

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION - 1982

## SEVENTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 18, 1982

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

Prayer was offered by Reverend Clint Patterson, First Presbyterian Church, Lake Crystal, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, R.; Berkelman and Valan were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Kvam moved that further reading of the Journals be

dispensed with and that the Journals 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. 1366, 1611, 1746, 1831, 1068, 1719, 1734, 685, 1365, 1532, 1732, 1050, 1603 and 1817 and S. F. Nos. 1088, 1539 and 378 have been placed in the members' files.

S. F. No. 1088 and H. F. No. 919, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Ellingson moved that the rules be so far suspended that S. F. No. 1088 be substituted for H. F. No. 919 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

February 12, 1982

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 Files:

H. F. No. 1552, relating to insurance; extending the temporary joint underwriting association act for an additional six year period; extending the termination date of certain insurance policies;

H. F. No. 583, relating to public use of private land; clarifying and altering landowners' liability in the recreational use of their land;

Sincerely,

ALBERT H. QUIE  
Governor

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

February 12, 1982

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 1982 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:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1982	Date Filed 1982
	583	373	February 12	February 12
	1552	374	February 12	February 12

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 205, A bill for an act relating to retirement; extending the combined service annuity to members of the University of Minnesota faculty plan; amending Minnesota Statutes 1980, Section 356.30, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [REPAYMENT OF REFUND BY CERTAIN UNIVERSITY OF MINNESOTA, DULUTH CAMPUS, EMPLOYEES.] *Notwithstanding any provision of law to the contrary, any person who is employed on the effective date of this act or was formerly employed between January 1, 1975 and the effective date of this act by the university of Minnesota at the Duluth campus shall be entitled to repay a refund taken*

*from any covered retirement fund enumerated in Minnesota Statutes, Section 356.30, Subdivision 3. The repayment of the refund shall be paid in a lump sum prior to July 1, 1983, and shall be in an amount equal to the amount of any refund taken plus compound interest at the rate of six percent per annum from the date the refund was taken to the date the refund is repaid. If the person repaying the refund is on the effective date of this act already receiving a retirement annuity from the retirement fund from which the refund was taken, the person shall be entitled to a retirement annuity recomputed based on the service credit reinstated by the repayment of the refund and based on the applicable provisions of Minnesota Statutes, Section 356.30, Subdivision 1. The recomputed annuity shall be payable on the first day of the second month following the repayment of the refund, and shall not include any retroactive amounts. If the person repaying the refund is on the effective date of this act not receiving a retirement annuity from the retirement fund from which the refund was taken, the person shall be entitled to a retirement annuity when otherwise eligible which shall be based on the applicable provisions of Minnesota Statutes, Section 356.30, Subdivision 1.*

Sec. 2. [EFFECTIVE DATE.] *This act is effective on the day following final enactment.*

Delete the title and insert:

*"A bill for an act relating to retirement; authorizing the repayment of a refund by certain current and former university of Minnesota, Duluth campus, employees; providing for the recomputation of certain retirement annuities."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 492, A bill for an act relating to crimes; authorizing counties to expend money for the purpose of investigating criminal activity relating to selling or receiving stolen property; proposing new law coded in Minnesota Statutes, Chapter 299C.

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1278, A bill for an act relating to public employment labor relations; clarifying the definition of "employer"; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 15, delete "and" and after "487.10," insert "or other law,"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1374, A bill for an act relating to criminal justice; imposing a tax on alcoholic beverages sold for resale by the drink; providing for the distribution of the proceeds to local units of government to meet the costs of enforcement of laws relating to driving offenses involving alcohol or drugs; requiring payment of certain costs by persons receiving treatment for alcoholism; providing penalties; appropriating money; proposing new law coded in Minnesota Statutes, Chapters 169 and 340.

Reported the same back with the following amendments:

Page 3, delete lines 19 to 25 and insert:

*"(b) There is annually appropriated from the general fund in the state treasury to the commissioner of public welfare the sum of \$ . . . . . from the proceeds of the tax imposed in section 2. The commissioner shall add these funds annually to the community social service fund for distribution as provided in section 256E.06. Counties shall report by March 1, 1983 and every two years thereafter, to the commissioner, as to how their allocation was used to prevent or treat chemical dependency problems."*

Page 3, after line 25, insert:

*"(c) \$ . . . . . is annually appropriated from the general fund in the state treasury to the commissioner of public welfare from the proceeds of the tax imposed in section 2, for the purpose of reimbursing counties for all or a portion of the costs of operating detoxification centers established pursuant to section 254A.08. The commissioner shall promulgate rules relating to the administration of this clause and to the distribution of moneys to the counties, and shall distribute grants accordingly."*

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1455, A bill for an act relating to real estate brokers and salespersons; providing for a transfer of license upon the termination or resignation of a salesperson; requiring the issuance of a temporary license under certain circumstances; amending Minnesota Statutes 1980, Section 82.20, Subdivision 9.

Reported the same back with the following amendments:

Page 1, lines 19 and 20, restore the stricken language

Page 1, line 20, after "(CHAPTER)" insert ", or"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 352D.02, Subdivision 1, is amended to read:

Subdivision 1. The following employees in the unclassified service of the state who are eligible for coverage under the Minnesota state retirement system shall participate in the unclassified program unless such employee gives notice to the executive director of the state retirement system within one year following the commencement of his employment that he desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file such notice with the executive director shall be deemed to have exercised his option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute, an acting department head subsequently appointed to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43.09, subdivision 2a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, (AND)

(7) The clerk of the Minnesota supreme court appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota, and

(8) *Any employee whose principal employment is at the state ceremonial house.*

Sec. 2. [TEMPORARY PROVISION; RETROACTIVE COVERAGE.]

*The eligibility of the employees specified in clause (8) of section 1, who are employed in the positions on the effective date of this act to participate shall be retroactive to their date of appointment to that service. The moneys used to purchase shares*

*shall be the employee, employer and employer additional contributions made on behalf of these employees during their employment.*

Sec. 3. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 4, delete "1980" and insert "1981 Supplement"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1566, A bill for an act relating to state and local government organization and relations; creating an advisory council on local government; prescribing its duties; proposing new law coded as Minnesota Statutes, Chapter 15B.

Reported the same back with the following amendments:

Page 1, line 9, after "create" insert "*in the legislative branch*"

Page 2, line 21, delete "23" and insert "15"

Page 2, line 22, delete "*Three representatives and three senators*" and insert "*One representative and one senator*"

Page 2, line 24, delete "Six" and insert "Three"

Page 2, after line 25, insert:

"(d) *The commissioner of revenue;*"

Page 2, line 26, delete "Four" and insert "Three"

Page 2, line 31, delete "Four" and insert "Three"

Reletter the clauses

Page 3, line 11, delete "(d), (e), and (f)" and insert "(e), (f), and (g)"

Page 5, line 11, delete "*in the unclassified service*"

Page 5, line 12, delete "*classified*" and insert "*unclassified*"

With the recommendation that when so amended the bill pass.

The report was adopted.



## POINT OF ORDER

Sieben, M., raised a point of order pursuant to rule 5.7 that H. F. No. 1566 be re-referred to the Committee on Appropriations. The Speaker ruled the point of order well taken and H. F. No. 1566 was re-referred to the Committee on Appropriations.

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

H. F. No. 1576, A bill for an act relating to commerce; regulated loans; extending a prohibition on certain types of first liens taken on regulated loans to industrial loan and thrift companies and clarifying this prohibition to exclude loans used to satisfy the balance due on a contract for deed; applying the statutory provisions relating to conventional loan defaults to regulated loans; clarifying the method for the computation of interest; allowing the combination of loans of different maturities and interest rates; prohibiting attorney's fees except in connection with mortgage foreclosures; placing certain restrictions on the procurement of insurance in connection with a loan; providing miscellaneous technical and clarifying amendments; and eliminating a duplicative provision; amending Minnesota Statutes 1980, Section 53.04, Subdivision 5; and Minnesota Statutes 1981 Supplement, Sections 53.01; 53.04, Subdivision 3a; 56.12; 56.131, Subdivisions 1, 3, and 5; 56.14; 56.155; 334.02; and 334.03; proposing new law coded in Minnesota Statutes, Chapter 56.

Reported the same back with the following amendments:

Page 2, line 20, delete "*mobile*" and insert "*manufactured*" and delete "*include loans where*" and insert "*apply to a loan if*"

Page 2, line 22, before the period insert "*, provided that no interest rate may be charged greater than that authorized by section 47.20, subdivision 4a. A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8*"

Page 3, line 29, delete "*include loans where*" and insert "*apply to a loan if*"

Page 3, line 31, before the period insert "*, provided that no interest may be charged greater than that authorized by section 47.20, subdivision 4a*"

Page 4, line 21, delete "*loan*" and insert "*lien*"

Page 8, line 22, after "*loan*" insert a comma and reinstate the stricken language

Page 8, line 23, reinstate "(TO BECOME)" and after "(BECOME)" insert "*primarily*" and reinstate "(OBLIGATED)" and "(UNDER)"

Page 8, line 24, reinstate the stricken language and before "for" insert a comma

Pages 8, 9 and 10, delete section 9

Renumber the sections

Page 12, line 18, after the period insert "*In all cases when insurance is offered the obligor shall be informed that he has the option of providing insurance through existing policies of insurance owned or controlled by him or by procuring and furnishing the offered coverage through any insurer authorized to transact an insurance business within this state.*"

Amend the title as follows:

Page 1, line 2, delete "extending a"

Page 1, delete lines 3 to 6

Page 1, line 7, delete " for deed ;"

Page 1, line 20, delete "56.14;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1622, A bill for an act relating to state lands; providing for the transfer of ownership to meet donors' intent.

Reported the same back with the following amendments:

Page 3, line 30, after "*appraisers*" insert "*selected by the commissioner of administration, at least one of whom shall be a resident of Blue Earth county,*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1652, A bill for an act relating to game and fish; authorizing special permits to take deer with a crossbow under

certain circumstances; amending Minnesota Statutes 1980, Sections 98.48, by adding a subdivision; and 100.29, Subdivision 7.

Reported the same back with the following amendments:

Page 1, line 15, delete "*statment*" and insert "*statement*"

Page 1, line 16, after "*disability*" insert "*, restricting the person's ability to hunt in any other manner*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1657, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1980, Sections 353.01, Subdivisions 12 and 16; 353.03, Subdivision 4; 353.27, Subdivision 12; 353.35; and 353.657, Subdivision 2a; Minnesota Statutes 1981 Supplement, Sections 353.01, Subdivisions 2a and 2b; 353.27, Subdivision 4; 353.33, Subdivision 5; 353.36, Subdivision 2; and 353.64, Subdivision 1; repealing Minnesota Statutes 1980, Sections 353.01, Subdivision 34; and 353.017, Subdivisions 4 and 5; Minnesota Statutes 1981 Supplement, Section 353.023.

Reported the same back with the following amendments:

Page 6, line 32, delete "*three*" and insert "*five*"

Page 7, delete section 5

Pages 8 and 9, delete sections 7 and 8

Page 13, line 3, delete "*Section*" and insert "*Sections*" and after the semicolon insert "*and 353.017, Subdivision 4;*"

Page 13, line 4, delete "*Sections 353.017,*"

Page 13, line 5, delete "*Subdivisions 4 and 5; and*" and insert "*Section*"

Renumber the sections

Amend the title as follows:

Page 1, line 5, delete "*353.03, Subdivision 4; 353.27, Subdivision*"

Page 1, line 6, delete "12;"

Page 1, line 8, delete "353.33,"

Page 1, line 9, delete "Subdivision 5;"

Page 1, line 11, delete everything after the semicolon

Page 1, line 12, delete everything before "Minnesota"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1698, A bill for an act relating to public welfare; delaying the duty of the commissioner of administration to sell certain land and buildings; amending Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5.

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1726, A bill for an act relating to education; removing the commissioner of education from the state university board and as secretary of the board; amending Minnesota Statutes 1980, Sections 136.12, Subdivision 1; and 136.13.

Reported the same back with the following amendments:

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1980, Section 136.88, Subdivision 5, is amended to read:

Subd. 5. A teacher who is reinstated to the same or similar position after an extended leave pursuant to this section shall not lose tenure or credit for previous seniority in the employing community college or state university. A teacher shall not accrue seniority credit during the time of a leave of absence pursuant to this section, *except that a teacher at a community college or state university may accrue seniority credit during the leave, consistent with the conditions of the collective bargaining agreement.*"

Amend the title as follows:

Page 1, line 4, after "board;" insert "allowing community college and state university teachers to accrue seniority credit during extended leaves of absence;"

Page 1, line 5, delete "and" and before the period insert "; and 136.88, Subdivision 5"

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

The report was adopted.

Jude from the Committee on Judiciary to which was referred:

H. F. No. 1727, A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, Article VI, Sections 1, 2, 5 and 6; providing for a court of appeals; providing for election of judges; conferring certain powers and duties on the court of appeals; amending Minnesota Statutes 1980, Sections 2.724, Subdivision 2; 8.01; 10A.01, Subdivisions 5 and 19; 15.0416; 15.0417; 15.0424, Subdivisions 1, 2, 3 and 6; 15.0426; 45.07; 45.17, Subdivision 5; 97.481, Subdivision 2; 122.23, Subdivision 16c; 145.698, Subdivision 2; 145.838, Subdivision 4; 150A.08, Subdivision 2; 197.481, Subdivision 6; 210A.01, Subdivision 3; 237.39; 244.11; 260.291, Subdivision 2; 270.23; 290.48, Subdivision 6; 299F.25; 357.08; 363.072, Subdivisions 1 and 2; 373.11; 430.031, Subdivision 4; 480.01; 480.054; 480.055, Subdivision 1; 480.061, Subdivision 8; 480.19; 484.63; 487.39, Subdivisions 1 and 2; 488A.01, Subdivision 14; 488A.17, Subdivision 12; 488A.18, Subdivision 14; 488A.34, Subdivision 11; 501.35; 525.71; 574.18; 586.11; Minnesota Statutes 1981 Supplement, Sections 5.08, Subdivision 2; and 648.39, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 480A; repealing Minnesota Statutes 1980, Sections 80A.24, Subdivision 3; 363.10; 473.597; and 525.74.

Reported the same back with the following amendments:

Page 2, delete lines 11 to 13

Page 2, line 14, delete to the period and insert "*The legislature shall provide by law for the organization of the court of appeals, the manner of review of its decisions by the supreme court, and the number of its judges, who shall not be judges of any other court*"

Page 3, line 12, delete "*permit the*"

Page 3, line 13, delete "*Legislature to*"

Page 3, line 19, delete "1984" and insert "1983"

Page 5, line 17, delete "*The judges of*"

Page 5, delete lines 18 to 28 and insert "*The chief justice of the supreme court shall designate one of the judges of the court of appeals to be chief judge for a term of three years. Vacancies in the office of chief judge shall be filled for the remainder of the unexpired term.*"

*The chief judge may be reappointed. If the chief judge ceases to be a judge of the court of appeals, the office of chief judge also becomes vacant.*

*The chief justice may remove the chief judge for cause."*

Page 6, line 11, after "Minnesota" insert ", except that it shall not have jurisdiction of criminal appeals in cases in which the defendant has been convicted of murder in the first degree"

Page 6, lines 16 and 17, delete "the tax court, pursuant to section 271.10, and"

Page 7, line 8, after "[DECISIONS.]" delete the balance of the line

Page 7, delete lines 9 to 11 and insert "*A decision shall be rendered in every case within 90 days after oral argument or after the final submission of briefs or memoranda by the parties, whichever is later. In every case, the decision of the court, including any written opinion containing a summary of the case and a statement of the reasons for its decision, shall be indexed and made readily available.*"

Page 7, line 25, delete the colon and insert a period

Page 7, delete lines 26 to 36

Page 8, delete lines 1 to 4

Page 8, line 5, delete "(c)"

Page 9, line 19, after the period insert "*The supreme court shall issue its decision whether to grant a petition for review within 60 days of the date the petition is filed.*"

Page 10, delete lines 5 to 36

Delete pages 11 to 26

Page 27, delete lines 1 to 5 and insert:

"Sec. 14. Minnesota Statutes 1981 Supplement, Section 204B.-06, Subdivision 6, is amended to read:

Subd. 6. [JUDICIAL CANDIDATES; DESIGNATION OF TERM.] An individual who files as a candidate for the office of associate justice of the supreme court, judge of the *court of appeals* or district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each *court of appeals* district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 204B.-34, Subdivision 3, is amended to read:

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges of *the court of appeals* or of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected."

