson, D.	Hauge	Metzen	Rodriguez, C.	Vanasek
Carlson, L.	Haukoos	Minne	Rodriguez, F.	Vellenga
Clark, J.	Heinitz	Munger	Rose	Voss
Clark, K.	Himle	Murphy	Rothenberg	Weaver
Clawson	Hoberg	Nelsen, B.	Samuelson	Welch
Dahlvang	Hokanson	Niehaus	Sarna	Wenzel
Dean	Hokr	Norton	Schafer	Wieser
Dempsey	Jacobs	Novak	Schoenfeld	Wigley
Den Ouden	Jude	Nysether	Schreiber	Wynia
Drew	Kahn	O'Connor	Shea	Zubay
Eken	Kaley	Ogren	Sherman	Spkr. Sieben, H.

Those who voted in the negative were:

Ludeman Welker

The bill was passed, as amended, and its title agreed to.

S. F. No. 177, A bill for an act relating to foods; directing the establishment of labeling requirements for wild rice which is planted or cultivated; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 30.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 98 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Ellingson	Haukoos	Knickerbocker
Ainley	Carlson, L.	Evans	Heap	Kostohryz
Anderson, B.	Clark, J.	Ewald	Heinitz	Kvam
Anderson, I.	Clark, K.	Fjoslien	Hokanson	Long
Battaglia	Clawson	Friedrich	Hokr	Luknic
Begich	Dahlvang	Greenfield	Jacobs	Mann
Berkelman	Dean	Gruenes	Jude	Marsh
Blatz	Dempsey	Halberg	Kahn	Metzen
Brandl	Den Ouden	Hanson	Kaley	Minne
Brinkman	Drew	Harens	Kalis	Munger
Byrne	Elioff	Hauge	Kelly	Murphy

Niehaus	Peterson, B.	Rose	Skoglund	Welch
Norton	Peterson, D.	Rothenberg	Staten	Wenzel
Novak	Piepho	Schoenfeld	Stumpf	Wieser
O'Connor	Pogemiller	Schreiber	Swanson	Wigley
Ogren	Redalen	Searles	Valento	Wynia
Olsen	Reding	Shea	Vanasek	Zubay
Onnen	Reif	Sherwood	Vellenga	Spkr. Sieben, H.
Osthoff	Rodriguez, C.	Sieben, M.	Voss	
Otis	Rodriguez, F.	Simoneau	Weaver	

Those who voted in the negative were:

Esau	Lemen	Nysether	Stadum	Welker
Jennings	Ludeman	Schafer	Sviggum	

The bill was passed and its title agreed to.

S. F. No. 804 was reported to the House.

Aasness and Fjoslien moved to amend S. F. No. 804, as follows:

Page 20, line 9, after "demand.", insert "*For informational purposes only if inspection indicates excess weight of 3,000 pounds or more, the inspecting officer shall notify, within 30 days of inspection of the record, the person who consigned the goods for shipment.*"

The motion prevailed and the amendment was adopted.

S. F. No. 804, A bill for an act relating to motor vehicles; providing for the re-registration of certain motor vehicles and combinations of vehicles; defining gross vehicle weight; exempting certain vehicles from certain weight limitations; establishing gross weight limitations on certain highways for certain motor vehicles and combinations of vehicles; providing exceptions to certain gross weight limitations; providing for the designation and undesignation of certain routes; providing for the weighing of certain vehicles and combinations of vehicles and the enforcement of weight limitations; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits, and providing exceptions; requiring record keeping for shipments loaded or unloaded, and providing exceptions; imposing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 168.013, Subdivision 3; 169.01, Subdivision 46; 169.03, Subdivision 6; 169.832, Subdivision 11; 169.85; 169.851; 169.86, Subdivision 1a; 169.87, Subdivision 2; 169.871; 169.872; proposing new law coded in Minnesota Statutes, Chapter 169; repealing Minnesota Statutes 1980, Sections 169.83; 169.832, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12; and 169.834.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kaley	Onnen	Stadum
Ainley	Ellingson	Kalis	Osthoff	Staten
Anderson, B.	Esau	Kelly	Otis	Stowell
Anderson, G.	Evans	Knickerbocker	Peterson, B.	Stumpf
Anderson, I.	Ewald	Kostohryz	Peterson, D.	Sviggum
Battaglia	Fjoslien	Kvam	Piepho	Swanson
Begich	Friedrich	Lehto	Redalen	Tomlinson
Berkelman	Gruenes	Lemen	Reding	Valento
Blatz	Gustafson	Long	Rees	Vanasek
Brinkman	Halberg	Ludeman	Rice	Voss
Byrne	Hanson	Mann	Rose	Weaver
Carlson, D.	Hauge	Marsh	Rothenberg	Welch
Carlson, L.	Haukoos	McDonald	Sarna	Welker
Clark, J.	Heap	Metzen	Schoenfeld	Wenzel
Clark, K.	Heinitz	Minne	Schreiber	Wieser
Clawson	Himle	Munger	Searles	Wigley
Dahlvang	Hokanson	Murphy	Shea	Wynia
Dean	Hokr	Nelsen, B.	Sherman	Zubay
Dempsey	Jacobs	Norton	Sherwood	Spkr. Sieben, H.
Den Ouden	Jennings	Novak	Sieben, M.	
Drew	Jude	Nysether	Simoneau	
Eken	Kahn	Olsen	Skoglund	

Those who voted in the negative were:

Brandl	Pogemiller	Rodriguez, C.	Rodriguez, F.	Vellenga
Greenfield				

The bill was passed, as amended, and its title agreed to.

