

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1982

EIGHTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 11, 1982

The House of Representatives convened at 12:00 noon and was called to order by Harry A. Sieben, Jr., Speaker of the House.

Prayer was offered by Intern Pastor Mary Anne Pratt, Zion Lutheran, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, R.; Frerichs and Searles were excused.

Harens was excused until 12:50 p.m. Carlson, D., was excused until 1:10 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2290, 2159, 2065, 2174, 1176, 352, 1017, 1878, 2000, 2188 and 1858 and S. F. Nos. 588, 1682, 1723, 1765, 1948, 2051, 2127, 1336, 1780, 2054 and 1793 have been placed in the members' files.

S. F. No. 1780 and H. F. No. 1815, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, G., moved that the rules be so far suspended that S. F. No. 1780 be substituted for H. F. No. 1815 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 588 and H. F. No. 674, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, G., moved that the rules be so far suspended that S. F. No. 588 be substituted for H. F. No. 674 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2051 and H. F. No. 2238, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kalis moved that the rules be so far suspended that S. F. No. 2051 be substituted for H. F. No. 2238 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1765 and H. F. No. 1844, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mehrkens moved that the rules be so far suspended that S. F. No. 1765 be substituted for H. F. No. 1844 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1713 and H. F. No. 2159, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Onnen moved that the rules be so far suspended that S. F. No. 1713 be substituted for H. F. No. 2159 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1793 and H. F. No. 1858, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Voss moved that the rules be so far suspended that S. F. No. 1793 be substituted for H. F. No. 1858 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2054 and H. F. No. 2145, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Eken moved that the rules be so far suspended that S. F. No. 2054 be substituted for H. F. No. 2145 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1948 and H. F. No. 2228, 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. 1948 be substituted for H. F. No. 2228 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

March 9, 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 File:

H. F. No. 1574, relating to Independent School District No. 84, Sleepy Eye; requiring revision of its certified statutory operating debt.

Sincerely,

ALBERT H. QUIE
Governor

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

March 9, 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1982</i>	<i>Date Filed 1982</i>
	1574	390	March 9	March 9
233		391	March 9	March 9
1695		392	March 9	March 9

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1110, A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring certain information; creating a right to refuse work with a toxic substance under certain conditions; amending Minnesota Statutes 1980, Sections 182.651, by adding a subdivision; 182.654, by adding a subdivision; and 182.655, Subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 182.651, is amended by adding a subdivision to read:

Subd. 14. "Toxic substance or harmful physical agent" means any substance or physical agent meeting the definition contained in 29 Code of Federal Regulations, Section 1910.20 (c) (11).

Sec. 2. Minnesota Statutes 1980, Section 182.654, is amended by adding a subdivision to read:

Subd. 10. Any employee shall have the right, without loss of pay or other benefits or employment, to refuse to work with a substance he reasonably believes to be a toxic substance or a harmful physical agent if (1) the employer has failed to provide the information required pursuant to section 182.655, subdivision 10, within a reasonable time not in excess of 24 hours of the employee's request for same, or (2) the employee is asked to work with the substance or physical agent under conditions which are inconsistent with the information provided by the employer pursuant to section 182.655, subdivision 10, clauses (h) or (i).

Sec. 3. Minnesota Statutes 1980, Section 182.654, is amended by adding a subdivision to read:

Subd. 11. Any employee shall have the right, without loss of pay or other benefits of employment, to refuse to work under conditions which he reasonably believes constitute a serious violation of sections 182.65 to 182.674.

Sec. 4. Minnesota Statutes 1980, Section 182.655, Subdivision 10, is amended to read:

Subd. 10. Any standard promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. In the case of toxic substances or harmful physical agents utilized at a place of employment any standard shall require an employer to provide rea-

sonable access by employees and their designated representatives to current information for any toxic substance as follows:

- (a) The name or names of the substance or physical agent, including the generic or chemical name;*
- (b) The trade name of the chemical and any other commonly used name;*
- (c) The level at which exposure to the substance or physical agent is determined to be hazardous, if known;*
- (d) The acute and chronic effects of exposure at hazardous levels;*
- (e) The symptoms of the effects;*
- (f) The potential for flammability, explosion and reactivity of the substance or physical agent;*
- (g) Appropriate emergency treatment;*
- (h) Proper conditions for safe use and exposure to the substance or physical agent;*
- (i) Procedures for cleanup of leaks and spills; and*
- (j) Any relevant material safety data sheet covering the substance or physical agent.*

Where appropriate, such standards shall also prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by or at the cost of the employer. Such standards shall provide for monitoring or measuring employee exposure at such locations and intervals and in such manner as may be necessary and appropriate for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. The results of such examinations or tests shall be furnished only to the commissioner and, at the request of the employee, to his physician.

Sec. 5. Minnesota Statutes 1980, Section 182.658, is amended to read:

182.658 [POSTING REQUIREMENTS.]

The commissioner shall issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under Laws 1973, Chapter 732 including the provisions of applicable standards *and of sections 1 to 8.*

Sec. 6. Minnesota Statutes 1980, Section 182.668, is amended to read:

182.668 [TRADE SECRETS.]

Subdivision 1. [DETERMINATION BY COMMISSIONER.] The commissioner may, on request and after a sufficient showing by the employer, determine that an employer's use of a substance or physical agent, or its proportion or method of utilization in a process or mixture, is a trade secret.

Subd. 2. [CLASSIFICATION OF DATA.] All information reported to or otherwise obtained by the commissioner or his representative in connection with any inspection or proceeding under Laws 1973, Chapter 732 which contains or which might reveal a trade secret shall be considered confidential except that such information may be disclosed to other officers or employees concerned with carrying out Laws 1973, Chapter 732 or when relevant in any proceeding under Laws 1973, Chapter 732.