Page 27, delete lines 25 to 36

Page 28, delete lines 1 to 33

Page 31, delete lines 6 to 36

Delete pages 32 to 35

Page 36, delete lines 1 to 13 and insert:

"Sec. 21. [INITIAL APPOINTMENT OF JUDGES.]

*The judicial offices created in section 3, subdivision 2 shall be filled initially by appointment by the governor."*

Page 36, line 17, delete "46" and insert "16"

Page 40, line 4, delete "66" and insert "25"

Page 40, delete lines 9 to 14 and insert "(a) sections 3 to 7 of this act are effective July 1, 1983, and"

Page 40, line 15, delete "(d)" and insert "(b)"

Renumber the sections

Delete the title and insert:

"A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, Article VI, Sections 1, 2, 5 and 6; providing for a court of appeals; providing for election of judges; conferring certain powers and duties on the court of appeals; amending Minnesota Statutes 1980, Sections 480.01; 484.63; 487.39, Subdivisions 1 and 2; 488A.01, Subdivision 14; and Minnesota Statutes 1981 Supplement, Sections 204B.06, Subdivision 6; 204B.34, Subdivision 3; proposing new law coded as Minnesota Statutes, Chapter 480A; repealing Minnesota Statutes 1980, Sections 80A.24, Subdivision 3; 363.10; 473.597; and 525.74."

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1751, A bill for an act relating to alcoholic beverages; increasing the maximum dollar value of equipment furnished to beer retailers by brewers and wholesalers; deleting obsolete language; amending Minnesota Statutes 1980, Section 340.405.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1980, Section 340.031, Subdivision 2, is amended to read:

Subd. 2. No manufacturer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder, or partner thereof, give, lend, or advance any money, credit, or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease, or sell to any person any furniture, fixtures, fittings, or equipment; nor shall any manufacturer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail licenses, or advance, furnish, lend, or give money for the payment of retail license fees or any expense incident to the obtaining of (SUCH) a license; nor shall any manufacturer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer; except that manufacturers or wholesalers may:

(a) furnish, lend, or rent outside signs to retailers, provided the cost of such signs, in the aggregate, furnished, lent, or rented



by any manufacturer or wholesaler to any retailer shall not exceed \$100, exclusive of erection, installation, and repair charges; (BUT NOTHING HEREIN SHALL BE CONSTRUED AS AFFECTING SIGNS OWNED AND LOCATED IN THE STATE ON APRIL 16, 1943, BY ANY SUCH MANUFACTURER OR WHOLESALE;) (b) furnish inside signs, miscellaneous advertising matter, and other items not to exceed, in the aggregate, a cost of (\$25) \$100 in any calendar year to any one retailer; (c) furnish or maintain for retailers (SUCH) equipment (AS IS) designed and intended to preserve and maintain the sanitary dispensing of non-intoxicating malt liquors, provided the expense incurred thereby does not exceed the sum of (\$25) \$100 per tap per calendar year, no part of which shall be paid in cash to any retailer (; (D) LEASE OR LEND TO THE OWNER OF THE PREMISES, OR TO ANY RETAILER NOW OR HEREAFTER OCCUPYING THE PREMISES, ANY FURNITURE, FIXTURES, FITTINGS, AND EQUIPMENT ACTUALLY LOCATED ON SAID PREMISES ON APRIL 16, 1943).

Any retailer who shall be a party to any violation of this subdivision or who shall receive the benefits thereof shall be equally guilty of a violation of the provisions thereof and shall be subject to the penalty hereinafter provided.

Any person who shall violate the provisions of this subdivision is guilty of a gross misdemeanor, and each violation shall constitute a separate offense."

Renumber the sections

Amend the title as follows:

Page 1, line 5, after "1980," insert "Sections 340.031, Subdivision 2; and"

Page 1, line 6, delete "Section"

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1765, A bill for an act relating to education; providing for enrollment in a school district other than the district of residence in cases of particular hardship; amending Minnesota Statutes 1980, Section 120.0751, Subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 14, strike "particular hardship for the pupil" and insert "*serious risk or danger to a pupil due to that pupil's particular health problem*"

Page 1, delete lines 17 to 25

Page 2, line 1, delete "*Sections 1 and 2 are*" and insert "*Section 1 is*"

Renumber the section

Amend the title as follows:

Page 1, line 5, delete ", and by"

Page 1, line 6, delete "adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1779, A bill for an act relating to environment; abolishing the water planning board; transferring certain duties of the water planning board to the environmental quality board and the department of energy, planning and development; providing for board membership and staff; providing for the appointment of a chairman; amending Minnesota Statutes 1980, Sections 116C.03, Subdivision 2a, and by adding subdivisions; 116C.04, by adding a subdivision; 362.12, by adding a subdivision; Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivisions 2 and 4; repealing Minnesota Statutes 1980, Sections 105.401; 116C.04, Subdivisions 8 and 9; 116C.05; 116C.07; and Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivision 3.

Reported the same back with the following amendments:

Page 1, lines 25 to 26, delete the new language

Page 2, line 9, after "*The*" insert "*representative of the governor's office shall serve as*"

Page 2, line 9, delete everything after "*board*"

Page 2, line 10, delete everything before the period

Page 2, line 16, delete "*shall*" and insert "*may*"

Page 2, line 18, after "*work*" delete the comma

Page 2, line 35, after "*resolve*" insert "*water*"

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1796, A bill for an act relating to retirement; second class city police relief associations; eliminating a dollar amount limitation on the payment of salaries to relief association officers; amending Minnesota Statutes 1981 Supplement, Section 423.808.

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1798, A bill for an act relating to energy; specifying the role of the department of energy, planning and development before the public utilities commission; clarifying certain public utilities commission responsibilities; amending Minnesota Statutes 1980, Sections 116H.02, Subdivision 5; and 216B.03; Minnesota Statutes 1981 Supplement, Sections 116H.07; 116H.11, by adding a subdivision; and 216B.241, Subdivision 2.

Reported the same back with the following amendments:

Page 4, line 8, delete "*fully*" and insert "*appropriately*"

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

The report was adopted.

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

H. F. No. 1803, A bill for an act relating to juveniles; providing for termination of jurisdiction over juveniles; providing for

the apprehension of juvenile absconders and escapees; amending Minnesota Statutes 1980, Sections 242.19; 260.181, Subdivision 4; and Minnesota Statutes 1981 Supplement, Section 242.44.

Reported the same back with the following amendments:

Page 3, after line 22, insert:

"Sec. 4. Minnesota Statutes 1981 Supplement, Section 4.12, is amended by adding a subdivision to read:

*Subd. 9. [PURPOSE.] In order to participate in the federal programs authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415), as amended by The Fiscal Year Adjustment Act (P.L. 94-273), The Crime Control Act of 1976 (P.L. 94-503), the Juvenile Justice Amendments of 1977 (P.L. 95-115) and the Juvenile Justice Amendments of 1980 (P.L. 96-509), the state must have a planning agency and a supervisory board.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 4.12, is amended by adding a subdivision to read:

*Subd. 10. [PLANNING AGENCY.] The governor shall designate the department of energy, planning and development as the sole agency responsible for supervising the preparation and administration of the state plan for juvenile justice required by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.*

Sec. 6. Minnesota Statutes 1981 Supplement, Section 4.12, is amended by adding a subdivision to read:

*Subd. 11. [JUVENILE JUSTICE ADVISORY COMMITTEE.] The governor shall designate the Juvenile Justice Advisory Committee as the supervisory board for the department of energy, planning and development with respect to preparation and administration of the state plan and award of grants.*

Sec. 7. Minnesota Statutes 1981 Supplement, Section 4.12, is amended by adding a subdivision to read:

*Subd. 12. [MEMBERSHIP.] The governor shall appoint members to the Juvenile Justice Advisory Committee in accordance with the membership requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.*

Sec. 8. [EFFECTIVE DATE.] *Sections 4 to 7 are effective on July 1, 1982."*

Amend the title as follows:

Page 1, line 7, delete "Section" and insert "Sections 4.12, by adding subdivisions; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

H. F. No. 1811, A bill for an act relating to state investment policy; prohibiting certain investments in countries not following human rights standards; proposing new law coded in Minnesota Statutes, Chapter 11A.

Reported the same back with the following amendments:

Page 3, after line 2, insert:

*"The prohibitions contained in this section shall not apply to a financial institution or corporation if documentary evidence is submitted to the state board of investment which is sufficient to establish that the employment policies of the corporation comply with section 363.03, subdivision 1, clauses (2) and (4)."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1819, A bill for an act relating to education; authorizing school districts to develop programs enabling secondary students to attend courses at post secondary institutions; proposing new law coded in Minnesota Statutes, Chapter 123.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE INTENT.]

*The legislature recognizes the fiscal constraints facing schools and the need to provide more cost effective delivery of educational services. At the same time, the legislature is committed to broad course offerings to meet the needs of secondary students. Therefore, the legislature encourages school districts and post-secondary institutions to participate in cooperative arrangements which will enhance curricular offerings available to secondary students.*

Sec. 2. [123.3511] [AUTHORIZATION FOR AGREEMENTS.]

*Notwithstanding any other law to the contrary, school districts, individually or in conjunction with other districts, may enter into agreements with post-secondary institutions to allow secondary students to enroll in courses which are not available at the secondary schools.*

Sec. 3. [123.3512] [IMPLEMENTATION.]

*Subdivision 1. [JOINT AGREEMENTS.] If two or more school districts enter into an agreement with post-secondary institutions pursuant to section 2, the participating school districts and administration of post-secondary institutions may appoint an advisory council to advise the school districts and administrators of post-secondary institutions on the development, implementation and management of this program. The agreement shall specify the number and manner of appointment of the council members, their terms and qualifications, provided that there is at least one representative of each participating school district and post-secondary institution.*

*Subd. 2. [INDIVIDUAL AGREEMENTS.] If a school district individually enters into an agreement with post-secondary institutions, the district and administration of the institutions shall not be required to appoint an advisory council but shall have the same responsibilities as the advisory council, as specified in subdivision 3.*

*Subd. 3. [RESPONSIBILITIES.] The advisory council's responsibilities shall include, but not be limited to:*

- (a) Establishing criteria for approval of courses and credits;*
- (b) Establishing criteria for the selection of participating students; and*
- (c) Establishing necessary administrative and physical arrangements.*

*Subd. 4. [CREDITS.] Post-secondary institutions shall be the institutions awarding credit for instruction offered pursuant to section 2. Notwithstanding any law to the contrary, school districts may accept the transfer of those credits toward the awarding of diplomas of participating students.*

*Subd. 5. [FINANCIAL ARRANGEMENTS.] Reimbursement for instruction offered by post-secondary institutions pursuant to section 2 shall be determined by participating secondary and post-secondary institutions or their governing boards or, in the case of joint agreements, by the advisory councils.*

*For purposes of appropriations to post-secondary institutions, student credit hours earned through programs authorized pursuant to section 2 shall not be included as regular instructional activity at participating post-secondary institutions.*

*State aid shall not be withheld from a school district pursuant to 124.19, subdivision 3, as a result of a school district participating in a program authorized in section 2.*

Sec. 4. [EFFECTIVE DATE.]

*Sections 1 to 3 are effective the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1848, A bill for an act relating to Independent School District No. 699; requiring certification of statutory operating debt.

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

The report was adopted.

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

H. F. No. 1849, A bill for an act relating to crimes; clarifying methods of and responsibility for imposing and collecting penalty assessments; amending Minnesota Statutes 1981 Supplement, Sections 609.101 and 626.861.

Reported the same back with the following amendments:

Page 1, line 24, strike "assessment or"

Page 2, line 2, delete "penalty assessments" and insert "sur-charges"

Page 2, line 10, strike "assessment or"

Page 2, line 16, delete "penalty assessments" and insert "sur-charges"

Pages 2, 3 and 4, delete section 2

Page 4, line 7, delete "*Sections 1 and 2 are*" and insert "*Section 1 is*"

Renumber the section

Amend the title as follows :

Page 1, line 5, delete "*Sections*" and insert "*Section*" and delete "*and 626.861*"

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

The report was adopted.

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

H. F. No. 1850, A bill for an act relating to juveniles; providing that commission of certain offenses constitutes prima facie evidence in reference for prosecution cases; amending Minnesota Statutes 1981 Supplement; Section 260.125, Subdivision 3.

Reported the same back with the following amendments :

Page 2, line 12, after "*offenses*" insert "*, not in the same behavioral incident,*"

Page 2, delete line 35 and insert "*acts of delinquency committed on or after that date, except that the history of prior acts of delinquency committed before August 1, 1982 may be considered on motions for reference for prosecution for offenses committed on or after August 1, 1982.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred :

H. F. No. 1879, A bill for an act relating to energy; transferring certain duties to the commissioner of the department of energy, planning and development; amending Minnesota Statutes 1980, Sections 16.86, Subdivisions 4 and 5; 116H.02, by adding a subdivision; 394.25, Subdivision 2; 462.357, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 116H.07; 116H.088, Subdivision 1; 116H.095, Subdivisions 4 and 5; 116H.10, Subdivision 4; 116H.11, Subdivision 1; 116H.12, Subdivision 4; 116H.128; 116H.18; proposing new law coded in Minnesota Statutes, Chapter 325E; repealing Minnesota Statutes 1980, Sections



116H.088, Subdivision 2; 116H.12, Subdivision 8; 116H.19, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 16.86, Subdivision 4, is amended to read:

Subd. 4. The commissioner, (NOTWITHSTANDING ANY LAW TO THE CONTRARY) *except in the case of energy conservation standards promulgated or amended pursuant to section 116H.12, subdivision 4*, shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another department or agency proposes to adopt or amend rules and regulations which are incorporated by reference into the code or whenever the commissioner proposes to incorporate such regulations into the state building code. In no event shall a state agency or department subsequently authorized to adopt rules and regulations involving state building code subject matter proceed to adopt the rules and regulations without prior consultation with the commissioner.