S. F. No. 886 was reported to the House.

Clark, K., moved to amend S. F. No. 886, as follows:

Page 1, delete lines 14 to 26

Page 2, delete lines 1 and 2

Page 2, line 3, delete "4" and insert "2"

Page 2, line 11, after "*pharmacy*," insert "*or not licensed to practice medicine by the board of medical examiners pursuant to sections 147.01 to 147.33,*"

Amend the title as follows:

Page 1, line 2, delete "prohibiting disciplinary action" and insert "requiring a written disclosure and labeling information regarding dimethyl sulfoxide;"

Page 1, delete line 3

Page 1, line 4, delete "under certain conditions;"

The motion prevailed and the amendment was adopted.

S. F. No. 886, A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; regulating the sale of dimethyl sulfoxide; proposing new law coded in Minnesota Statutes, Chapters 147 and 151.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	Onnen	Sherwood
Ainley	Evans	Kostohryz	Osthoff	Sieben, M.
Anderson, B.	Ewald	Kvam	Otis	Simoneau
Anderson, G.	Fjoslien	Lehto	Peterson, B.	Skoglund
Anderson, I.	Friedrich	Lemen	Peterson, D.	Stadum
Battaglia	Gruenes	Long	Piepho	Staten
Begich	Gustafson	Ludeman	Pogemiller	Stowell
Berkelman	Hanson	Luknic	Redalen	Svigum
Brandl	Harens	Mann	Reding	Swanson
Brinkman	Hauge	Marsh	Rees	Tomlinson
Byrne	Haukoos	McDonald	Reif	Valento
Carlson, D.	Heap	Metzen	Rice	Vanasek
Carlson, L.	Heinitz	Minne	Rodriguez, F.	Vellenga
Clark, J.	Himle	Munger	Rose	Voss
Clark, K.	Hoberg	Murphy	Rothenberg	Weaver
Clawson	Hokanson	Nelsen, B.	Samuelson	Welch
Dahlvang	Hokr	Niehaus	Sarna	Welker
Dean	Jacobs	Norton	Schafer	Wenzel
Dempsey	Jennings	Novak	Schoenfeld	Wieser
Den Ouden	Jude	Nysether	Schreiber	Wigley
Eken	Kahn	O'Connor	Searles	Wynia
Elioff	Kaley	Ogren	Shea	Zubay
Ellingson	Kalis	Olsen	Sherman	Spkr. Sieben, H.

The bill was passed, as amended, and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 964 was reported to the House.

Staten moved to amend S. F. No. 964, the unofficial engrossment, as follows:

Page 1, line 20, delete "50 or more" and insert "more than 20"

Page 3, after line 14, insert:

"Sec. 3. [TEMPORARY RULES.]

The commissioner shall have authority to promulgate temporary rules pursuant to chapter 15 to carry out the purposes of Section 1."

Page 3, line 15, delete "3" and insert "4"

Page 3, line 16, delete "Section 2 is" and insert "Sections 2 and 3 are"

Page 3, line 17, after "day" insert "temporary"

Page 3, line 18, delete "2" and insert "3"

The motion prevailed and the amendment was adopted.

S. F. No. 964, A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called: There were 87 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kaley	Olsen	Sieben, M.
Anderson, I.	Evans	Kelly	Otis	Simoneau
Battaglia	Friedrich	Kostohryz	Peterson, B.	Skoglund
Begich	Greenfield	Kvam	Peterson, D.	Staten
Berkelman	Gruenes	Lehto	Pogemiller	Stumpf
Blatz	Gustafson	Lemen	Reding	Swanson
Brandl	Hanson	Long	Rees	Tomlinson
Byrne	Harens	Luknic	Reif	Vanasek
Carlson, D.	Hauge	Mann	Rice	Vellenga
Carlson, L.	Haukoos	Metzen	Rodriguez, C.	Voss
Clark, J.	Heap	Minne	Rodriguez, F.	Weaver
Clark, K.	Heinitz	Munger	Rose	Welch
Clawson	Himle	Murphy	Rothenberg	Wenzel
Dahlvang	Hoberg	Niehaus	Sarna	Wynia
Dean	Hokanson	Norton	Schoenfeld	Spkr. Sieben, H.
Drew	Jacobs	Novak	Searles	
Eken	Jude	O'Connor	Shea	
Elioff	Kahn	Ogren	Sherman	

Those who voted in the negative were:

Aasness	Ewald	McDonald	Sherwood	Wieser
Ainley	Fjoslien	Nysether	Stadum	Wigley
Brinkman	Jennings	Onnen	Stowell	
Dempsey	Kalis	Piepho	Sviggunn	
Den Ouden	Ludeman	Redalen	Valento	
Esau	Marsh	Schafer	Welker	

The bill was passed, as amended, and its title agreed to.