Subd. 3. [PROTECTION OF CONFIDENTIALITY.] The commissioner shall issue such orders as may be appropriate to protect the confidentiality of trade secrets by allowing, upon the request of an employer any authorized representative of employees in inspections of trade secrets areas or discussions involving trade secrets to be replaced by an employee authorized by the employer; by permitting the employer to screen out trade secret details where photographs are deemed essential to the investigation; and by allowing the employer to restrict samples to be taken where trade secrets might be exposed.

Subd. 4. [RESTRICTIONS ON DISCLOSURE.] Information provided to an employee or employee representative pursuant to section 182.655, subdivision 10, which has been determined to be a trade secret pursuant to subdivision 1, shall not be disclosed to anyone except as required for medical treatment or in the course of an investigation or proceeding under sections 182.65 to 182.674. An employee or employee representative who discloses information in violation of this subdivision and any person receiving such information, whether directly or indirectly, is guilty of a gross misdemeanor, and shall be liable for damages to the employer, including consequential damages.

Sec. 7. [RELATIONSHIP TO COLLECTIVE BARGAINING.]

An employee may seek a resolution of any dispute with his employer, arising in whole or in part under sections 1 to 8, pursuant to any applicable labor agreement or, if there is no applicable provision of a labor agreement, pursuant to a dispute resolution procedure to be developed by the commissioner, giving consideration to the procedure promulgated by the director of the bureau of mediation services pursuant to section 179.71, subdivision 5, prior to August 1, 1982, provided that the employee shall not thereby lose or be deemed to have waived any substantive or procedural rights under sections 182.65 to 182.674 or other law. Nothing in sections 1 to 8 shall be deemed to prevent the creation of additional rights or remedies for employees pursuant to a labor agreement or personnel rule or policy. Temporary rulemaking authority is granted for the development of a dispute resolution procedure by the commissioner pursuant to this section.

Sec. 8. [SAVINGS CLAUSE.]

Sections 1 to 7 are not intended to affect employee rights in existence at the time of enactment or to limit judicial recognition of a right to refuse work under sections 182.65 to 182.674 or federal law under circumstances other than those specified in sections 1 to 7."

Delete the title and insert:

"A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring certain information; creating a right to refuse work with a toxic substance under certain conditions; providing protection for trade secrets; amending Minnesota Statutes 1980, Sections 182.651, by adding a subdivision; 182.654, by adding subdivisions; 182.655, Subdivision 10; 182.658; and 182.668."

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.

SECOND READING OF HOUSE BILLS

H. F. No. 2290 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1780, 588, 2051, 1765, 1713, 1793, 2054 and 1948 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark, K.; Staten; Greenfield; Rodriguez, F., and Kelly introduced:

H. F. No. 2291, A bill for an act relating to crimes; prohibiting certain actions taken on the basis of race, color, ancestry, national origin, sex, sexual preference, religion, or creed; providing a penalty; 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.

Evans introduced:

H. F. No. 2292, A bill for an act relating to commerce; exempting dairy retailers from prohibitions against certain practices; limiting certain powers of the commissioner of agriculture; amending Minnesota Statutes 1980, Section 32A.05, Subdivision 3; and Minnesota Statutes 1981 Supplement, Section 32A.04, Subdivision 1.

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

Ogren introduced:

H. F. No. 2293, A bill for an act relating to economic development; exempting certain corporations from the requirement of combined reporting of unitary business income; providing for notice, creation of a council and benefits in certain local economic transition situations; prescribing penalties; amending Minnesota Statutes 1980, Section 290.34, Subdivision 2, as amended; proposing new law coded as Minnesota Statutes, Chapter 179A.

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

Olsen, Kvam, Knickerbocker and Blatz introduced:

H. F. No. 2294, A bill for an act relating to local government; establishing an advisory council on school district finance; proposing new law coded as Minnesota Statutes, Chapter 15B.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

McDonald, Rees, Searles and Heinitz introduced:

H. A. No. 67, A proposal to study the feasibility of establishing salary incentives for state employees by sharing in savings in state appropriations.

The advisory was referred to the Committee on Governmental Operations.

Nysether; Johnson, C.; Eken; Jennings and Forsythe introduced:

H. A. No. 68, A proposal to study the issue of permitting enrollment in a non-resident school district in special situations.

The advisory was referred to the Committee on Education.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as a Special Order to be added to Special Orders pending for Thursday, March 11, 1982:

H. F. No. 1684 and S. F. Nos. 1666 and 1859 and H. F. Nos. 1017, 1505, 1669, 2033, 2034, 2080, 2000, 2065 and 2188 and S. F. Nos. 2141, 1809, 1740, 1950, 1949, 1424, 1078, 1747, 1908, 536, 639, 1503, 518 and 1955.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1455, A bill for an act relating to real estate brokers and salespersons; providing for the automatic transfer of a salesperson's license under certain circumstances; amending Minnesota Statutes 1980, Section 82.20, Subdivision 9.

H. F. No. 1579, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Brainerd.

H. F. No. 1625, A bill for an act relating to retirement; public employees retirement association; changing the reduction factors for early retirement; amending Minnesota Statutes 1980, Section 353.30, Subdivisions 1 and 1a; Minnesota Statutes 1981

Supplement, Section 353.30, Subdivision 1c; repealing Minnesota Statutes 1980, Section 353.30, Subdivision 1b.