Sec. 2. Minnesota Statutes 1980, Section 16.86, Subdivision 5, is amended to read:

Subd. 5. Under the direction and supervision of the commissioner, the provisions of the code relating to electrical installations shall be enforced by the state board of electricity, pursuant to the Minnesota electrical act, the provisions relating to plumbing shall be enforced by the state commissioner of health, the provisions relating to fire protection shall be enforced by the state fire marshal, the provisions relating to high pressure steam piping and appurtenances and elevators shall be enforced by the department of labor and industry, *the provisions of energy conservation standards promulgated pursuant to section 116H.12, subdivision 4 shall be enforced by the commissioner of the department of energy, planning and development*, and the code as applied to public school buildings shall be enforced by the state board of education. Fees for inspections conducted by the state board of electricity shall be paid in accordance with the rules and regulations of the state board of electricity.

Sec. 3. Minnesota Statutes 1980, Section 116H.02, Subdivision 5, is amended to read:

Subd. 5. "Large energy facility" means:

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of (50,000) 80,000 kilowatts or more, or any facility of 5,000 kilowatts or

more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been applied for by May 19, 1977 pursuant to Minn. Reg. APC 3(a);

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and with more than 50 miles of its length in Minnesota; or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) (ANY FACILITY ON A SINGLE SITE DESIGNED FOR OR CAPABLE OF STORING MORE THAN ONE MILLION GALLONS OF CRUDE PETROLEUM OR PETROLEUM FUELS OR OIL OR THEIR DERIVATIVES, UNLESS THE FACILITY WOULD BE AT AN EXISTING PETROLEUM STORAGE SITE AND WOULD CONSTITUTE AN INCREASE OF LESS THAN 20 PERCENT IN THE STORAGE CAPACITY AT THAT SITE;)

((D)) Any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or their derivatives;

((E)) (d) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

((F)) (e) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas;

((G)) (f) Any underground gas storage facility requiring permit pursuant to section 84.57;

((H)) (g) Any facility designed or capable of transferring more than 300 tons of coal per hour or with an annual throughput of more than 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation;

((I) ANY FACILITY DESIGNED FOR OR CAPABLE OF STORING MORE THAN 7,500 TONS OF COAL OR WITH AN ANNUAL THROUGHPUT OF MORE THAN 125,000 TONS OF COAL;)

((j)) (h) Any petroleum refinery;

((K)) (i) Any *energy related* nuclear fuel processing or nuclear waste storage or disposal facility; and

((L)) (j) Any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of (25) 50 tons of the material per hour.

Sec. 4. Minnesota Statutes 1980, Section 116H.02, is amended by adding a subdivision to read:

*Subd. 15. [DEFINITIONS.] Wind energy conversion system (WECS) means any device, such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of useable energy.*

Sec. 5. Minnesota Statutes 1981 Supplement, Section 116H.07, is amended to read:

116H.07 [DUTIES.]

The commissioner shall:

(a) Manage the department as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116H.01 to 116H.15;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) Require certificate of need for construction of large energy facilities;

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116H.01 to 116H.15, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design *and implement* a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential, *and transportation* areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve non-renewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 116H.085, is amended to read:

**116H.085 [ENERGY CONSERVATION INFORMATION CENTER.]**

The commissioner shall establish an energy information center in the department's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, (AND) alternative sources of energy, *and alcohol fuels*.

(THE ENERGY INFORMATION CENTER SHALL SERVE AS THE OFFICIAL MINNESOTA ALCOHOL FUELS INFORMATION CENTER AND SHALL DISSEMINATE INFORMATION, PRINTED, BY THE TOLL-FREE TELEPHONE INFORMATION SERVICE, OR OTHERWISE ON THE APPLICABILITY AND TECHNOLOGY OF ALCOHOL FUELS.)

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The commissioner

shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

Sec. 7. Minnesota Statutes 1981 Supplement, Section 116H.-088, Subdivision 1, is amended to read:

Subdivision 1. The commissioner, in consultation with the state board of education, the higher education coordinating board, the state board for community colleges, the state university board, and the board of regents of the University of Minnesota, shall (DEVELOP A PLAN FOR) *assist in the development and implementation of adult and post-secondary energy education programs.*

Sec. 8. Minnesota Statutes 1981 Supplement, Section 116H.-09, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall maintain an emergency conservation and allocation plan. The plan shall provide a variety of strategies and staged conservation measures to reduce energy use and in the event of an energy supply emergency, shall establish guidelines and criteria for allocation of (FUELS) *petroleum* to priority users. The plan shall contain alternative conservation actions and allocation plans to reasonably meet various foreseeable shortage circumstances and allow a choice of appropriate responses. The plan shall be consistent with requirements of federal emergency energy conservation and allocation laws and regulations, shall be based on reasonable energy savings or transfers from scarce energy resources and shall:

(a) Give priority to individuals, institutions, agriculture and businesses which demonstrate they have engaged in energy-saving measures and shall include provisions to insure that:

(1) Immediate allocations to individuals, institutions, agriculture and businesses be based on needs at energy conservation levels;

(2) Successive allocations to individuals, institutions, agriculture and businesses be based on needs after implementation of required action to increase energy conservation;

(3) Needs of individuals and institutions are adjusted to insure the health and welfare of the young, old and infirm;

(b) Insure maintenance of reasonable job safety conditions and avoid *severe long-term* environmental (SACRIFICES) *damage*;

(c) Establish programs, controls, standards, priorities or quotas for the allocation, conservation and consumption of energy resources; and for the suspension and modification of existing standards and the establishment of new standards affecting or affected by the use of energy resources, including those related to the type and composition of energy sources, and to the hours and days during which public buildings, commercial and industrial establishments, and other energy consuming facilities may or are required to remain open;

(d) Establish programs to control the use, sale or distribution of commodities, materials, goods or services;

(e) Establish regional programs and agreements for the purpose of coordinating the energy resources, programs and actions of the state with those of the federal government, of local governments, and of other states and localities; and

(f) Determine at what level of an energy supply emergency situation the pollution control agency shall be requested to ask the governor to petition the president for a temporary emergency suspension of air quality standards as required by the Clean Air Act, 42 U.S.C., Section 7410f;

(g) Establish procedures for fair and equitable review of complaints and requests for special exemptions regarding emergency conservation measures or allocations.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 116H.-095, Subdivision 4, is amended to read:

Subd. 4. [SET-ASIDE REQUIRED.] Every prime supplier shall allocate for sale or exchange monthly upon order of the commissioner a volume of *motor* gasoline and middle distillate not exceeding the monthly set-aside amount. The amount of gasoline subject to monthly set-aside shall be an amount equal to three percent of the prime supplier's (SALES OF GASOLINE DURING THE CORRESPONDING MONTH OF 1980) *monthly supply estimate*. The amount of middle distillate subject to monthly set-aside shall be an amount equal to four percent of the prime supplier's (SALES OF MIDDLE DISTILLATE DURING THE CORRESPONDING MONTHS OF 1980) *monthly supply estimate*.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 116H.-095, Subdivision 5, is amended to read:

Subd. 5. [REPORT OF ESTIMATED VOLUME.] Every prime supplier (WHO DID NOT DO BUSINESS IN THE STATE DURING THE CORRESPONDING MONTH OF 1980) shall file with the commissioner a *monthly* report of its estimated volume of gasoline and middle distillate (SALE) *deliveries*. The

report shall be in a form prescribed by the commissioner and shall be submitted by the 25th day of the month preceding the month covered by the report. Each prime supplier (SUBJECT TO THIS SUBDIVISION) shall allocate monthly for sale or exchange upon order of the commissioner three percent of estimated *motor* gasoline supplies and four percent of estimated middle distillate supplies as shown by the report.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 116H.-10, Subdivision 4, is amended to read:

Subd. 4. Reports issued pursuant to this section, *other than individual corporate reports classified as nonpublic data in section 15.1682*, shall be available for public inspection in the office of the department during normal business hours.

Sec. 12. Minnesota Statutes 1981 Supplement, Section 116H.-11, Subdivision 1, is amended to read:

Subdivision 1. By January 1 of each even-numbered year, the commissioner shall transmit to the governor and the legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, conservation, public health and safety factors, and to specify the level of statewide and (GEOGRAPHICAL) *utility service* area energy need. The report shall include, but not be limited to, all of the following:

(a) A final report on the accuracy and acceptability of the energy forecasts received under section 116H.10 and the alternatives to meeting that demand;

(b) An estimate of statewide and (GEOGRAPHICAL) *utility service* area energy need for the forthcoming (FIVE AND TEN) 20 year period which, in the judgment of the commissioner, will reasonably balance requirements of state (AND GEOGRAPHICAL AREA) *economic* growth and development, protection of public health and safety, preservation of environmental quality, and conservation of energy resources;

(c) The anticipated level of statewide (AND GEOGRAPHICAL AREA) energy demand for 20 years, which shall serve as the basis for long range action;

(d) The identification of potential adverse social, economic, or environmental effects caused by a continuation of the present energy demand trends;

(e) An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels;

(f) The estimated reduction in annual energy consumption resulting from various energy conservation measures;

(g) The cost of energy to residential and rental consumers in relation to their socio-economic status;

(h) An assessment of the economic and employment implications of proposed state energy policies;

(i) The status of the department's ongoing studies;

(j) Recommendations to the governor and the legislature for administrative and legislative actions to accomplish the purposes of sections 116H.01 to 116H.15.

Sec. 13. Minnesota Statutes 1981 Supplement, Section 116H.-12, Subdivision 4, is amended to read:

Subd. 4. In recognition of the compelling need for energy conservation in order to safeguard the public health, safety and welfare, it is necessary to provide building design and construction standards consistent with the most efficient use of energy. Therefore, the commissioner of administration, in consultation with the commissioner, shall, pursuant to chapter 15, adopt rules governing building design and construction standards regarding heat loss control, illumination and climate control. The rules shall apply to all new buildings and remodeling affecting heat loss control, illumination and climate control. The rules shall be economically feasible in that the resultant savings in energy procurement shall exceed the cost of the energy conserving requirements amortized over the life of the building. The rules (**SHALL BECOME PART OF THE STATE BUILDING CODE AND BE EFFECTIVE SIX MONTHS AFTER PROMULGATION**) *promulgated pursuant to this subdivision, shall be part of the state building code and shall, after July 1, 1982, be updated as appropriate by the commissioner pursuant to chapter 15. Notwithstanding the provisions of this subdivision, all applications for approval of building specifications and plans may be submitted to the state building inspector as provided in section 16.862.*

Sec. 14. Minnesota Statutes 1981 Supplement, Section 116H.-128, is amended to read:

**116H.128 [REVIEW OF ENERGY RESEARCH AND DEMONSTRATION PROJECTS.]**

The commissioner shall continuously identify, monitor, and evaluate in terms of potential direct benefit to, and possible implementation in Minnesota, research studies and demonstration projects of alternative energy and energy conservation systems and methodologies currently performed in Minnesota and other states and countries including:



- (a) Solar energy systems for heating and cooling;
- (b) Energy systems using wind, agricultural wastes, forestry products, peat, and other nonconventional energy resources;
- (c) Devices and technologies increasing the energy efficiency of energy consuming appliances, equipment, and systems;
- (d) Hydroelectric power; and
- (e) Other projects the commissioner deems appropriate and of direct benefit to Minnesota and other states of the upper mid-west.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 116H.-13, Subdivision 8, is amended to read:

Subd. 8. This section shall not apply to *plants or facilities for the production of ethanol or fuel alcohol* nor in any case where the commissioner shall determine after being advised by the attorney general that its application has been preempted by federal law.

Sec. 16. Minnesota Statutes 1981 Supplement, Section 116H.-18, is amended to read:

**116H.18 [ENERGY EFFICIENT BUILDING EDUCATION.]**

The commissioner shall develop a program to provide information and training to *persons in the state who influence the energy efficiency of new buildings, including* contractors, engineers and architects on techniques and standards for the design and construction of buildings which maximize energy efficiency. The program may include the production of printed materials and the development of training courses.

**Sec. 17. [325E.015] [RESIDENTIAL ENERGY SALES PRACTICES.]**

*Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms shall have the meanings given.*

(a) *"Budget payment plan" means a billing method in which estimated annual energy consumption costs are billed to the consumer in ten or more approximately equal monthly payments.*

(b) *"Energy index" means a report designed to show the actual, and the weather-adjusted, increase or decrease in energy consumption from the current billing month or heating season to a previous billing month or heating season.*

*Subd. 2. [BUDGET PAYMENT PLAN A CUSTOMER OPTION.] Not later than September 1, 1982, every supplier of electricity or space heating fuels that offers some of its residential customers a budget payment plan shall make the plan available to all residential customers who request it provided that any customer with an outstanding balance on his or her account shall be placed on a budget payment plan that includes repayment of the outstanding balance. Suppliers of fuel oil, liquified petroleum gas, firewood, and coal are exempt from the provisions of this subdivision.*

*Subd. 3. [ENERGY CONSUMPTION INDEX.] Every energy supplier serving 50 or more Minnesota residential customers and using a computerized billing system shall, at least annually, provide to all residential customers an energy consumption index. Suppliers of firewood, fuel oil, liquified petroleum gas, and coal are exempt from the provisions of this subdivision.*

Sec. 18. Minnesota Statutes 1980, Section 394.25, Subdivision 2, is amended to read:

Subd. 2. Zoning ordinances establishing districts within which the use of land or the use of water or the surface of water pursuant to section 378.32 for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, surface water drainage and removal, conservation of shorelands, as defined in section 105.485, and additional uses of land and of the surface of water pursuant to section 378.32, may be by official controls encouraged, regulated, or prohibited and for such purpose the board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the comprehensive plan. Official controls may also be applied to wetlands preservation, open space, parks, sewage disposal, protection of ground water, protection of flood plains as defined in section 104.02, protection of wild, scenic or recreational rivers as defined in section 104.33, protection of slope, soils, unconsolidated materials or bedrock from potentially damaging development, preservation of forests, woodlands and essential wildlife habitat, reclamation of non-metallic mining lands; protection and encouragement of access to direct sunlight for solar energy systems as defined in section 116H.02, subdivision 11; siting of wind energy conversion systems as defined in section 116H.02, subdivision 15; and the preservation of agricultural lands.

Sec. 19. Minnesota Statutes 1980, Section 462.357, Subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY FOR ZONING.] For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate the location, height, bulk, number of stories, size of buildings and

other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in section 105.485, access to direct sunlight for solar energy systems as defined in section 116H.02, *siting of wind energy conversion systems as defined in section 116H.02*, flood control or other purposes, and may establish standards and procedures regulating such uses. No regulation may prohibit earth sheltered construction as defined in section 116H.02, subdivision 3, that complies with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Sec. 20. Minnesota Statutes 1980, Section 500.30, is amended to read:

#### 500.30 [SOLAR OR WIND EASEMENTS.]

Subdivision 1. "Solar easement" means a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as defined in section 116H.02, subdivision 11, to solar energy.

*Subd. 1a. "Wind easement" means a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or air space for the purpose of ensuring adequate exposure of a wind energy conversion system to the winds.*

Subd. 2. Any property owner may grant a solar or wind easement in the same manner and with the same effect as a conveyance of an interest in real property. The easements shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county in which the easement is granted. No duly recorded (SOLAR) easement shall be unenforceable on account of lack of privity of estate or privity of contract; such easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that (A SOLAR) *an* easement may terminate upon the conditions stated therein or pursuant to the provisions of section 500.20.