S. F. No. 98 was reported to the House.

Carlson, D., and Minne moved to amend S. F. No. 98, as follows:

Page 1, line 1, after "law" insert "*and at least one of whom shall be a resident from outside of the metropolitan area as defined in section 473.02, subdivision 5*"

The motion prevailed and the amendment was adopted.

S. F. No. 98, A bill for an act relating to local government; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Section 414.01, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kalis	Olsen	Sherwood
Ainley	Esau	Kelly	Onnen	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Osthoff	Simoneau
Anderson, I.	Ewald	Kostohryz	Otis	Skoglund
Battaglia	Fjoslien	Kvam	Peterson, B.	Stadum
Begich	Friedrich	Lehto	Peterson, D.	Staten
Berkelman	Greenfield	Lemen	Piepho	Stowell
Blatz	Gruenes	Long	Pogemiller	Sviggum
Brandl	Gustafson	Ludeman	Redalen	Swanson
Brinkman	Halberg	Luknic	Reding	Tomlinson
Byrne	Hanson	Mann	Rees	Valento
Carlson, D.	Hauge	Marsh	Reif	Vanasek
Carlson, L.	Haukoos	McDonald	Rice	Vellenga
Clark, J.	Heap	Metzen	Rodriguez, C.	Voss
Clark, K.	Heinitz	Minne	Rodriguez, F.	Weaver
Clawson	Himle	Munger	Rose	Welch
Dahlvang	Hoberg	Murphy	Rothenberg	Welker
Dean	Hokanson	Nelsen, B.	Sarna	Wenzel
Dempsey	Hokr	Niehaus	Schafer	Wieser
Den Ouden	Jacobs	Novak	Schoenfeld	Wigley
Drew	Jennings	Nysether	Schreiber	Wynia
Eken	Jude	O'Connor	Searles	Spkr. Sieben, H.
Elioff	Kahn	Ogren	Sherman	

Those who voted in the negative were:

Shea Stumpf

The bill was passed, as amended, and its title agreed to.

Eken moved that the remaining bills on Special Orders for today be continued for one day. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, M., requested immediate consideration of H. F. No. 1253.

H. F. No. 1253 was reported to the House.

McDonald, Welker, Ludeman and Rees moved to amend H. F. No. 1253, as follows:

Page 1, delete lines 10 to 16 and insert the following:

"It is the policy of this state to grant each of its citizens the right and opportunity to develop their full potential as a free person."

The motion did not prevail and the amendment was not adopted.

H. F. No. 1253, A bill for an act relating to the department of economic security; authorizing financial assistance to community action agencies; defining terms; providing a formula for the distribution of funds; proposing new law coded as Minnesota Statutes, Chapter 268A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Lehto	Peterson, D.	Staten
Anderson, I.	Evans	Lemen	Pogemiller	Stumpf
Anderson, R.	Ewald	Long	Reding	Sviggum
Battaglia	Fjoslien	Luknic	Reif	Swanson
Begich	Greenfield	Mann	Rice	Tomlinson
Berkelman	Gustafson	Metzen	Rodriguez, C.	Vanasek
Brandl	Hanson	Minne	Rodriguez, F.	Vellenga
Brinkman	Hauge	Munger	Samuelson	Voss
Carlson, L.	Hokanson	Murphy	Sarna	Welch
Clark, J.	Jacobs	Norton	Schoenfeld	Wenzel
Clark, K.	Jude	Novak	Shea	Wynia
Clawson	Kahn	O'Connor	Sieben, M.	Spkr. Sieben, H.
Dahlvang	Kalis	Ogren	Simoneau	
Eken	Kelly	Osthoff	Skoglund	
EHoff	Kostohryz	Otis	Stadum	

Those who voted in the negative were:

Aasness	Dean	Esau	Halberg	Jennings
Ainley	Dempsey	Forsythe	Heap	Kaley
Blatz	Den Ouden	Friedrich	Heinitz	Knickerbocker
Byrne	Drew	Gruenes	Himle	Kvam

Ludeman	Nysether	Rees	Searles	Welker
Marsh	Olsen	Rose	Sherman	Wieser
McDonald	Onnen	Rothenberg	Sherwood	Wigley
Nelsen, B.	Piepho	Schafer	Valento	Zubay
Niehaus	Redalen	Schreiber	Weaver	

The bill was passed and its title agreed to.

GENERAL ORDERS

There being no objection the bills on General Orders for today were continued one day.

MOTIONS AND RESOLUTIONS

Gustafson moved that his name be stricken as an author on H. F. No. 1346. The motion prevailed.

Eken moved that the name of Ogren be added as an author on H. F. No. 1494. The motion prevailed.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, May 14, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Thursday, May 14, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