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1663, A bill for an act relating to law libraries; recodifying the laws governing county law libraries; amending Minnesota Statutes 1980, Sections 140.34; 140.35; 140.36; 140.37; 140.38; 140.39; 140.40; 140.44; 140.45; 140.46; and 480.09, Subdivision 5; proposing new law coded in Minnesota Statutes 1980, Chapter 140; repealing Minnesota Statutes 1980, Sections 140.01 to 140.20; 140.212 to 140.33; 140.41 to 140.435; Minnesota Statutes 1981 Supplement, Section 140.21.

PATRICK E. FLAHAVEN, Secretary of the Senate

Voss moved that the House refuse to concur in the Senate amendments to H. F. No. 1663, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1902, A bill for an act relating to Ramsey County; permitting the county to establish a small business set-aside program.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rodriguez, F., moved that the House refuse to concur in the Senate amendments to H. F. No. 1902, that the Speaker appoint a Conference Committee of 3 members of the House, and that

the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2190, A bill for an act relating to education; changing the requirements for membership on the higher education coordinating board; allowing the regional management information centers to be considered governmental units for purposes of the joint powers law; requiring the approval of a plan for spending federal education block grant funds for state administrative purposes; allowing the immigration history research center to use donated services or donated property to meet its matching requirements; broadening the planning process relating to declining enrollments in higher education; repealing mandates; amending Minnesota Statutes 1980, Sections 136A.02, Subdivision 1; 471.59, by adding a subdivision; Laws 1981, Chapter 359, Section 2, Subdivision 8; and Section 9, Subdivision 12; Third Special Session Chapter 2, Article I, Section 6, Subdivision 1; repealing Minnesota Statutes, Sections 120.17, Subdivision 10; and 121.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, L., moved that the House refuse to concur in the Senate amendments to H. F. No. 2190, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

Samuelson moved that the House refuse to concur in the Senate amendments to H. F. No. 2190 and that the bill be returned to the Senate.

POINT OF ORDER

Carlson, L., raised a point of order pursuant to joint rule 2.06 that the Samuelson motion was not in order. The Speaker ruled the point of order well taken, and the motion out of order.

The question recurred on the Carlson, L., motion.

Samuelson moved to lay the Carlson, L., motion on the table.

A roll call was requested and properly seconded.

The question was taken on the Samuelson motion and the roll was called. There were 73 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Aasness	Hauge	Lemen	Osthoff	Stadum
Ainley	Haukoos	Levi	Peterson, B.	Staten
Blatz	Heap	Ludeman	Piepho	Stowell
Dahlvang	Heinitz	Luknic	Redalen	Sviggum
Dean	Himle	Marsh	Reif	Tomlinson
Dempsey	Hoberg	McCarron	Rodriguez, C.	Valan
Den Ouden	Hokr	McEachern	Rodriguez, F.	Valento
Drew	Jennings	Mehrkens	Rose	Vellenga
Elioff	Johnson, D.	Minne	Rothenberg	Weaver
Erickson	Jude	Niehaus	Samuelson	Welker
Esau	Kaley	Nysether	Sarna	Wieser
Ewald	Kelly	O'Connor	Schafer	Wigley
Fjoslien	Knickerbocker	Ogren	Shea	Zubay
Forsythe	Kostohryz	Olsen	Sherman	
Halberg	Kvam	Onnen	Sherwood	

Those who voted in the negative were:

Anderson, B.	Clawson	Laidig	Novak	Stumpf
Anderson, G.	Eken	Lehto	Otis	Swanson
Battaglia	Ellingson	Long	Peterson, D.	Vanasek
Begich	Greenfield	Mann	Rees	Voss
Berkelman	Gruenes	McDonald	Rice	Welch
Brandl	Gustafson	Metzen	Schoenfeld	Wenzel
Byrne	Hanson	Munger	Schreiber	Wynia
Carlson, L.	Jacobs	Murphy	Sieben, M.	Spkr. Sieben, H.
Clark, J.	Kahn	Nelsen, B.	Simoneau	
Clark, K.	Kalis	Nelson, K.	Skoglund	

The motion prevailed and the Carlson, L., motion was laid on the table.

Mr. Speaker:

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

H. F. No. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vanasek moved that the House refuse to concur in the Senate amendments to H. F. No. 1484, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

Vanasek moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Vanasek motion and the roll was called.

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

There were 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Berkelman	Clark, J.	Eken	Gustafson
Anderson, I.	Brinkman	Clark, K.	Elioff	Hanson
Battaglia	Byrne	Clawson	Ellingson	Harens
Begich	Carlson, L.	Dahlvang	Greenfield	Hauge

Hokanson	Long	Novak	Rodriguez, F.	Tomlinson
Jacobs	Mann	O'Connor	Sarna	Vanasek
Johnson, C.	McCarron	Ogren	Schreiber	Vellenga
Johnson, D.	McEachern	Osthoff	Shea	Voss
Jude	Metzen	Otis	Sieben, M.	Welch
Kahn	Minne	Peterson, D.	Simoneau	Wenzel
Kelly	Munger	Pogemiller	Skoglund	Wieser
Kostohryz	Murphy	Reding	Staten	Wynia
Lehto	Nelson, K.	Rice	Stumpf	Spkr. Sieben, H.
Levi	Norton	Rodriguez, C.	Swanson	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Niehaus	Schoenfeld
Ainley	Fjoslien	Kalis	Nysether	Sherman
Anderson, B.	Forsythe	Knickerbocker	Olsen	Sherwood
Blatz	Gruenes	Kvam	Onnen	Stadum
Brandl	Halberg	Laidig	Peterson, B.	Stowell
Dean	Haukoos	Lemen	Piepho	Sviggum
Dempsey	Heap	Ludeman	Redalen	Valan
Den Ouden	Heinitz	Luknie	Rees	Valento
Drew	Himle	Marsh	Reif	Weaver
Erickson	Hoberg	McDonald	Rose	Welker
Esau	Hokr	Mehrkens	Rothenberg	Wigley
Evans	Jennings	Nelsen, B.	Schafer	Zubay

The motion prevailed.