Subd. 3. Any deed, will, or other instrument that creates a solar or wind easement shall include, but the contents are not limited to:

(a) a description of the real property subject to the (SOLAR) easement and a description of the real property benefiting from the (SOLAR) easement;

(b) a description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the (SOLAR) easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited;

(c) a description of the vertical and horizontal angles, expressed in degrees, and distances from the site of the wind power system in which an obstruction to the winds is prohibited or limited;

(d) any terms or conditions under which the (SOLAR) easement is granted or may be terminated;

((D)) (e) any provisions for compensation of the owner of the real property benefiting from the (SOLAR) easement in the event of interference with the enjoyment of the (SOLAR) easement, or compensation of the owner of the real property subject to the (SOLAR) easement for maintaining the (SOLAR) easement;

((E)) (f) any other provisions necessary or desirable to execute the instrument.

Subd. 4. A solar or wind easement may be enforced by injunction or proceedings in equity or other civil action.

Subd. 5. Any depreciation caused by any solar or wind easement which is imposed upon designated property, but not

any appreciation caused by any (SOLAR) easement which benefits designated property, shall be included in the valuation of the property for property tax purposes.

Sec. 21. [REPEALER.]

*Minnesota Statutes 1980, Sections 116H.088, Subdivision 2; 116H.12, Subdivision 8; and 116H.19, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 116H.19, Subdivision 1 are repealed."*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for local zoning of wind energy conversion systems; changing certain procedures; defining certain terms; regulating residential energy sales practices; authorizing wind easements for the operation of wind energy conversion systems;"

Page 1, line 5, after "116H.02," insert "Subdivision 5, and"

Page 1, line 7, after the semicolon, insert "and 500.30;"

Page 1, line 8, after the first semicolon, insert "116H.085;" and after the second semicolon, insert "116H.09, Subdivision 1;"

Page 1, line 10, after "116H.128;" insert "116H.13, Subdivision 8; and"

Page 1, line 14, before the period insert "; and Minnesota Statutes 1981 Supplement, Section 116H.19, Subdivision 1"

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

The report was adopted.

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

H. F. No. 1882, A bill for an act relating to corrections; creating the Minnesota board of supervised release; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1980, Sections 241.05, Subdivisions 1, 2, 3, 3a, and by adding a subdivision; 244.01, Subdivision 7, and by adding a subdivision; 244.05, Subdivisions 2, 3, and 5; 244.06; 244.065; Minnesota Statutes 1981 Supplement, Sections 241.045, Subdivision 6; and 243.05; repealing Minnesota Statutes 1980, Sections 241.-045, Subdivisions 7 and 8; 243.07; 243.10; 243.12; and 244.08.

Reported the same back with the following amendments:

Page 2, delete lines 14 to 19 and insert:

"Subd. 3. [TERM OF OFFICE; REAPPOINTMENT.] *The first two members of the board appointed by the governor shall have been members of the corrections board on March 1, 1982 and shall be appointed to serve until June 30, 1983. At all times thereafter, there shall be one female board member appointed by the governor. The members next appointed to the board of supervised release by the governor shall be appointed to serve for the following terms: one member for three years and one member for six years. Thereafter, the members of the board shall serve for terms of six years. Members shall be eligible for reappointment.*"

Page 5, line 15, delete "subject to the"

Page 5, delete line 16

Page 5, line 17, delete "consistency" and insert "consistent"

Page 8, delete lines 31 to 33 and insert:

*"The appropriation to the commissioner of corrections by Laws 1981, Article 1, Chapter 360, Section 4, Subdivision 2, to perform the responsibilities formerly assigned to the Minnesota corrections board is reappropriated to the commissioner for the Minnesota board of supervised release for fiscal year 1983.*

#### Sec. 17. [APPROPRIATION.]

*The sum of \$44,000 is appropriated from the general fund to the commissioner of corrections for the purpose of administering sections 1 and 2. This sum is available until June 30, 1983."*

Page 9, delete lines 2 and 3 and insert:

*"Sections 1 to 18 are effective July 1, 1982."*

Renumber the sections

Amend the title as follows:

Page 1, line 5, after "Sections" insert "241.045, Subdivision 3;"

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

The report was adopted.

Nelson, K., from the Committee on Energy to which was referred:

H. F. No. 1905, A bill for an act relating to the city of Brooklyn Center; authorizing the establishment of a home energy conservation program as part of its municipal utility system and the issuance of bonds or notes for that purpose.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local and Urban Affairs.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1907, A bill for an act relating to public utilities; specifying the appropriate treatment of certain advertising expenses and charitable contributions; amending Minnesota Statutes 1980, Section 216B.16, Subdivisions 8 and 9.

Reported the same back with the following amendments:

Page 2, delete section 2

Renumber the section

Amend the title as follows:

Page 1, line 4, delete "and charitable contributions"

Page 1, line 5, delete "and 9"

Page 1, line 5, delete "Subdivisions" and insert "Subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1915, A bill for an act relating to local government; establishing a board to implement and administer a plan for a segment of the Minnesota river in Blue Earth, Brown, Le Sueur, Nicollet, Redwood and Renville counties.

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

The report was adopted.

Sarna from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1937, A bill for an act relating to state departments and agencies; transferring the duties of the former department of economic development to the secretary of state; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Mann from the Committee on Transportation to which was referred:

H. F. No. 1939, A bill for an act relating to transportation; directing the commissioner of transportation to construct a free-way along a certain route in the city of St. Paul; requiring the posting of bond in certain proceedings; amending Minnesota Statutes 1980, Section 161.1245, Subdivision 1; repealing Minnesota Statutes 1980, Section 161.1245, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 161.12, is amended to read:

**161.12 [ADDITIONAL ROUTES ADDED TO TRUNK HIGHWAY SYSTEM.]**

To take advantage of federal aid made available by the United States to the state of Minnesota for highway purposes, the following trunk highway routes are added to the trunk highway system which routes form a part of the national system of interstate and defense highways and may be referred to as the interstate system:

Route No. 390. Beginning at a point on the boundary between the states of Minnesota and Iowa, southerly of Albert Lea; thence extending in a general northeasterly direction to a point in Duluth on the boundary between the states of Minnesota and Wisconsin. Route No. 390 shall not include any portion of (ROUTE NO. 382 AS DESIGNATED BY SECTION 161.117 OR ANY PORTION OF ANY ROUTE CONNECTING ROUTE NO. 382 TO ROUTE NO. 392, NOR SHALL IT INCLUDE ANY PORTION OF) trunk highway marked No. 3 from trunk high-



way marked No. 110 in Dakota county to East Seventh Street in the city of St. Paul.

Route No. 391. Beginning at a point on the boundary between the states of Minnesota and South Dakota, westerly of Luverne; thence extending in a general easterly direction to a point on the boundary between the states of Minnesota and Wisconsin, near La Crescent.

Route No. 392. Beginning at a point on the boundary between the states of Minnesota and North Dakota in or near Moorhead; thence extending in a general southeasterly direction through the city of Minneapolis; thence in a general easterly direction through the city of St. Paul to a point on the boundary between the states of Minnesota and Wisconsin in or near Lakeland.

Route No. 393. Beginning at a point on Route No. 392, easterly of the city of St. Paul; thence in a general southerly and westerly direction through the city of South St. Paul; thence in a general westerly direction to a point in Eden Prairie Township, Hennepin County; thence in a general northerly direction to a point in the city of Maple Grove, Hennepin County; thence in a general easterly direction to a point on Route 390; thence in a general easterly, southeasterly and southerly direction to the point of beginning on Route No. 392, easterly of St. Paul.

Route No. 394. Beginning at a point on Route No. 390, southerly of the Minnesota River; thence extending in a general northerly and northeasterly direction through the city of Minneapolis; thence continuing in a northeasterly direction to a point on Route No. 390, near Forest Lake and there terminating.

Route No. 395. Beginning at a point on Route No. 390 at or near the intersection of Superior Street and Nineteenth Avenue West in the city of Duluth, thence extending in a northeasterly direction to a point on Route No. 103 at or near the intersection of Superior Street and Tenth Avenue East in the city of Duluth.

Sec. 2. Minnesota Statutes 1980, Section 161.1245, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of transportation is authorized to construct a four-lane parkway with limited access along the right of way of Route No. 382 in the city of St. Paul, which parkway (MAY) *shall* be connected with Route No. 392 by a roadway that is (NOT) a controlled access highway as defined in section 160.02. The commissioner shall not construct any highway on Route No. 382 or connection to Route No. 392 other than that described in this subdivision.

Sec. 3. [BOND REQUIRED.]

*Any person initiating any administrative, judicial or quasi-judicial proceeding contesting the provisions of section 1 shall post bond for the benefit of the state conditioned upon the payment of all costs and damages caused by the proceeding that may result to the state from the possibility of exceeding the federal deadlines.*

Sec. 4. [REPEALER.]

*Minnesota Statutes 1980, Section 161.1245, Subdivision 2, is repealed."*

Amend the title as follows:

Page 1, line 3, delete "freeway" and insert "parkway"

Page 1, line 6, delete "Section" and insert "Sections 161.12;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1961, A bill for an act relating to natural resources; authorizing the acquisition of certain state water access sites.

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

The report was adopted.

POINT OF ORDER

Jude raised a point of order pursuant to rule 5.7 that H. F. No. 1961 be re-referred to the Committee on Appropriations. The Speaker ruled the point of order well taken and H. F. No. 1961 was re-referred to the Committee on Appropriations.

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

H. F. No. 2050, A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [609.824] [COMMERCIAL BRIBERY.]

*Subdivision 1. [DEFINITION.] "Corruptly" means that the actor intends the action to injure, defraud or adversely affect:*

- (1) His employer or principal; or*
- (2) The employer or principal of the person to whom he offers, gives or agrees to give the bribe or from whom he requests, receives or agrees to receive the bribe; or*
- (3) Other persons by influencing the integrity of the market, industry or profession.*

*Subd. 2. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of commercial bribery and may be sentenced as provided in subdivision 3:*

- (1) Corruptly offers, gives, or agrees to give, directly or indirectly, any benefit, consideration, compensation, or reward to any employee, agent or fiduciary of a person with the intent to influence his action in relation to his employer's or principal's business; or*
- (2) Being an employee, agent or fiduciary of a person, corruptly requests, receives or agrees to receive, directly or indirectly, from another person any benefit, consideration, compensation, or reward with the understanding or agreement that he shall be influenced in his action in relation to his employer's or principal's business.*

*Subd. 3. [SENTENCE.] Whoever commits commercial bribery may be sentenced as follows:*

- (1) To imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both, if the value of the benefit, consideration, compensation or reward is greater than \$500;*
- (2) In all other cases where the value of the benefit, consideration, compensation or reward is \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$500; provided, however, in any prosecution of the value of the benefit, consideration, compensation or reward received or given by the defendant within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed, or all of the offenses aggregated under this clause.*

## Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective August 1, 1982, and applies to crimes committed on or after that date."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

S. F. No. 786, A bill for an act relating to retirement; volunteer firefighters relief associations; authorizing relief associations to increase retirement benefit and service pension amounts without municipal ratification in certain instances; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 6; 69.773, Subdivision 6; and 424A.02, Subdivision 10.

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

The report was adopted.

Norton from the Committee on Governmental Operations to which was referred:

S. F. No. 787, A bill for an act relating to retirement; volunteer firefighters relief associations; financing and benefit amounts; amending Minnesota Statutes 1980, Sections 69.772, Subdivision 2a; 424.01; 424.02; 424.04; 424.16; 424.17; and 424A.02, Subdivisions 3, 7 and 9.

Reported the same back with the following amendments:

Page 2, line 13, after the period, delete the remainder of the line

Page 2, delete lines 14 and 15

Pages 11 and 12, delete section 8

Renumber the sections

Amend the title as follows:

Page 1, line 6, delete " , 7"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 205, 492, 1278, 1455, 1498, 1576, 1622, 1652, 1657, 1698, 1726, 1751, 1765, 1796, 1803, 1811, 1819, 1848, 1849, 1850, 1907, 1915, 1939 and 2050 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1088, 786 and 787 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Sieben, M., for the Committee on Appropriations, introduced:

H. F. No. 2136, 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; fixing the boundaries of state parks and trails; appropriating money; amending Minnesota Statutes 1980, Sections 16.236; 85.015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; proposing new law coded in Minnesota Statutes, Chapter 84.

The bill was read for the first time and laid over one day.

Sieben, M., introduced:

H. F. No. 2137, A bill for an act relating to governmental operations; establishing a commission to review forecasts of state revenues; proposing new law coded in Minnesota Statutes, Chapter 3.

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

McEachern introduced:

H. F. No. 2138, A bill for an act relating to taxation; property; granting an exemption from the general levy limits for cities and counties with high population growth; proposing new law coded in Minnesota Statutes, Chapter 275.

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

Shea, McDonald, Stumpf, Ogren and Carlson, D., introduced:

H. F. No. 2139, A bill for an act relating to agriculture; specifying the qualifications of private grain inspectors; proposing new law coded in Minnesota Statutes, Chapter 17B.

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

Blatz introduced:

H. F. No. 2140, A bill for an act relating to state finances; appropriating money for expenses incidental to a land exchange; providing for the exchange of certain land in Hennepin County on certain conditions.

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

Kalis introduced:

H. F. No. 2141, A bill for an act relating to railroads; bringing Minnesota law into compliance with the Staggers Rail Act of 1980; amending Minnesota Statutes 1980, Section 218.071, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 218.031, Subdivision 1; and 218.041, Subdivision 2.

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

Svigum and Mehrkens introduced:

H. F. No. 2142, A bill for an act relating to housing and redevelopment; providing for the appointment of commissioners of multi-county authorities; amending Minnesota Statutes 1980, Section 462.428, Subdivision 2.

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

Svigum introduced:

H. F. No. 2143, A bill for an act relating to public safety; emergency services; requiring local civil defense agencies to operate under a personnel merit system; amending Minnesota Statutes 1980, Sections 12.22, Subdivision 3; and 12.25, by adding a subdivision.

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

Minne introduced:

H. F. No. 2144, A bill for an act relating to local government; permitting special charges for disposal of various classes of waste; proposing new law coded in Minnesota Statutes, Chapter 471.

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

Eken; Rodriguez, C., and Evans introduced:

H. F. No. 2145, A bill for an act relating to the department of economic security; regulating community action programs and agencies; amending Minnesota Statutes 1981 Supplement, Sections 268.52, Subdivisions 1, 2, and 4; 268.53, Subdivisions 1, 2, and by adding subdivisions; 268.54, Subdivision 2.

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

Welker, Ellingson and Rothenberg introduced:

H. F. No. 2146, A bill for an act relating to crimes; forfeitures of conveyances, containers, weapons used and contraband property; proposing new law coded in Minnesota Statutes, Chapter 609.

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

Peterson, D.; Piepho; Novak; Anderson, I., and Ewald introduced:

H. F. No. 2147, A bill for an act relating to intoxicating liquor; providing an exemption for franchise fees; amending Minnesota Statutes 1980, Section 340.13, Subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Greenfield introduced:

H. F. No. 2148, A bill for an act relating to gambling; providing an exception for certain nonprofit organizations to the annual limitation on prizes awarded from the conduct of raffles; amending Minnesota Statutes 1980, Section 349.26, Subdivision 9, and by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 349.26, Subdivision 15.

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

Lemen and Haukoos introduced:

H. F. No. 2149, A bill for an act relating to public welfare; establishing a community work experience program administered by county welfare agencies and human services boards under the direction of the department of public welfare; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 256.

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

Eken and Evans introduced:

H. F. No. 2150, A bill for an act relating to the attorney general; establishing a division of land title litigation in the office of the attorney general; proposing new law coded in Minnesota Statutes, Chapter 8.

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

Peterson, B.; Marsh; Valento and Lemen introduced:

H. F. No. 2151, A bill for an act relating to crimes; providing for forfeiture of certain property; permitting an agency to retain forfeited property; conforming definitions with other statutes; amending Minnesota Statutes 1980, Section 152.19, Subdivisions 1, 2, 4, 5 and 8.

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

Pogemiller and Voss introduced:

H. F. No. 2152, A bill for an act relating to metropolitan government; transferring appropriations from the commissioner of transportation to the legislative auditor for an evaluation of the performance of the metropolitan transit commission.

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

Ainley and Anderson, I., introduced:

H. F. No. 2153, A bill for an act relating to real estate; directing a conveyance of the state's right, title and interest in certain lands to Beltrami County.

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



Nysether introduced:

H. F. No. 2154, A bill for an act relating to real estate; directing a conveyance of the state's right, title and interest in certain lands to Lake of the Woods County.

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

Rose introduced:

H. F. No. 2155, A bill for an act relating to retirement; altering the period of prior service credit which may be purchased by certain employees or former employees of the department of employment services; amending Laws 1981, Chapter 297, Section 2, Subdivision 1.

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

Piepho introduced:

H. F. No. 2156, A bill for an act relating to education; authorizing the state university board to lease land on Mankato state university campus; permitting Mankato state university to lease a building; transferring title for a building to the state; proposing new law coded in Minnesota Statutes, Chapter 136.

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

Marsh introduced:

H. F. No. 2157, A bill for an act relating to education; authorizing Independent School District No. 47, Sauk Rapids, to receive replacement aid and to levy replacement amounts for certain school years.

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

Onnen, Shea, Stumpf and McEachern introduced:

H. F. No. 2158, A bill for an act relating to retirement; providing for an exemption from membership therein for managers; modifying the income taxation of deferred compensation contributions by certain municipal utility managers; amending Minnesota Statutes 1981 Supplement, Section 290.01, Subdivision 20, as amended; proposing new law coded in Minnesota Statutes, Chapter 353.

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

Onnen introduced:

H. F. No. 2159, A bill for an act relating to transportation; providing for the coordination and regulation of special transportation services; prescribing the powers and duties of the commissioner of health; providing for the administration of financial assistance by the commissioner of transportation; proposing new law coded in Minnesota Statutes, Chapter 144; repealing Minnesota Statutes 1980, Sections 174.29 and 174.30.

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

Valento introduced:

H. F. No. 2160, A bill for an act relating to occupations and professions; establishing licensing, bonding, and insurance requirements for tow truck operators; requiring the commissioner of transportation to adopt rules; providing for the revocation, suspension, and denial of a license; prohibiting local regulation; proposing new law coded in Minnesota Statutes, Chapter 221.

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

Simoneau; Clark, K.; Byrne; Rice and Levi introduced:

H. F. No. 2161, A bill for an act relating to government operations; creating the Minnesota loan guarantee agency; authorizing guarantees of mortgage-backed securities and of other securities backed by eligible loans; prescribing agency functions and duties; authorizing the issuance of capital certificates; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 462D.

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

Welch introduced:

H. F. No. 2162, A bill for an act relating to education; authorizing foundation aid for summer school for handicapped pupils; authorizing a levy for summer school programs for handicapped pupils; amending Minnesota Statutes 1980, Section 275.125, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 124.

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

Voss introduced:

H. F. No. 2163, A bill for an act relating to taxation; imposing certain requirements and restrictions on the use of tax increment financing; amending Minnesota Statutes 1980, Sections 273.73, Subdivisions 10 and 13; 273.74, Subdivisions 1, 3 and 4, and by adding a subdivision; 273.75, Subdivisions 3, 4 and 6, and by adding a subdivision; 273.76, Subdivisions 1 and 4; and 273.77; and Minnesota Statutes 1981 Supplement, Section 273.74, Subdivision 2.

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

Sarna; McEachern; Mann; Anderson, I., and Halberg introduced:

H. F. No. 2164, A bill for an act relating to motor carriers; requiring department of transportation investigations in certain instances; amending Minnesota Statutes 1980, Section 221.031, by adding a subdivision.

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

Battaglia, Begich and Elioff introduced:

H. F. No. 2165, A bill for an act relating to taxation; adjusting the distribution of the production tax to certain taxing jurisdictions; amending Minnesota Statutes 1981 Supplement, Section 298.28, Subdivision 1.

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

Peterson, D.; Gustafson; Kvam; Schreiber and Novak introduced:

H. F. No. 2166, A bill for an act relating to taxation; changing certain procedures concerning delinquent property taxes and tax-forfeited land sales; indexing interest rates; allowing county boards to reduce installment contract terms; providing alternate selling methods; allowing lease of certain lands without advertising for bids; simplifying distribution of tax-forfeited land proceeds; amending Minnesota Statutes 1980, Sections 278.08; 279.-37, Subdivisions 1, 2, and by adding a subdivision; 282.01, Subdivision 4, and by adding a subdivision; 282.04, by adding a subdivision; 282.08; and 282.261; Minnesota Statutes 1981 Supplement, Section 279.03.

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

Gruenes and Marsh introduced:

H. F. No. 2167, A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in the combined county court district of Benton and Stearns.

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

Gruenes; Marsh; Elioff; Johnson, C., and Niehaus introduced:

H. F. No. 2168, A bill for an act relating to education; authorizing Independent School District No. 742 to commence AVTI construction subject to certain conditions.

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

Reif, Samuelson, Forsythe and Swanson introduced:

H. F. No. 2169, A bill for an act relating to public welfare; designating the commissioner of public welfare as the state authority for federal mental health, alcohol and drug abuse block grants; prescribing a formula for distribution of federal funds to counties and defining duties of counties in the use of the funds; amending Minnesota Statutes 1980, Sections 245.70; and 245.71; proposing new law coded in Minnesota Statutes, Chapter 245.

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

Elioff, Battaglia, Minne and Begich introduced :

H. F. No. 2170, A bill for an act relating to state lands; authorizing sale and conveyance of a certain tract in order to correct a survey error.

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

Carlson, D., introduced :

H. F. No. 2171, A bill for an act relating to game and fish; allowing nonresident hunters to take deer of either sex; authorizing properly licensed hunters to take deer by firearms and by bow and arrow; amending Minnesota Statutes 1980, Section 100.272; and Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 14; repealing Minnesota Statutes 1980, Section 100.28, Subdivision 1.

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

Halberg introduced :

H. F. No. 2172, A bill for an act relating to highway traffic regulations; regulating the height of vehicles; establishing a height limitation for certain buses; amending Minnesota Statutes 1980, Section 169.81, Subdivision 1.

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

Kaley and Zubay introduced :

H. F. No. 2173, A bill for an act relating to state lands; providing for the conveyance of a certain building and lands of Rochester state hospital to a nonprofit corporation.

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

Ogren, Luknic and Stumpf introduced :

H. F. No. 2174, A bill for an act relating to housing; directing the department of energy, planning and development to administer certain federal money; proposing new law coded in Minnesota Statutes, Chapter 362.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Vellenga, Jude, Gustafson and Schafer introduced :

H. F. No. 2175, A bill for an act relating to Minnesota Statutes, correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating certain redundant, conflicting and superseded provisions; authorizing the revisor of statutes to make necessary reference changes if the administrative procedure act is recompiled as a separate chapter; amending Minnesota Statutes 1980, Sections 60C.02, Subdivision 1; 62B.04, Subdivision 1; 92.03, Subdivision 4; 106.011, Subdivision 20; 106.021, Subdivision 2; 106.081, Subdivision 1; 106.091, Subdivision 2; 120.17, Subdivisions 4a and 5; 123.21; 123.78, Subdivision 1; 123.932, Subdivision 1; 125.12, Subdivision 3; 129.121, Subdivision 1; 136.015; 145.833, Subdivisions 9, 10 and 11; 160.05, Subdivision 1; 175.35; 177.23, Subdivisions 4, 7 and 10; 177.27; 177.28; 177.29; 177.30; 177.31; 177.32; 177.33; 177.34; 177.35; 214.14, Subdivision 1; 273.11, Subdivision 5; 282.01, Subdivision 1; 290.41, Subdivision 3; 458.192, Subdivision 15; 462.415, Subdivisions 4 and 6; 462.421, Subdivisions 1, 2 and 20; 462.425, Subdivision 7; 462.426, Subdivision 1; 462.427, Subdivision 2; 462.428, Subdivision 3; 462.445, Subdivisions 1, 4 and 5; 462.451, Subdivision 2; 462.461, Subdivisions 1 and 2; 462.485; 462.511; 462.541, Subdivision 2; 462.545, Subdivisions 1, 2, 3 and 6; 462.555; 462.561; 462.571; 462.581; 462.591, Subdivision 1; 462.621, Subdivisions 1 and 3; 462.631, Subdivision 1; 462.635; 462.645, Subdivisions 1, 5 and 7; 462.665; 462.671; 462.701; 462.705; 462.712; 462.713; 473.195, Subdivision 1; 504.24, Subdivision 2; Chapter 111, by adding a section; Minnesota Statutes 1981 Supplement, Sections 11A.18, Subdivision 9; 43A.08, Subdivision 2; 43A.27, Subdivision 2; 47.20, Subdivisions 4a and 4b; 60A.11, Subdivisions 9 and 10; 69.011, Subdivision 2; 69.031, Subdivision 5; 97.488, by adding a subdivision; 116H.129, Subdivisions 1, 5 and 6; 156A.02, Subdivision 6; 168.013, Subdivision 1c; 169.825, Subdivision 10; 171.36; 176.306, Subdivision 2; 204B.31; 222.63, Subdivision 4; 273.11, Subdivision 1; 290.-077, Subdivision 4; 290.09, Subdivision 15; 299F.011, Subdivision 1; 353.01, Subdivisions 2a and 6; 355.11, Subdivision 5; 414.0325, Subdivision 5; 462.601; 462.605; 514.011, Subdivision 4a; 525.551, Subdivision 5; 525.6198; and Laws 1981, Chapter 224, Section 73; repealing Minnesota Statutes 1980, Section 60A.11, Subdivisions 5a and 5b; Minnesota Statutes 1981 Supplement, Section 290.971, Subdivision 7; Laws 1980, Chapter 587, Article I, Sections 31, 32, 33, 34, 35, 36, 37, 38 and 39; Laws 1981, Chapters 31, Section 7; 60, Section 14; 137, Section 3; 158; 178, Section 33; 205, Section 1; 224, Section 92; 255, Sections 1, 3 and 4; 356, Sections 99, 189, 190, 191, 210 and 212; and 357, Section 28.

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

Rose, Weaver, Novak and Osthoff introduced:

H. F. No. 2176, A bill for an act relating to wild animals; revising certain provisions regarding placement of boats, blinds, and decoys; amending Minnesota Statutes 1980, Section 100.29, Subdivision 18.

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

Welker introduced:

H. F. No. 2177, A bill for an act relating to Yellow Medicine County; providing for the consolidation of the offices of county auditor and treasurer.

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

Reding introduced:

H. F. No. 2178, A bill for an act relating to retirement; teachers' surviving dependent children benefits; joint and survivor elections by spouse; amending Minnesota Statutes 1981 Supplement, Section 354.46, Subdivisions 1 and 2.

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

Kalis, Mehrkens and Mann introduced:

H. F. No. 2179, A bill for an act relating to highway traffic regulations; authorizing and regulating the use of liquefied petroleum gas for motor fuel in school buses; amending Minnesota Statutes 1980, Section 169.44, by adding a subdivision.

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

Evans introduced:

H. F. No. 2180, A bill for an act relating to taxation; exempting sales of chances to use gambling devices sold by certain organizations from the sales tax; amending Minnesota Statutes 1981 Supplement, Section 297A.25, Subdivision 1, as amended.

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

McEachern introduced:

H. F. No. 2181, A bill for an act relating to libraries; requiring each county to be a member of a regional public library system; making a county's decision to join a particular system subject to board of education approval; establishing conditions under which a county shall be allowed to join an existing regional public library system; proposing new law coded in Minnesota Statutes, Chapter 375.

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

Elioff introduced:

H. F. No. 2182, A bill for an act relating to retirement, Virginia police relief association; defining certain terms; providing for the governance of separate and distinct general and special funds; providing benefit improvements for certain participants and benefit recipients; validating adoption of police pension law for cities of the third class; validating past payments; repealing Laws 1935, Chapters 92 and 259; Laws 1937, Chapter 197; and Laws 1949, Chapter 235.

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

Brinkman introduced:

H. F. No. 2183, A bill for an act relating to commerce; uniform commercial code; extending the time period for the perfection of or priority over certain security interests; amending Minnesota Statutes 1980, Sections 336.9-301; 336.9-306; and 336.9-312.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Pogemiller introduced:

H. F. No. 2184, A bill for an act relating to elections; providing for experimental mail elections; proposing new law coded in Minnesota Statutes, Chapter 204B.

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



Johnson, C.; Carlson, L., and Welch introduced:

H. F. No. 2185, A bill for an act relating to education; establishing the basis upon which financial stipends for scholarships and grants-in-aid are determined; amending Minnesota Statutes 1980, Section 136A.121, Subdivision 7; Minnesota Statutes 1981 Supplement, Section 136A.121, Subdivisions 4 and 5.

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

Carlson, D., was excused from 2:15 p.m. until 3:15 p.m.

### 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. 1732, A bill for an act relating to boxing; establishing certain conditions for participation in professional matches; proposing new law coded in Minnesota Statutes, Chapter 341.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House to return the following bill to the Conference Committee as previously constituted:

S. F. No. 818, A bill for an act relating to game and fish; increasing the amount set aside from any increased deer license fees for deer habitat improvement; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Sections 97.49, Subdivision 1a; and 100.27, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 10, A Concurrent Resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### SUSPENSION OF RULES

Eken moved that the Rules be so far suspended that Senate Concurrent Resolution No. 10 be now considered and be placed upon its adoption. The motion prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 10

A senate concurrent resolution relating to adjournment for more than three days.

*Be It Resolved* by the Senate, the House of Representatives concurring therein:

1. Upon its adjournment on February 18, 1982, the House of Representatives may set its next day of meeting for 2:00 p.m. on February 24, 1982.

2. Upon its adjournment on February 19, 1982, the Senate may set its next day of meeting for 2:00 p.m. on February 24, 1982.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Eken moved that Senate Concurrent Resolution No. 10 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 10 was adopted.

Mr. Speaker:

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

S. F. No. 1422.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 709 and 1621.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1256, 1499, 1510 and 233.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1422, A bill for an act relating to motor vehicles; allowing the registrar of motor vehicles to issue amateur radio and personalized license plates to motorcycle owners; amending Minnesota Statutes 1981 Supplement, Section 168.12, Subdivisions 2 and 2a.

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

S. F. No. 709, A bill for an act relating to optometrists; authorizing the use of certain topical ocular drugs; providing for education, training and testing requirements; requiring an emergency treatment plan; requiring advice to patients to seek evaluation by physician under certain conditions; providing a penalty; amending Minnesota Statutes 1980, Section 148.57, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 148.

The bill was read for the first time.

Greenfield moved that S. F. No. 709 and H. F. No. 275, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1621, A bill for an act relating to state government; removing the geographic limitation on state and public employees' eligibility for the state employee transportation program; amending Minnesota Statutes 1981 Supplement, Section 16.756, Subdivision 1a.