CALL OF THE HOUSE LIFTED

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

Mr. Speaker:

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

S. F. No. 1988.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1965.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1988, A bill for an act relating to housing; directing the commissioner of energy, planning and development to admin-

ister 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 Local and Urban Affairs.

S. F. No. 1965, A bill for an act relating to the environment; amending various provisions of the waste management act; authorizing the commissioner of administration to acquire certain development rights; defining terms for purposes of the resource recovery program; prohibiting the waste management board from certifying the use of facilities for disposal of radioactive waste; stating various policies and requirements relating to solid and hazardous waste plans and facility permits; prescribing standards, procedures, approvals, and supervision relating to designations of resource recovery facilities; requiring the board to place its highest priority on alternatives to land disposal of hazardous waste; allowing the removal of the moratorium on development at certain sites; directing a study of solid waste utilization in the St. Cloud area; appropriating money; amending Minnesota Statutes 1980, Sections 115A.08, by adding a subdivision; 115A.15, Subdivisions 2, 6, and by adding a subdivision; 115A.42; 115A.46; 115A.62; 115A.69, Subdivision 10; 115A.70, Subdivisions 1, 2, and 3; 116.07, Subdivision 4b; 400.16; 400.162; 473.149, Subdivision 1; 473.153, by adding subdivisions; 473.802; 473.803, Subdivision 1, and by adding a subdivision; 473.811, Subdivision 7, and by adding a subdivision; 473.823, Subdivision 3; 473.827, Subdivision 1, and by adding a subdivision; 473.831, Subdivision 2; Minnesota Statutes 1981 Supplement, Sections 115A.06, Subdivisions 4 and 13; 115A.11, Subdivision 1; 115A.21, Subdivision 3; 115A.24, Subdivision 1, and by adding a subdivision; 473.803, Subdivision 1a; and 473.831, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 115A; repealing Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Long moved that the rules therein be suspended and an urgency be declared so that S. F. No. 1965 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Long moved that the rules of the House be so far suspended that S. F. No. 1965 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1965 was read for the second time.

Long and Ogren moved to amend S. F. No. 1965, the third engrossment, as follows:

Page 5, line 34, after "pretreatment," insert "*retrievable storage,*"

Page 6, line 10, after "commercial" insert "*retrievable storage or*"

The motion prevailed and the amendment was adopted.

Marsh moved to amend S. F. No. 1965, the third engrossment, as amended, as follows:

Page 32, after line 34, insert a new section to read:

"Sec. 37. [OPEN BURNING OF LEAVES: LOCAL ORDINANCES.]

Notwithstanding any law or rule to the contrary, a town or home rule charter or statutory city of 7,500 population or less and located outside the metropolitan area as defined in section 473.121, subdivision 2, by adoption of an ordinance, may permit the open burning of dried leaves within the boundaries of the town or city. The ordinance shall limit leaf burning to the period between September 15 and December 1 and shall set forth limits and conditions on leaf burning to minimize air pollution and fire danger."

Renumber the following sections accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

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

POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Marsh amendment and the roll was called. There were 106 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, I.	Begich	Blatz
Ainley	Anderson, G.	Battaglia	Berkelman	Brinkman

Carlson, D.	Heinitz	Ludeman	Pogemiller	Sviggum
Clark, K.	Himle	Luknic	Redalen	Swanson
Clawson	Hoberg	Marsh	Reding	Tomlinson
Dahlvang	Hokanson	McDonald	Rees	Valan
Dean	Hokr	McEachern	Reif	Valento
Den Ouden	Jacobs	Mehrkens	Rodriguez, C.	Vanasek
Drew	Jennings	Metzen	Rodriguez, F.	Vellenga
Eken	Johnson, C.	Minne	Rose	Voss
Elioff	Johnson, D.	Murphy	Rothenberg	Weaver
Erickson	Jude	Nelsen, B.	Sarna	Welch
Esau	Kaley	Niehaus	Schafer	Welker
Ewald	Kalis	Novak	Schoenfeld	Wenzel
Fjoslien	Kelly	Nysether	Schreiber	Wieser
Forsythe	Knickerbocker	Ogren	Shea	Wigley
Greenfield	Kostohryz	Olsen	Sherman	Wynia
Gruenes	Kvam	Onnen	Sherwood	Zubay
Halberg	Laidig	Osthoff	Simoneau	
Hauge	Lehto	Peterson, B.	Stadum	
Haukoos	Lemen	Peterson, D.	Stowell	
Heap	Levi	Piepho	Stumpf	

Those who voted in the negative were:

Byrne	Gustafson	Long	Norton	Skoglund
Carlson, L.	Hanson	McCarron	O'Connor	Staten
Clark, J.	Harens	Munger	Otis	Spkr. Sieben, H.
Ellingson	Kahn	Nelson, K.	Sieben, M.	

The motion prevailed and the amendment was adopted.

Schreiber was excused between the hours of 1:30 and 4:00 p.m.