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

S. F. No. 1256, A bill for an act relating to state government; directing the commissioner of administration to obtain state office space in certain types of historically significant buildings when practical; amending Minnesota Statutes 1980, Section 16.243.

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

S. F. No. 1499, A bill for an act relating to motor vehicles; providing for special license plates for former prisoners of war; proposing new law coded in Minnesota Statutes, Chapter 168.

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

S. F. No. 1510, A bill for an act relating to highway traffic regulations; removing certain requirements for bug deflectors; amending Minnesota Statutes 1980, Section 169.743.

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

S. F. No. 233, A bill for an act relating to retirement; authorizing the repayment of a refund by certain current and former University of Minnesota, Duluth campus, employees; providing for the recomputation of certain retirement annuities.

The bill was read for the first time.

Berkelman moved that S. F. No. 233 and H. F. No. 205, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 1050, A bill for an act relating to insurance; authorizing the requiring of proof of motor vehicle or motorcycle insurance prior to the issuance of a parking permit by a governmental unit; proposing new law coded in Minnesota Statutes, Chapter 65B.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Elioff	Gruenes	Hokanson
Ainley	Clark, J.	Ellingson	Halberg	Hokr
Anderson, B.	Clark, K.	Erickson	Hanson	Jacobs
Anderson, G.	Clawson	Esau	Harens	Jennings
Anderson, I.	Dahlvang	Evans	Hauge	Johnson, D.
Battaglia	Dean	Ewald	Haukoos	Jude
Begich	Dempsey	Fjoslien	Heap	Kahn
Blatz	Den Ouden	Forsythe	Heinitz	Kaley
Brinkman	Drew	Frerichs	Himle	Kalis
Byrne	Eken	Greenfield	Hoberg	Kelly

Knickerbocker	Metzen	Peterson, D.	Schreiber	Valento
Kostohryz	Minne	Piepho	Searles	Vanasek
Kvam	Munger	Pogemiller	Shea	Vellenga
Laidig	Murphy	Redalen	Sherman	Voss
Lehto	Nelsen, B.	Reding	Sherwood	Weaver
Lemen	Nelson, K.	Rees	Sieben, M.	Welch
Levi	Niehaus	Reif	Simoneau	Welker
Long	Novak	Rice	Skoglund	Wenzel
Ludeman	Nysether	Rodriguez, C.	Stadum	Wieser
Luknic	O'Connor	Rodriguez, F.	Staten	Wigley
Mann	Ogren	Rose	Stowell	Wynia
Marsh	Olsen	Rothenberg	Stumpf	Zubay
McDonald	Onnen	Sarna	Sviggum	Spkr.Sieben,H.
McEachern	Osthoff	Schafer	Swanson	
Mehrkens	Peterson, B.	Schoenfeld	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 1746 was reported to the House.

There being no objection H. F. No. 1746 was continued on the Consent Calendar for one day.

### CALENDAR

S. F. No. 1538 was reported to the House and given its third reading.

### UNANIMOUS CONSENT

Lehto requested unanimous consent to offer an amendment. The request was granted.

Lehto moved to amend S. F. No. 1538, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 367.03, Subdivision 1, is amended to read:

Subdivision 1. [OFFICERS, TERMS] Except in towns operating under option A, there shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only until the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town meetings one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Except in towns operating under either option B or option D, or both, and except as otherwise provided in this section, there shall also be elected at each annual town meeting one town

clerk (,) and one treasurer (, THREE LAW ENFORCEMENT OFFICIALS. THE POSITIONS MAY BE FILLED BY ANY COMBINATION OF (A) PEACE OFFICERS, (B) CONSTABLES, OR (C) DEPUTY CONSTABLES. EACH OF THESE OFFICERS SHALL HOLD OFFICE FOR A TERM OF TWO YEARS AND UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED).

Sec. 2. Minnesota Statutes 1980, Section 367.03, Subdivision 2, is amended to read:

Subd. 2. [VACANCIES.] When a vacancy occurs in any town office the town board shall fill the same by appointment. The person so appointed shall hold his office until the next annual town meeting and until his successor qualifies; provided, that a vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town meeting, when his successor shall be elected to hold for the unexpired term. *Law enforcement vacancies shall be filled by appointment by the town board.*

Sec. 3. Minnesota Statutes 1980, Section 367.03, Subdivision 3, is amended to read:

Subd. 3. [CONSTABLES.] The town, by majority vote at its annual town meeting, may decide (THAT LESS THAN THREE LAW ENFORCEMENT OFFICIALS BE ELECTED OR THAT NO LAW ENFORCEMENT OFFICIAL BE ELECTED, EFFECTIVE AT THE NEXT SUCCEEDING TOWN ELECTION AND THEREAFTER, EXCEPT THAT ANY OFFICE SO TERMINATED MAY BE REINSTATED BY LIKE PROCEDURE) to authorize the town board to appoint three or less law enforcement officers. *The positions may be filled by any combination of (a) peace officers, (b) constables, or (c) deputy constables. The board of supervisors shall notify the board of peace officer standards and training in writing at least 14 days before the first day of employment of a peace officer, constable or deputy constable. In the event no law enforcement official is (ELECTED) appointed, the duties of a constable described by law (RELATIVE TO ELECTION PROCEDURE) may be delegated to any person so appointed by the board of supervisors (FOR A PERIOD OF TIME NO GREATER THAN THAT TO WHICH A CONSTABLE IS ELECTED AND) setting forth such compensation as the board of supervisors shall deem reasonable.*

Sec. 4. Minnesota Statutes 1980, Section 367.22, is amended to read:

### 367.22 [LAW ENFORCEMENT OFFICIAL'S BOND.]

Before entering upon his duties, and within ten days after he is notified of his (ELECTION OR) appointment, every law en-

forcement official shall give bond to the town, in a sum directed and with sureties approved by the chairman of the town board, conditioned for the faithful discharge of his official duties. The chairman shall endorse such approval on the bond, and cause it to be filed with the town clerk, for the benefit of any person aggrieved by the acts or omissions of the law enforcement official, and any person so aggrieved, or the town, may maintain an action thereon, in his own name, against the law enforcement official and the sureties.

Sec. 5. Minnesota Statutes 1980, Section 367.40, Subdivision 3, is amended to read:

Subd. 3. "Constable" means any individual employed (,) or appointed (OR ELECTED) by a political subdivision who is charged with the prevention and detecting of crime, the enforcement of the general criminal laws of the state, and who has full powers of arrest. The term shall apply even though the individual exercises his powers and duties on a part-time basis with or without receipt of compensation.

Sec. 6. Minnesota Statutes 1980, Section 367.40, Subdivision 4, is amended to read:

Subd. 4. "Deputy constable" means any individual employed (,) or appointed (OR ELECTED) by a political subdivision to fulfill law enforcement duties but who is prohibited from carrying a firearm while exercising his powers and duties and who has powers of arrest no greater than those of any citizen not a peace officer or constable. The term shall also include individuals voluntarily assisting local police or sheriff departments unless they qualify as constables or peace officers.

Sec. 7. Minnesota Statutes 1980, Section 367.41, is amended to read:

**367.41 [CONSTABLES AND PEACE OFFICER LICENSING REQUIREMENTS; DEPUTY CONSTABLES, REQUIREMENTS.]**

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any constable employed or elected on or after July 1, 1979 *or appointed on or after the effective date of this act*, by any political subdivision of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the Minnesota board of peace officer standards and training pursuant to section 626.8463, clauses (a) to (c).

Subd. 4. Any individual seeking employment (OR ELECTION) as a deputy constable pursuant to section 367.03 shall provide evidence that the county sheriff has determined, after checking criminal records and histories through the Minnesota

crime information system, that he has not been convicted of a felony within ten years.

Subd. 5. Any individual seeking election or employment as a peace officer pursuant to section 307.03 on or after July 1, 1979 or *appointment on or after the effective date of this act* shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 367.42, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any deputy constable employed or elected on or after July 1, 1979 or *appointed on or after the effective date of this act* by a political subdivision of the state of Minnesota shall have the following powers and duties:

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

Sec. 9. [REPEALER.]

*Minnesota Statutes 1981 Supplement, Section 382.28, is repealed.*

Sec. 10. [EFFECTIVE DATE.]



*Sections 1 to 9 are effective the day after final enactment. The elected law enforcement officers serving in office on the effective date of this act shall serve until the expiration of their terms of office."*

The motion prevailed and the amendment was adopted.

S. F. No. 1538, A bill for an act relating to peace officers; providing for appointment of peace officers, constables and deputy constables in towns; requiring towns to notify the peace officers standards and training board before employing law enforcement officers; amending Minnesota Statutes 1980, Sections 367.03, Subdivisions 1, 2, and 3; 367.22; 367.40, Subdivisions 3 and 4; 367.41; Minnesota Statutes 1981 Supplement, Section 367.42, Subdivision 1; repealing Minnesota Statutes 1981 Supplement, Section 382.28.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kvam	Onnen	Simoneau
Ainley	Forsythe	Laidig	Osthoff	Skoglund
Anderson, B.	Frerichs	Lehto	Otis	Stadum
Anderson, G.	Greenfield	Levi	Peterson, B.	Staten
Anderson, I.	Gruenes	Long	Peterson, D.	Stowell
Battaglia	Halberg	Ludeman	Piepho	Stumpf
Begich	Hanson	Luknic	Pogemiller	Sviggum
Blatz	Harens	Mann	Redalen	Swanson
Brandl	Hauge	Marsh	Reding	Tomlinson
Brinkman	Haukoos	McCarron	Rees	Valento
Byrne	Heap	McDonald	Reif	Vanasek
Carlson, L.	Heinitz	McEachern	Rice	Vellenga
Clark, J.	Himle	Mehrkens	Rodriguez, C.	Voss
Clark, K.	Hoberg	Metzen	Rodriguez, F.	Weaver
Clawson	Hokanson	Minne	Rose	Welch
Dahlvang	Hokr	Munger	Rothenberg	Welker
Dean	Jacobs	Murphy	Samuelson	Wenzel
Dempsey	Jennings	Nelsen, B.	Sarna	Wieser
Den Ouden	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	Sherwood	
Ewald	Kostohryz	Olsen	Sieben, M.	

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

H. F. No. 879, A bill for an act relating to juveniles; removing certain children from definition of "delinquent child"; defining "runaway," "habitual truant," "juvenile petty offender," "ju-

venile alcohol or controlled substance offender"; simplifying certain pleading and notice procedures; providing hearing rights and dispositional alternatives; amending Minnesota Statutes 1980, Sections 260.015, Subdivision 5, and by adding subdivisions; 260.111, Subdivision 1; 260.121, Subdivisions 1 and 2; 260.155, Subdivision 1; and 260.173, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 260.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1786, A bill for an act relating to agriculture; changing certain procedures relating to fertilizers and soil and plant amendments; imposing a penalty; amending Minnesota Statutes 1980, Sections 17.713, by adding a subdivision; 17.721, Subdivision 2; and 17.728, as amended; Minnesota Statutes 1981 Supplement, Sections 17.713, Subdivisions 8, 12, 17a, and 20; 17.714, Subdivision 2; 17.716, Subdivision 6; 17.719, Subdivision 1, and by adding a subdivision; 17.721, Subdivision 1; 17.725, Subdivision 1; and 17.726; proposing new law coded in Minnesota Statutes, Chapter 17.

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 118 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley      Anderson, B.      Ludeman      Welker

The bill was passed and its title agreed to.

H. F. No. 776, A bill for an act relating to insurance; requiring private passenger vehicle insurers to disclose surcharge plans; prohibiting payment of certain claims unless notice is given to the insured; proposing new law coded in Minnesota Statutes, Chapter 65B.

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 109 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Erickson	Hanson	Johnson, D.
Anderson, G.	Clark, J.	Esau	Hauge	Jude
Anderson, I.	Clark, K.	Evans	Haukoos	Kahn
Battaglia	Clawson	Ewald	Himle	Kaley
Begich	Dahlvang	Forsythe	Hoberg	Kalis
Blatz	Dempsey	Greenfield	Hokanson	Kelly
Brandl	Eken	Gruenes	Hokr	Knickerbocker
Brinkman	Elioff	Gustafson	Jacobs	Kostohryz
Byrne	Ellingson	Halberg	Johnson, C.	Laidig

Lehto	Murphy	Peterson, D.	Schoenfeld	Valento
Lemen	Nelsen, B.	Piepho	Schreiber	Vanasek
Levi	Nelson, K.	Pogemiller	Shea	Vellenga
Long	Niehaus	Reding	Sherman	Voss
Luknic	Norton	Rees	Sherwood	Weaver
Mann	Novak	Reif	Sieben, M.	Welch
Marsh	Nysether	Rice	Simoneau	Wenzel
McCarron	Ogren	Rodriguez, C.	Skoglund	Wieser
McDonald	Olsen	Rodriguez, F.	Staten	Wigley
McEachern	Onnen	Rose	Stowell	Wynia
Metzen	Osthoff	Rothenberg	Stumpf	Zubay
Minne	Otis	Samuelson	Swanson	Spkr. Sieben, H.
Munger	Peterson, B.	Sarna	Tomlinson	

Those who voted in the negative were:

Aasness	Den Ouden	Frerichs	Ludeman	Schafer
Ainley	Drew	Jennings	Mehrkens	Svigum
Dean	Fjoslien	Kvam	Redalen	Welker

The bill was passed and its title agreed to.

H. F. No. 1484, A bill for an act relating to highway traffic regulations; providing for administrative driving privilege revocations for failure to submit to chemical testing or exceeding prescribed alcohol concentration; authorizing revocations prior to judicial review; revising the procedure for hearings and appeals on administrative revocations; authorizing introduction into evidence certain peace officer records and reports; amending Minnesota Statutes 1980, Section 169.123, Subdivisions 5, 5a, 6, 7, and by adding subdivisions; and 171.19.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Hoberg	Long	O'Connor
Ainley	Ellingson	Hokanson	Ludeman	Ogren
Anderson, B.	Erickson	Hokr	Luknic	Olsen
Anderson, G.	Esau	Jacobs	Mann	Onnen
Anderson, I.	Evans	Jennings	Marsh	Osthoff
Battaglia	Ewald	Johnson, C.	McCarron	Otis
Begich	Fjoslien	Johnson, D.	McDonald	Peterson, B.
Blatz	Forsythe	Jude	McEachern	Peterson, D.
Brandl	Frerichs	Kahn	Mehrkens	Pogemiller
Brinkman	Greenfield	Kaley	Metzen	Redalen
Byrne	Gruenes	Kalis	Minne	Reding
Carlson, L.	Gustafson	Kelly	Munger	Rees
Clark, J.	Halberg	Knickerbocker	Murphy	Reif
Clawson	Hanson	Kostohryz	Nelsen, B.	Rice
Dahlvang	Hauge	Kvam	Nelson, K.	Rodriguez, C.
Dean	Haukoos	Laidig	Niehaus	Rodriguez, F.
Den Ouden	Heap	Lehto	Norton	Rose
Drew	Heinitz	Lemen	Novak	Rothenberg
Eken	Himle	Levi	Nysether	Samuelson

Sarna	Sherman	Stowell	Vanasek	Wenzel
Schafer	Sherwood	Stumpf	Vellenga	Wieser
Schoenfeld	Simoneau	Sviggum	Voss	Wigley
Schreiber	Skoglund	Swanson	Weaver	Wynia
Searles	Stadum	Tomlinson	Welch	Zubay
Shea	Staten	Valento	Welker	Spkr. Sieben, H.

Those who voted in the negative were:

Sieben, M.

The bill was passed and its title agreed to.

H. F. No. 1523, A bill for an act relating to driver licensing; allowing certain reports to be made to the commissioner of public safety; proposing new law coded in Minnesota Statutes, Chapter 171.

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 118 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley	Ludeman	Nelsen, B.	Shea	Welker
Frerichs	McDonald	Rees	Stumpf	

The bill was passed and its title agreed to.

H. F. No. 1668, A bill for an act relating to manufactured homes; requiring manufacturers and dealers of manufactured homes to be licensed and regulated by the commissioner of administration; providing for the rights and duties of owners and residents of manufactured home parks; making certain changes in the procedure for titling manufactured homes; requiring park owners to adopt storm safety plans for the protection of residents; empowering municipalities to enforce certain ordinances within manufactured home parks and recreational camping areas; clarifying the procedures to be used in the repossession of a manufactured home; clarifying certain language; prohibiting certain practices; imposing fees and penalties; providing remedies; defining terms; proposing new law coded in Minnesota Statutes, Chapter 168A; proposing new law coded as Minnesota Statutes, Chapters 327B and 327C; amending Minnesota Statutes 1980, Sections 168A.02, Subdivision 3; 327.14; 327.16, Subdivision 2; 327.20, Subdivision 1; 327.24, by adding a subdivision; 327.26; 327.27, Subdivision 2, and by adding a subdivision; 327.62, Subdivision 2; 327.63; 327.65; 327.66; 363.02, by adding a subdivision; and 566.18, Subdivisions 2, 7, and 8; repealing Minnesota Statutes 1980, Sections 327.41; 327.42; 327.43; 327.45; 327.451; 327.452; 327.46; 327.47; 327.51; 327.52; 327.53; 327.54; 327.55; 327.551; 327.552; 327.553, Subdivisions 2, 3 and 4; 327.554; 327.56; and Minnesota Statutes 1981 Supplement, Sections 327.44; 327.441; 327.55, Subdivision 1a; and 327.553, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 87 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Lemen	Osthoff	Sieben, M.
Anderson, I.	Gustafson	Levi	Otis	Simoneau
Battaglia	Halberg	Long	Peterson, D.	Skoglund
Begich	Hanson	Luknic	Pogemiller	Staten
Blatz	Harens	Mann	Reding	Stumpf
Brandl	Hauge	Marsh	Rees	Sviggum
Brinkman	Heap	McCarron	Reif	Tomlinson
Byrne	Heinitz	McEachern	Rice	Valento
Carlson, L.	Himle	Metzen	Rodriguez, C.	Vanasek
Clark, J.	Hokanson	Minne	Rodriguez, F.	Vellenga
Clawson	Hokr	Murphy	Rose	Voss
Dahlvang	Jacobs	Nelson, K.	Rothenberg	Welch
Eken	Jude	Norton	Samuelson	Wenzel
Elioff	Kahn	Novak	Sarna	Wynia
Ellingson	Kelly	O'Connor	Schoenfeld	Spkr. Sieben, H.
Evans	Knickerbocker	Ogren	Schreiber	
Ewald	Kostohryz	Olsen	Searles	
Forsythe	Lehto	Onnen	Shea	

Those who voted in the negative were:

Aasness	Ainley	Anderson, B.	Dean	Dempsey
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Den Ouden	Hoberg	Laidig	Redalen	Welker
Drew	Jennings	Ludeman	Schafer	Wieser
Erickson	Johnson, D.	Mehrkens	Sherman	Wigley
Esau	Kaley	Nelsen, B.	Sherwood	Zubay
Fjoslien	Kalis	Niehaus	Stadum	
Frerichs	Kvam	Nysether	Stowell	

The bill was passed and its title agreed to.

Novak and Ewald were excused at 3:50 p.m. Johnson, C., was excused at 4:05 p.m. Searles was excused at 4:25 p.m. Peterson, D., was excused at 4:50 p.m.

### GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., in the Chair, for the consideration of bills pending on General Orders of the Day. Wynia presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 1166 which it recommended to pass.

H. F. No. 451 which it recommended progress until Wednesday, February 24, 1982.

On the motion of Eken the report of the Committee of the Whole was adopted.

### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Nelson, K., moved to amend H. F. No. 1166, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.553, is amended to read:

473.553 [COMMISSION; MEMBERSHIP; ADMINISTRATION.]

Subdivision 1. [GENERAL.] The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section and section 473.141, subdivisions 6 to 11, 13, and 14.

Subd. 2. [MEMBERSHIP.] The commission shall consist of six members, appointed by the governor during the period before (SUBSTANTIAL COMPLETION OF CONSTRUCTION OF SPORTS FACILITIES PURSUANT TO SECTIONS 473.551 TO 473.595) *October 1, 1982*, and thereafter as (HEREINAFTER) provided in *subdivision 2a*, plus a chairman appointed as provided in subdivision 3. Initial appointments of members shall be made within 30 days of May 17, 1977. One member shall be appointed from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed from outside the metropolitan area. (UPON SUBSTANTIAL COMPLETION OF CONSTRUCTION OF THE SPORTS FACILITY)

*Subd. 2a. [MEMBERSHIP.] Commencing on October 1, 1982, vacancies occurring on the commission, whether at the completion of or prior to the completion of a member's term, shall be filled (BY) as provided in this subdivision. The city council of the city in which the stadium is located shall make appointments to fill vacancies occurring in the office of two of the members appointed to terms ending January, 1983 and two of the members appointed to terms ending January, 1985. The governor shall make appointments to vacancies occurring in the office of the other two members. The members appointed by the city council shall reside in the city. One of the members appointed by the governor shall reside outside of the city within each of the following combinations of commission precincts: A, B, C, and G; and D, E, F, and H.*

Subd. 3. [CHAIRMAN.] The chairman shall be appointed by the governor as the seventh voting member and shall meet all of the qualifications of a member, except the chairman need only reside outside the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. [QUALIFICATIONS.] Each member appointed (PRIOR TO SUBSTANTIAL COMPLETION OF CONSTRUCTION OF A SPORTS FACILITY CONSTRUCTED PURSUANT TO SECTIONS 473.551 TO 473.595) *by the governor* shall be a resident of the precincts or area of the state for which he is appointed. A member (APPOINTED AT ANY TIME) shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan com-



mission or hold any judicial office or office of state government. *None of the members appointed by the city council may be an elected municipal official in the city in which the stadium is located.* Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Subd. 5. [TERMS.] The terms of the members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the other members and the chairman shall end the first Monday in January, 1983. After the initial term provided for in this subdivision, the term of each member and the chairman shall be four years. The terms shall continue until a successor is appointed and qualified. Members and the chairman may be removed in the manner specified in chapter 351.

## Sec. 2. [APPLICATION.]

*This act is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington."*

The question was taken on the amendment and the roll was called. There were 31 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Brandl	Greenfield	Nelson, K.	Sarna	Wenzel
Clark, J.	Harens	Otis	Sieben, M.	Wynia
Clark, K.	Kahn	Peterson, D.	Simoneau	Spkr. Sieben, H.
Dahlvang	Kelly	Pogemiller	Skoglund	
Dean	Laidig	Rice	Staten	
Dempsey	Long	Rodriguez, C.	Tomlinson	
Evans	McCarron	Rose	Vanasek	

Those who voted in the negative were:

Anderson, B.	Fjoslien	Kaley	O'Connor	Shea
Anderson, G.	Forsythe	Kostohryz	Olsen	Sherman
Anderson, I.	Frerichs	Kvam	Onnen	Sherwood
Battaglia	Gruenes	Lemen	Osthoff	Stadum
Begich	Halberg	Levi	Peterson, B.	Stowell
Blatz	Hanson	Ludeman	Piepho	Stumpf
Brinkman	Hauge	Luknic	Redalen	Sviggum
Byrne	Haukoos	Marsh	Reding	Swanson
Carlson, L.	Heap	McDonald	Rees	Valento
Clawson	Himle	McEachern	Reif	Vellenga
Den Ouden	Hoberg	Mehrkens	Rodriguez, F.	Voss
Drew	Hokanson	Metzen	Rothenberg	Weaver
Eken	Hokr	Minne	Samuelson	Welch
Elioff	Jacobs	Murphy	Schafer	Welker
Ellingson	Jennings	Nelsen, B.	Schoerfeld	Wieser
Erickson	Johnson, D.	Niehaus	Schreiber	Wigley
Esau	Jude	Nysether	Searles	Zubay

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

Rice moved to amend H. F. No. 1166, the second engrossment, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 473.553, is amended to read:

473.553 [COMMISSION; MEMBERSHIP; ADMINISTRATION.]

Subdivision 1. [GENERAL.] The metropolitan sports facilities commission is established and shall be organized, structured, and administered as provided in this section and section 473.141, subdivisions 6 to 11, 13, and 14.

Subd. 2. [MEMBERSHIP.] The commission shall consist of (SIX) *eight* members (,) appointed (BY THE GOVERNOR DURING THE PERIOD BEFORE SUBSTANTIAL COMPLETION OF CONSTRUCTION OF SPORTS FACILITIES PURSUANT TO SECTIONS 473.551 TO 473.595 AND THEREAFTER) as (HEREINAFTER) *provided in this subdivision,* plus a chairman appointed as provided in subdivision 3. *Six members shall be initially appointed by the governor. Initial appointments of these members shall be made within 30 days of May 17, 1977. Before January, 1983 one member shall be appointed by the governor from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H (.), two members shall be appointed by the governor from outside the metropolitan area (.* UPON SUBSTANTIAL COMPLETION OF CONSTRUCTION OF THE SPORTS FACILITY, VACANCIES OCCURRING ON THE COMMISSION, WHETHER AT THE COMPLETION OF OR PRIOR TO THE COMPLETION OF A MEMBER'S TERM, SHALL BE FILLED BY THE CITY COUNCIL OF THE CITY IN WHICH THE STADIUM IS LOCATED) *and, beginning on October 1, 1982, two members shall be appointed by the city council of the city in which the stadium is located. Beginning on the first Monday in January, 1983, the governor shall appoint four members only, two of whom shall be from outside the metropolitan area and two from the metropolitan area, and the city council of the city in which the stadium is located shall appoint four members. The appointments by the city council shall not be subject to the veto of the mayor of the city.*

Subd. 3. [CHAIRMAN.] The chairman shall be appointed by the governor as the (SEVENTH) *ninth* voting member and shall meet all of the qualifications of a member, except the chairman need only reside outside the metropolitan area. The chair-

man shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. The commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Subd. 4. [QUALIFICATIONS.] Each member (APPOINTED PRIOR TO SUBSTANTIAL COMPLETION OF CONSTRUCTION OF A SPORTS FACILITY CONSTRUCTED PURSUANT TO SECTIONS 473.551 TO 473.595) shall be (A) *subject to the geographical limitations in subdivision 3* (RESIDENT OF THE PRECINCTS OR AREA OF THE STATE FOR WHICH HE IS APPOINTED). A member (APPOINTED AT ANY TIME) shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan commission or hold any judicial office (OR OFFICE OF STATE GOVERNMENT), *or elective office with a political subdivision*. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article V, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Subd. 5. [TERMS.] The terms of the members representing precincts A and B and C and G and the term of one of the members from outside the metropolitan area shall end the first Monday in January, 1981. The terms of the (OTHER) members *representing precincts D and E and F and H, the term of the other member from outside the metropolitan area, and the term of the chairman* shall end the first Monday in January, 1983. *The terms of the two initial members appointed by the city council shall end the first Monday in January, 1985.* After the initial term provided for in this subdivision, the term of each member and the chairman shall be four years. The terms shall continue until a successor is appointed and qualified *as provided in subdivision 2*. Members and the chairman may be removed in the manner specified in chapter 351.

## Sec. 2. [EFFECTIVE DATE.]

*This act is effective the day after final enactment."*

The question was taken on the amendment and the roll was called. There were 43 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Ainley	Greenfield	Metzen	Samuelson	Stumpf
Begich	Gustafson	Nelson, K.	Sarna	Tomlinson
Brandl	Harens	Ogren	Schoenfeld	Vanasek
Clark, J.	Kahn	Otis	Shea	Vellenga
Clark, K.	Kelly	Peterson, D.	Sherman	Wenzel
Dahlvang	Laidig	Pogemiller	Sieben, M.	Wynia
Dean	Long	Rice	Simoneau	Spkr. Sieben, H.
Dempsey	Ludeman	Rodriguez, C.	Skoglund	
Eken	McCarron	Rose	Staten	

Those who voted in the negative were:

Aasness	Fjoslien	Johnson, D.	Nelsen, B.	Schreiber
Anderson, G.	Forsythe	Jude	Niehaus	Searles
Anderson, I.	Frerichs	Kalis	Nysether	Sherwood
Battaglia	Gruenes	Knickerbocker	O'Connor	Stadum
Blatz	Halberg	Kostohryz	Olsen	Stowell
Brinkman	Hanson	Kvam	Onnen	Sviggum
Byrne	Hauge	Lemen	Osthoff	Swanson
Carlson, D.	Haukoos	Levi	Peterson, B.	Valento
Carlson, L.	Heap	Luknic	Piepho	Voss
Clawson	Heinitz	Mann	Redalen	Weaver
Den Ouden	Himle	Marsh	Reding	Welker
Drew	Hoberg	McDonald	Rees	Wieser
Elioff	Hokanson	McEachern	Reif	Wigley
Ellingson	Hokr	Mehrkens	Rodriguez, F.	
Erickson	Jacobs	Minne	Rothenberg	
Esau	Jennings	Murphy	Schafer	

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

Nelson, K., moved to amend H. F. No. 1166, the second engrossment, as follows:

Page 3, after line 8, insert a section to read:

"Sec. 2. Minnesota Statutes 1980, Section 473.556, is amended by adding a subdivision to read:

*Subd. 16. [DISTRIBUTION OF SEATS.] Any seat, ticket, or other privilege of admission to a professional athletic event in facilities of the commission which is now or hereafter designated, set aside, given, or otherwise reserved for the use of the members, chairman, or administrative staff of the commission, or their designees or guests, shall be given by the commission to residents of the state. Recipients shall be chosen by the drawing of names. The requirements of this subdivision apply to any privilege of admission, whether to a seat inside or outside of a suite and whether reserved by the commission itself or by another person, except an admission purchased by an individual commissioner."*

Page 3, line 9, delete "2" and insert "3"

Further amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for the distribution of certain tickets;"

Page 1, line 5, before the period insert "; 473.556, by adding a subdivision"

Swanson moved to amend the Nelson, K., amendment to H. F. No. 1166, as follows:

Page 1, line 5, after "ticket," insert "parking place,"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Nelson, K., amendment, as amended, and the roll was called. There were 54 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Ainley	Esau	Marsh	Pogemiller	Skoglund
Blatz	Evans	McCarron	Reding	Staten
Brandl	Frerichs	McDonald	Rees	Svigum
Carlson, L.	Greenfield	Minne	Rice	Swanson
Clark, J.	Gustafson	Nelson, K.	Rodriguez, C.	Tomlinson
Clark, K.	Harens	Nysether	Rose	Vanasek
Clawson	Jennings	O'Connor	Sarna	Vellenga
Dahlvang	Kahn	Ogren	Schoenfeld	Wieser
Dempsey	Laidig	Olsen	Shea	Wynia
Den Ouden	Long	Otis	Sherman	Zubay
Eken	Ludeman	Peterson, D.	Simoneau	

Those who voted in the negative were:

Aasness	Fjoslien	Kaley	Niehaus	Stowell
Anderson, G.	Forsythe	Kalis	Onnen	Valento
Anderson, I.	Gruenes	Kelly	Osthoff	Voss
Battaglia	Halberg	Knickerbocker	Peterson, B.	Weaver
Begich	Hanson	Kostohryz	Piepho	Welch
Brinkman	Hauge	Kvam	Redalen	Welker
Byrne	Heap	Levi	Reif	Wenzel
Carlson, D.	Heinitz	Mann	Rodriguez, F.	Wigley
Drew	Himle	Mehrkens	Schafer	Spkr. Sieben, H.
Eloff	Hoberg	Metzen	Schreiber	
Ellingson	Jacobs	Murphy	Sieben, M.	
Erickson	Johnson, D.	Nelsen, B.	Stadum	

The motion did not prevail and the amendment, as amended, was not adopted.