Nysether moved to amend S. F. No. 1965, the third engrossment, as amended, as follows:

Page 9, line 13, after the period insert:

"If more than sixty percent of the total hazardous wastes generated within the state likely to be proposed and permitted for disposal are generated within a fifty mile radius of any location, the board shall certify need only to a site within the fifty mile area capable of disposing of those wastes."

Page 9, line 35, after "state" insert "certified pursuant to this section"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Ainley	Anderson, G.	Battaglia	Berkelman	Brandl
Anderson, B.	Anderson, I.	Begich	Blatz	Brinkman

Carlson, L.	Harens	Luknic	Peterson, B.	Stowell
Clark, J.	Haukoos	Mann	Peterson, D.	Stampf
Clark, K.	Heap	Marsh	Piepho	Sviggum
Clawson	Himle	McCarron	Pogemiller	Swanson
Dahlvang	Hoberg	McDonald	Redalen	Tomlinson
Dean	Hokanson	McEachern	Reding	Valan
Dempsey	Hokr	Mehrkens	Rodriguez, C.	Valento
Den Ouden	Johnson, C.	Minne	Rodriguez, F.	Vanasek
Drew	Johnson, D.	Munger	Rose	Vellenga
Eken	Jude	Murphy	Rothenberg	Weaver
Elioff	Kahn	Nelsen, B.	Sarna	Welch
Ellingson	Kaley	Nelson, K.	Schafer	Welker
Erickson	Kelly	Niehaus	Schoenfeld	Wenzel
Esau	Knickerbocker	Novak	Shea	Wieser
Ewald	Kostohryz	Nysether	Sherman	Wigley
Fjeslien	Kvam	O'Connor	Sherwood	Wynia
Greenfield	Lehto	Ogren	Sieben, M.	Zubay
Gruenes	Lemen	Olsen	Simoneau	Spkr. Sieben, H.
Gustafson	Levi	Onnen	Skoglund	
Halberg	Long	Osthoff	Stadum	
Hanson	Ludeman	Otis	Staten	

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Sviggum moved to lay the Nysether amendment on the table. The motion prevailed and the amendment was laid on the table.

McDonald offered an amendment to S. F. No. 1965.

POINT OF ORDER

Long raised a point of order pursuant to rule 3.10 that the amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

Ludeman moved to amend S. F. No. 1965, the third engrossment, as amended, as follows:

Pages 1 to 15, delete sections 1 to 18

Page 33, line 11, delete "Section" insert "Sections 115A.09, 115A.10, 115A.11, 115.18 to 115A.39, and"

Page 33, line 12, after "6" insert "Minnesota Statutes 1981 Supplement, Sections 115A.19 to 115A.24, 115.26, 115A.28, 115A.33, 115A.34, and 115.37"

A roll call was requested and properly seconded.

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

RECESS

RECONVENED

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

The Ludeman amendment to S. F. No. 1965, as amended, was again reported to the House.

The question recurred on the Ludeman amendment and the roll was called.

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

There were 13 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Ainley	Erickson	Jude	Nysether	Welker
Dempsey	Esau	Ludeman	Onnen	
Den Ouden	Heinitz	Niehaus	Schafer	

Those who voted in the negative were:

Anderson, G.	Elioff	Kostohryz	Novak	Sieben, M.
Anderson, I.	Ellingson	Kvam	O'Connor	Simoneau
Battaglia	Fjoslien	Laidig	Olsen	Skoglund
Begich	Forsythe	Lehto	Osthoft	Stadum
Blatz	Gruenes	Lemen	Otis	Staten
Brandl	Gustafson	Long	Peterson, B.	Stowell
Byrne	Hanson	Mann	Peterson, D.	Swiggum
Carlson, D.	Harens	McCarron	Piepho	Vanasek
Carlson, L.	Heap	McDonald	Pogemiller	Voss
Clark, J.	Himle	Mehrkens	Redalen	Welch
Clark, K.	Hoberg	Metzen	Rees	Wieser
Clawson	Hokanson	Minne	Rodriguez, C.	Wynia
Dahlvang	Jacobs	Munger	Rodriguez, F.	Zubay
Dean	Kahn	Murphy	Rothenberg	Spkr. Sieben, H.
Drew	Kaley	Nelsen, B.	Shea	
Eken	Knickerbocker	Nelson, K.	Sherman	

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

Kvam, Schafer, Jude, Wenzel, Schoenfeld and Heinitz moved to amend S. F. No. 1965, the third engrossment, as amended, as follows:

Page 7, after line 35, insert:

"Sec. 9. Minnesota Statutes 1981 Supplement, Section 115A.20, is amended to read:

115A.20 [EVALUATION OF SITES.]

The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of sites for commercial disposal facilities under sections 115A.18 to 115A.30,

nor shall the agency be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability of sites for commercial disposal facilities under sections 115A.18 to 115A.30. In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

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

(b) intrinsic suitability of the sites;

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

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

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

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

No land shall be excluded from consideration except *class I and II agricultural land* and land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 115A.21, Subdivision 1, is amended to read:

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

for inclusion as a candidate site until the site is eliminated from consideration as a candidate site."

Renumber the remaining sections

Page 20, after line 29, insert:

"Sec. 25. Minnesota Statutes 1981 Supplement, Section 473.-153, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] By December 15, 1981, the council shall select six candidate sites for the disposal of the commission's sewage sludge and solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except *class I and II agricultural land* and land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. *No site shall be selected on class I and II agricultural land.* The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final

determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by December 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility."