Nelson, K., moved to amend H. F. No. 1166, the second engrossment, as follows:

Page 3, after line 8, insert:

"Sec. 2. Minnesota Statutes 1980, Section 473.592, is amended by adding a subdivision to read:

*Subd. 3. [METROPOLITAN LIQUOR TAX; IMPOSITION; USE OF PROCEEDS.] (1) The council shall impose a tax, effective July 1, 1982, supplemental to the general sales tax imposed by chapter 297A, on all retail on-sales of intoxicating liquor and fermented malt beverages when sold at licensed on-sale liquor establishments and municipal liquor stores located within the metropolitan area. The tax shall be imposed in an amount*

*sufficient to produce revenues which are determined by the council from year to year to be required, together with the revenues available to the commission, to pay when due all debt service on bonds and revenue anticipation certificates issued under section 473.581, all debt service bonds referred to in section 473.564, subdivision 2, and all expenses of operation, administration, and maintenance of the sports facilities.*

*(2) The tax shall be reported and paid to the commissioner of revenue with and as part of the state sales and use taxes, and shall be subject to the same penalties, interest, and enforcement provisions. The collection of the tax, less refunds and a proportionate share of the costs of collection, shall be remitted at least quarterly to the council. The commissioner of revenue shall deduct from the proceeds remitted to the council an amount that equals the indirect statewide costs as well as the direct and indirect department costs necessary to administer, audit, and collect the tax. The amount deducted shall be deposited in the general fund.*

*(3) The proceeds of the tax remitted to the council shall be placed, together with the net revenues of the commission under section 473.595, into the debt service fund or reserve or special fund, established under section 473.581, and funds established to secure payment of operating deficits of the commission. The proceeds of the tax shall reduce the amount of the taxes required to be levied under the agreement between the municipality, the metropolitan council, and the commission entered into pursuant to subdivision 1 and may be used for the same purposes as those taxes.*

*(4) For purposes of this section, the term "metropolitan area" shall not include the portion of the city of New Prague that is located in Scott county and the portions of the city of Hanover and the city of Rockford that are located in Hennepin county."*

Renumber the remaining section

Further amend the title as follows:

Page 1, line 4, after "commission;" insert "imposing a metropolitan on-sale liquor tax;"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 5, after "473.553" insert "and 473.592, by adding a subdivision"

Hanson moved to amend the Nelson, K., amendment to H. F. No. 1166, as follows:

Page 2, line 17, after "include" insert "Ramsey County,"

The question was taken on the amendment to the amendment and the roll was called. There were 29 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Hanson	Metzen	Reif	Valento
Byrne	Harens	Niehaus	Rodriguez, F.	Veilenga
Dempsey	Jennings	Norton	Rose	Voss
Drew	Kelly	O'Connor	Samuelson	Wynia
Evans	Kostohryz	Osthoff	Sherman	Spkr. Sieben, H.
Gustafson	McCarron	Rees	Sviggum	

Those who voted in the negative were:

Aasness	Erickson	Johnson, D.	Mehrkens	Schoenfeld
Anderson, G.	Esau	Jude	Minne	Schreiber
Battaglia	Fjoslien	Kahn	Murphy	Shea
Begich	Forsythe	Kaley	Nelsen, B.	Sieben, M.
Blatz	Frerichs	Kalis	Nelson, K.	Simoneau
Brinkman	Greenfield	Knickerbocker	Olsen	Skoglund
Carlson, D.	Gruenes	Kvam	Onnen	Stadum
Carlson, L.	Halberg	Laidig	Otis	Staten
Clark, J.	Hauge	Lemen	Peterson, B.	Stumpf
Clark, K.	Haukoos	Levi	Peterson, D.	Swanson
Clawson	Heap	Long	Piepho	Vanasek
Dahlvang	Heinitz	Ludeman	Pogemiller	Weaver
Dean	Himle	Luknic	Redalen	Welker
Den Ouden	Hoberg	Mann	Reding	Wenzel
Eken	Hokanson	Marsh	Rice	Wieser
Elioff	Hokr	McDonald	Sarna	Wigley
Ellingson	Jacobs	McEachern	Schafer	Zubay

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

The question recurred on the Nelson, K., amendment and the roll was called. There were 20 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Brandl	Dean	Kahn	Peterson, D.	Shea
Clark, J.	Evans	Long	Pogemiller	Simoneau
Clark, K.	Greenfield	Nelson, K.	Rice	Skoglund
Dahlvang	Harens	Otis	Sarna	Staten

Those who voted in the negative were:

Aasness	Den Ouden	Hanson	Jude	Mann
Anderson, G.	Drew	Hauge	Kaley	Marsh
Anderson, I.	Eken	Haukoos	Kalis	McDonald
Battaglia	Elioff	Heap	Kelly	McEachern
Begich	Ellingson	Heinitz	Knickerbocker	Mehrkens
Blatz	Erickson	Himle	Kostohryz	Metzen
Brinkman	Esau	Hoberg	Kvam	Murphy
Byrne	Fjoslien	Hokanson	Laidig	Nelsen, B.
Carlson, D.	Forsythe	Hokr	Lemen	Niehaus
Carlson, L.	Frerichs	Jacobs	Levi	Norton
Clawson	Gruenes	Jennings	Ludeman	Nysether
Dempsey	Halberg	Johnson, D.	Luknic	O'Connor

Ogren	Rees	Schreiber	Swanson	Welker
Olsen	Reif	Sherman	Tomlinson	Wenzel
Onnen	Rodriguez, C.	Sherwood	Valento	Wieser
Osthoff	Rodriguez, F.	Sieben, M.	Vanasek	Wigley
Peterson, B.	Rose	Stadum	Vellenga	Wynia
Piepho	Samuelson	Stowell	Voss	Zubay
Redalen	Schafer	Stumpf	Weaver	Spkr. Sieben, H.
Reding	Schoenfeld	Sviggun	Welch	

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

Greenfield moved to amend H. F. No. 1166, the second engrossment, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 340.14, Subdivision 3, is amended to read:

Subd. 3. [SALES; WHERE FORBIDDEN.] No intoxicating liquors shall be sold in any of the following places:

(1) Within the capitol or upon the grounds thereof;

(2) Upon the state fairgrounds or at any place in a city of the first class within one-half mile of such fairgrounds except as hereinafter otherwise provided by charter;

(3) Upon the campus of the institute of agriculture of the University of Minnesota or at any place in a city of the first class within one-half mile of such campus except as hereinafter otherwise provided by charter. The city may issue one on-sale wine license to a vendor in the territory described in this clause that is not also included in the territory described in clause (2). The license is in addition to any others permitted in the city by other law or charter;

(4) Within 1,000 feet of any state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of public welfare or the commissioner of corrections. Whoever sells or otherwise disposes of intoxicating liquor at retail at a place prohibited by this clause is guilty of a gross misdemeanor;

(5) In any town or municipality in which a majority of votes at the last election at which the question of license was voted upon shall not have been in favor of license, or within one-half mile of any such municipality, except that any intoxicating liquor, manufactured within any such district, may be sold to be consumed outside of such district;

(6) At any place on the east side of the Mississippi River within one-tenth mile of the main building of the University of



Minnesota unless the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940 for and by former students of the University of Minnesota; a license may be issued under this clause notwithstanding any local law to the contrary;

(7) Within 1,500 feet of any state university, except as hereinafter provided, or, when the place of sale is not within a municipality, within 1,500 feet of any public school outside of a municipality; within 1,500 feet at St. Cloud State University except for one wine and two off-sale licenses only, and within 1,200 feet at Winona State University, and at Southwest State University. In determining the distance, the measurement shall be along the most direct line from the nearest corner of the administration building of the university to the main entrance of the licensed premises; as to Mankato State University in the city of Mankato when the place of sale is within 1,500 feet as measured from the front door of the student union of the Highland campus;

(8) At more than five places on any one side of a block within and fronting upon the patrol limits of cities of the first class;

(9) *On the premises of the property owned by the metropolitan sports facilities commission containing the multipurpose sports facility constructed pursuant to sections 473.551 to 473.597;*

((9)) (10) The restrictions imposed by this subdivision shall not apply to any manufacturer or wholesaler of intoxicating liquors or to a drug store or to any person lawfully licensed to sell intoxicating liquor immediately prior to the enactment of this subdivision."

Renumber the remaining sections

Further amend the title as follows:

Page 1, line 2, after the semicolon insert "prohibiting sale of intoxicating liquors in certain metropolitan sports facilities;"

Page 1, line 4, delete "Section" and insert "Sections 340.14, Subdivision 3; and"

The question was taken on the amendment and the roll was called. There were 35 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Aasness  
Brandl

Carlson, D.  
Clark, J.

Clark, K.  
Drew

Erickson  
Esau

Evans  
Greenfield

Harens	McCarron	Peterson, D.	Rose	Staten
Jude	McDonald	Piepho	Samuelson	Stumpf
Kahn	Nelson, K.	Redalen	Shea	Swanson
Lemen	Niehaus	Rice	Sherwood	Veilenga
Long	Onnen	Rodriguez, C.	Skoglund	Wieser

Those who voted in the negative were:

Ainley	Fjoslien	Knickerbocker	Norton	Sherman
Anderson, G.	Forsythe	Kostohryz	Nysether	Sieben, M.
Anderson, I.	Frerichs	Kvam	O'Connor	Stadium
Battaglia	Gustafson	Laidig	Olsen	Stowell
Begich	Halberg	Levi	Osthoff	Sviggum
Blatz	Hanson	Ludeman	Otis	Tomlinson
Brinkman	Haukoos	Luknic	Pogemiller	Valento
Carlson, L.	Heap	Mann	Reding	Vanasek
Dahlvang	Himle	Marsh	Rees	Voss
Dean	Hoberg	McEachern	Reif	Weaver
Dempsey	Hokanson	Mehrkens	Rodriguez, F.	Welker
Den Ouden	Jacobs	Metzen	Sarna	Wenzel
Eken	Johnson, D.	Minne	Schafer	Wigley
Elioff	Kalis	Murphy	Schoenfeld	Wynia
Ellingson	Kelly	Nelsen, B.	Schreiber	Spkr. Sieben, H.

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

Kahn moved to amend H. F. No. 1166, the second engrossment, as follows:

Page 3, after line 8, insert a section to read:

"Sec. 2. Minnesota Statutes 1980, Section 473.556, is amended by adding a subdivision to read:

*Subd. 16. [DISTRIBUTION OF SEATS.] No seat, ticket, parking privilege or other privilege of admission to a professional athletic event in facilities of the commission may be designated, set aside, given, or otherwise reserved for the use of the members, chairman, or administrative staff of the commission, or their designees or guests."*

Page 3, line 9, delete "2" and insert "3"

Further amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for the distribution of certain tickets;"

Page 1, line 5, before the period insert "; 473.556, by adding a subdivision"

The question was taken on the amendment and the roll was called. There were 54 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Battaglia	Esau	Laidig	Rees	Sviggum
Begich	Evans	Long	Rice	Swanson
Blatz	Fjoslien	McCarron	Rodriguez, C.	Tomlinson
Brandl	Greenfield	McDonald	Rose	Vanasek
Carlson, L.	Hanson	Minne	Sarna	Vellenga
Clark, J.	Harens	Nelson, K.	Schoenfeld	Wenzel
Clark, K.	Hoberg	Norton	Shea	Wieser
Clawson	Jennings	O'Connor	Sherman	Wigley
Dahlvang	Jude	Olsen	Simoneau	Wynia
Den Ouden	Kahn	Otis	Skoglund	Zubay
Drew	Kostohryz	Pogemiller	Staten	

Those who voted in the negative were:

Aasness	Forsythe	Kalis	Murphy	Schafer
Ainley	Frerichs	Kelly	Nelsen, B.	Schreiber
Anderson, G.	Gruenes	Knickerbocker	Niehaus	Sherwood
Anderson, I.	Gustafson	Kvam	Ogren	Sieben, M.
Brinkman	Halberg	Lemen	Onnen	Stadum
Byrne	Hauge	Levi	Osthoff	Stowell
Carlson, D.	Haukoos	Luknic	Peterson, B.	Stumpf
Dean	Heap	Mann	Piepho	Valento
Dempsey	Himle	Marsh	Redalen	Voss
Eken	Hokanson	McEachern	Reding	Weaver
Elioff	Jacobs	Mehrkens	Reif	Welker
Ellingson	Johnson, D.	Metzen	Rodriguez, F.	Spkr. Sieben, H.
Erickson	Kaley	Munger	Samuelson	

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

The question was taken on the motion to recommend passage of H. F. No. 1166 and the roll was called. There were 82 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	Onnen	Stadum
Anderson, B.	Fjoslien	Kostohryz	Osthoff	Stowell
Anderson, G.	Forsythe	Kvam	Peterson, B.	Stumpf
Anderson, I.	Frerichs	Lemen	Piepho	Sviggum
Battaglia	Gruenes	Levi	Redalen	Swanson
Begich	Halberg	Ludeman	Reding	Valento
Blatz	Hanson	Luknic	Reif	Vellenga
Brinkman	Hauge	Marsh	Rodriguez, F.	Voss
Byrne	Haukoos	Mehrkens	Rothenberg	Weaver
Carlson, D.	Heap	Minne	Samuelson	Welch
Carlson, L.	Heinitz	Murphy	Schafer	Welker
Clawson	Himle	Nelsen, B.	Schoenfeld	Wieser
Den Ouden	Hokanson	Niehaus	Schreiber	Wigley
Drew	Hokr	Nysether	Shea	Zubay
Elioff	Jude	O'Connor	Sherman	
Ellingson	Kaley	Ogren	Sherwood	
Erickson	Kalis	Olsen	Sieben, M.	

Those who voted in the negative were:

Ainley	Clark, J.	Dahlvang	Dempsey	Evans
Brandl	Clark, K.	Dean	Eken	Greenfield

Harens	Kelly	McEachern	Rice	Staten
Hoberg	Laidig	Metzen	Rodriguez, C.	Tomlinson
Jacobs	Long	Nelson, K.	Rose	Vanasek
Jennings	Mann	Otis	Sarna	Wenzel
Johnson, D.	McCarron	Pogemiller	Simoneau	
Kahn	McDonald	Rees	Skoglund	

The motion prevailed.

### MOTIONS AND RESOLUTIONS

Eken moved that the order of business Motions and Resolutions be continued for one day. The motion prevailed.

### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, February 24, 1982. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, February 24, 1982.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**