Renumber the remaining sections

Page 21, after line 21, insert:

"Sec. 30. Minnesota Statutes 1981 Supplement, Section 473.803, Subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By October 15, 1981, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county. *No site shall be selected on class I and II agricultural land.* Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except *class I and II agricultural land* and land determined by the agency to be intrinsically unsuitable. Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the

director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium without the approval of the council. No county, city, or town land use control shall permit development which has not been approved by the council, nor shall any county, city, or town sanction or approve any subdivision, per-

mit, license, or other authorization which would allow development to occur which has not been approved by the council. The council shall not approve actions which would jeopardize the availability of a site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chairman of the council and shall be deemed to be approved by the council unless the chairman otherwise notifies the submitter in writing within 15 days."

Page 26, line 31, delete "20" and insert "24"

Page 26, line 31, delete "29" and insert "34"

A roll call was requested and properly seconded.

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

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

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

There were 34 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Onnen	Sviggunn
Anderson, B.	Evans	Jude	Rice	Valan
Anderson, G.	Fjoslien	Kalis	Schafer	Welch
Brinkman	Heinitz	Kvam	Schoenfeld	Welker
Dempsey	Himle	Luknic	Shea	Wenzel
Den Ouden	Jennings	McEachern	Stadium	Wigley
Erickson	Johnson, C.	Niehaus	Stumpf	

Those who voted in the negative were:

Ainley	Forsythe	Lemen	O'Connor	Sherwood
Anderson, I.	Greenfield	Levi	Ogren	Sieben, M.
Battaglia	Gruenes	Long	Olsen	Simoneau
Begich	Gustafson	Mann	Osthoff	Skoglund
Blatz	Hanson	Marsh	Otis	Staten
Brandl	Harens	McCarron	Peterson, B.	Stowell
Byrne	Heap	McDonald	Peterson, D.	Swanson
Carlson, L.	Hoberg	Mehrkins	Piepho	Tomlinson
Clark, J.	Hokanson	Metzen	Pogemiller	Vellenga
Clawson	Hokr	Minne	Redalen	Voss
Dahlvang	Jacobs	Munger	Reding	Weaver
Dean	Kahn	Murphy	Rees	Wieser
Drew	Kelly	Nelsen, B.	Rodriguez, F.	Wynia
Eken	Knickerbocker	Nelson, K.	Rose	Zubay
Eloff	Kostohryz	Norton	Rothenberg	Spkr. Sieben, H.
Ellingson	Laidig	Novak	Samuelson	
Ewald	Lehto	Nysether	Sherman	

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

Kvam, Schafer, Jude, Wenzel and Schoenfeld moved to amend S. F. No. 1965, the third engrossment, as amended, as follows:

Page 7, after line 35, insert:

"Sec. 9. Minnesota Statutes 1981 Supplement, Section 115A.-20, is amended to read:

115A.20 [EVALUATION OF SITES.]

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

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

(b) intrinsic suitability of the sites;

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

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

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

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

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended. *Class I and II agricultural land shall not be considered unless the board determines that there are no other feasible and prudent alternatives.*

Sec. 10. Minnesota Statutes 1981 Supplement, Section 115A.-21, Subdivision 1, is amended to read:

Subdivision 1. [SELECTION.] By March 15, 1982, the board shall select six locations in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended. *Class I and II agricultural land shall not be selected unless the board determines that there are no other feasible and prudent alternatives.* The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites. The agency shall suspend its review of any permit application being reviewed by the board for inclusion as a candidate site until the site is eliminated from consideration as a candidate site."

Renumber the remaining sections

Page 20, after line 29, insert:

"Sec. 25. Minnesota Statutes 1981 Supplement, Section 473.-153, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] By December 15, 1981, the council shall select six candidate sites for the disposal of the commission's sewage sludge and solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. *Class I and II agricultural land shall not be considered unless the council determines that there are no other feasible and prudent alternatives.* No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. *Class I and II agricultural land shall not be selected unless the council determines that there are no other feasible and prudent alternatives.* The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available but no later than August 15, 1981. By September 1, 1981, the council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the

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

Renumber the remaining sections

Page 21, after line 21, insert:

"Sec. 30. Minnesota Statutes 1981 Supplement, Section 473.803, Subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By October 15, 1981, each county shall adopt, by resolution of its governing body, an inventory of four proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after

closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county. *Class I and II agricultural land shall not be selected unless the county and the council determine that there are no other feasible and prudent alternatives.* Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. *Class I and II agricultural land shall not be considered unless the county and the council determine that there are no other feasible and prudent alternatives.* Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available but no later than June 15, 1981. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 15 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly by October 1, 1981. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council

shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county. In order to permit the comparative evaluation of sites and the participation of affected localities in decisions about the use of sites, a moratorium is hereby imposed as provided in this subdivision on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium without the approval of the council. No county, city, or town land use control shall permit development which has not been approved by the council, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur which has not been approved by the council. The council shall not approve actions which would jeopardize the availability of a site for use as a solid waste facility. The council may establish guidelines for reviewing requests for approval under this subdivision. Requests for approval shall be submitted in writing to the chairman of the council and shall be deemed to be approved by the council unless the chairman otherwise notifies the submitter in writing within 15 days."

A roll call was requested and properly seconded.

Redalen moved to amend the Kvam, Schafer, Jude, Wenzel and Schoenfeld amendment to S. F. No. 1965, as follows:

Page 2, line 13, delete "and" and insert a comma and after "II" insert ", III and IV"

Page 2, line 23, delete "and" and insert a comma and after "II" insert ", III and IV"

Page 3, line 17, delete "and" and insert a comma and after "II" insert ", III and IV"

Page 3, line 23, delete "and" and insert a comma and after "II" insert ", III and IV"

Page 5, line 17, delete "and" and insert a comma and after "II" insert ", III and IV"

Page 5, line 25, delete "and" and insert a comma and after "II" insert ", III and IV"

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

The question recurred on the Kvam amendment and the roll was called.

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

There were 39 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kvam	Onnen	Sviggum
Ainley	Fjoslien	Ludeman	Redalen	Valan
Anderson, B.	Halberg	Mann	Sarna	Valento
Anderson, G.	Hauge	McDonald	Schafer	Vanasek
Brinkman	Hoberg	McEachern	Schoenfeld	Welker
Dempsey	Johnson, D.	Mehrkens	Shea	Wenzel
Den Ouden	Jude	Metzen	Sherman	Zubay
Eken	Kalis	Niehaus	Stadum	

Those who voted in the negative were:

Anderson, I.	Forsythe	Lehto	Osthoff	Skoglund
Battaglia	Greenfield	Lemen	Otis	Staten
Begich	Gruenes	Levi	Peterson, B.	Stowell
Berkelman	Gustafson	Long	Peterson, D.	Stumpf
Blatz	Hanson	Marsh	Piepho	Swanson
Brandl	Harens	Minne	Pogemiller	Tomlinson
Byrne	Himle	Munger	Reding	Vellenga
Carlson, L.	Hokanson	Murphy	Rees	Voss
Clark, J.	Hokr	Nelsen, B.	Reif	Weaver
Clark, K.	Jacobs	Nelson, K.	Rodriguez, C.	Welch
Clawson	Jennings	Norton	Rodriguez, F.	Wieser
Dahlvang	Kahn	Novak	Rose	Wynia
Dean	Kaley	Nysether	Rothenberg	Spkr. Sieben, H.
Drew	Kelly	O'Connor	Sherwood	
Elioff	Kostohryz	Ogren	Sieben, M.	
Ellingsen	Laidig	Olsen	Simoneau	

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

Pogemiller was excused between the hours of 4:00 p.m. and 6:00 p.m.

Haukoos and Reding moved to amend the Marsh amendment adopted earlier to S. F. No. 1965, the third engrossment, as amended, as follows:

Line 2 and 3 of the Marsh amendment delete "of 7,500 population or less and"

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Laidig	Nysether	Sviggum
Ainley	Evans	Lemen	Onnen	Valan
Anderson, B.	Fjoslien	Levi	Osthoff	Valento
Begich	Hauge	Ludeman	Redalen	Weaver
Blatz	Haukoos	Luknic	Reding	Welch
Brinkman	Heap	Mann	Rees	Welker
Carlson, D.	Hoberg	Marsh	Rodriguez, F.	Wenzel
Dahlvang	Jennings	McDonald	Sarna	Wieser
Dempsey	Johnson, D.	McEachern	Schafer	
Den Ouden	Jude	Metzen	Schoenfeld	
Elioff	Kaley	Nelsen, B.	Stadum	
Erickson	Kvam	Niehaus	Stumpf	

Those who voted in the negative were:

Anderson, G.	Ewald	Kostohryz	Peterson, D.	Swanson
Battaglia	Forsythe	Lehto	Piepho	Tomlinson
Berkelman	Greenfield	Long	Reif	Vanasek
Brandl	Gruenes	McCarron	Rodriguez, C.	Vellenga
Byrne	Gustafson	Mehrkens	Rose	Voss
Carlson, L.	Hanson	Munger	Rothenberg	Wigley
Clark, J.	Harens	Murphy	Shea	Wynia
Clark, K.	Himle	Nelson, K.	Sherman	Zubay
Clawson	Hokanson	Norton	Sieben, M.	Spkr. Sieben, H.
Dean	Hokr	Novak	Simoneau	
Drew	Jacobs	Olsen	Skoglund	
Eken	Kahn	Otis	Staten	
Ellingson	Kelly	Peterson, B.	Stowell	

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

The Speaker called Wynia to the Chair.

Valan moved to amend S. F. No. 1965, the third engrossment, as amended, as follows:

Page 33, after line 9, insert a new section:

"Sec. 38. If any hazardous waste disposal site proposed by the board for certification by the agency on the effective date of this act is not certified as intrinsically suitable, the board shall propose from the inventory of sites previously considered by the board, an equal or greater number of sites for certification by the agency before proceeding further in the selection process."

Renumber sections accordingly.

A roll call was requested and properly seconded.

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

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

There were 34 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Aasness	Halberg	Kvam	Ogren	Sviggum
Brinkman	Hauge	Mann	Redalen	Tomlinson
Carlson, D.	Haukoos	Marsh	Rodriguez, C.	Valan
Dempsey	Himle	Mehrkens	Schafer	Vanasek
Den Ouden	Hoberg	Nelsen, B.	Sherman	Wenzel
Esau	Jennings	Niehaus	Stadum	Wigley
Fjoslien	Johnson, C.	Nysether	Stumpf	

Those who voted in the negative were:

Ainley	Erickson	Lehto	Onnen	Sherwood
Anderson, G.	Evans	Lemen	Osthoff	Sieben, M.
Anderson, I.	Ewald	Long	Otis	Simoneau
Battaglia	Forsythe	Ludeman	Peterson, B.	Skoglund
Begich	Greenfield	Luknic	Peterson, D.	Staten
Berkelman	Gruenes	McCarron	Piepho	Stowell
Blatz	Gustafson	McDonald	Reding	Swanson
Brandl	Hanson	McEachern	Rees	Vellenga
Byrne	Harens	Metzen	Reif	Voss
Carlson, L.	Heap	Minne	Rice	Weaver
Clark, J.	Heinitz	Munger	Rodriguez, F.	Welch
Clark, K.	Hokanson	Murphy	Rose	Welker
Clawson	Jacobs	Nelson, K.	Rothenberg	Wieser
Dahlvang	Jude	Norton	Samuelson	Wynia
Drew	Kahn	Novak	Sarna	Zubay
Elioff	Kelly	O'Connor	Schreiber	Spkr. Sieben, H.
Ellingson	Laidig	Olsen	Shea	

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

McDonald offered an amendment to S. F. No. 1965, as amended.

POINT OF ORDER

Long raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker Pro Tem ruled the point of order well taken and the amendment out of order.

S. F. No. 1965, A bill for an act relating to the environment; amending various provisions of the waste management act;

authorizing the commissioner of administration to acquire certain development rights; defining terms for purposes of the resource recovery program; prohibiting the waste management board from certifying the use of facilities for disposal of radioactive waste; stating various policies and requirements relating to solid and hazardous waste plans and facility permits; prescribing standards, procedures, approvals, and supervision relating to designations of resource recovery facilities; requiring the board to place its highest priority on alternatives to land disposal of hazardous waste; allowing the removal of the moratorium on development at certain sites; directing a study of solid waste utilization in the St. Cloud area; appropriating money; amending Minnesota Statutes 1980, Sections 115A.08, by adding a subdivision; 115A.15, Subdivisions 2, 6, and by adding a subdivision; 115A.42; 115A.46; 115A.62; 115A.69, Subdivision 10; 115A.70, Subdivisions 1, 2, and 3; 116.07, Subdivision 4b; 400.16; 400.162; 473.149, Subdivision 1; 473.153, by adding subdivisions; 473.802; 473.803, Subdivision 1, and by adding a subdivision; 473.811, Subdivision 7, and by adding a subdivision; 473.823, Subdivision 3; 473.827, Subdivision 1, and by adding a subdivision; 473.831, Subdivision 2; Minnesota Statutes 1981 Supplement, Sections 115A.06, Subdivisions 4 and 13; 115A.11, Subdivision 1; 115A.21, Subdivision 3; 115A.24, Subdivision 1, and by adding a subdivision; 473.803, Subdivision 1a; and 473.831, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 115A; repealing Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6.

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

The question was taken on the passage of the bill and the roll was called. There were 100 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Aasness	Ewald	Kostohryz	Ogren	Sherman
Anderson, G.	Fjoslien	Laidig	Olsen	Sherwood
Anderson, I.	Forsythe	Lehto	Onnen	Sieben, M.
Battaglia	Greenfield	Lemen	Osthoff	Simoneau
Begich	Gruenes	Levi	Otis	Skoglund
Berkelman	Gustafson	Long	Peterson, B.	Stadum
Blatz	Hanson	Luknic	Peterson, D.	Staten
Brandl	Harens	Marsh	Piepho	Stumpf
Byrne	Haukoos	McCarron	Redalen	Sviggunn
Carlson, D.	Heap	McDonald	Rees	Swanson
Carlson, L.	Himle	Mehrkens	Reif	Valento
Clark, J.	Hoberg	Minne	Rice	Vanasek
Clark, K.	Hokanson	Munger	Rodriguez, C.	Vellenga
Clawson	Hokr	Murphy	Rodriguez, F.	Voss
Dahlvang	Jacobs	Nelsen, B.	Rose	Weaver
Dean	Johnson, D.	Nelson, K.	Rothenberg	Wenzel
Drew	Kahn	Norton	Samuelson	Wieser
Elioff	Kaley	Novak	Schoenfeld	Wynia
Ellingson	Kelly	Nysether	Schreiber	Zubay
Evans	Knickerbocker	O'Connor	Shea	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Hauge	Kalis	Niehaus	Wigley
Anderson, B.	Heinitz	Kvam	Sarna	
Brinkman	Jennings	Ludeman	Schafer	
Den Ouden	Johnson, C.	Mann	Valan	
Erickson	Jude	McEachern	Welker	

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

CALL OF THE HOUSE LIFTED

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1902:

Rodriguez, F.; Kelly and Kostohryz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1484:

Vanasek, Levi, Jude, Vellenga and Johnson, D.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1663:

Voss, Jude and Luknic.

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

REPORTS OF STANDING COMMITTEES

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

H. F. No. 2271, A resolution memorializing the President of the United States and the Administrator of the Federal Aviation Administration against any attempt to prohibit local governments from restricting aircraft noise.

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

The report was adopted.

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

S. F. No. 1957, A resolution memorializing the President and Congress of the United States in support of a mutual freeze with the Soviet Union on the testing, production, and deployment of nuclear weapons and delivery systems.

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

The report was adopted.

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

S. F. No. 2127, A resolution memorializing the President and Congress of the United States to take immediate steps to curb the sources of acid rain.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2271 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1957 and 2127 were read for the second time.

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

CONSENT CALENDAR

There being no objection pursuant to Senate Concurrent Resolution No. 9 the bill on the Consent Calendar was now considered.

S. F. No. 2125 was reported to the House.

Jude moved to amend S. F. No. 2125, the first engrossment, as follows:

Page 2, line 9, delete "*July*" and insert "*August*"

Page 2, line 10, delete "*30*" and insert "*1*"

Page 3, line 4, after "*executed*" insert "*on or*"

The motion prevailed and the amendment was adopted.

S. F. No. 2125, A bill for an act relating to real property; providing that covenants, conditions, restrictions or extensions thereof annexed to a grant, devise or conveyance of land that are or become nominal shall not operate as a basis of forfeiture; providing for the modification and extension of contracts for deed; providing dates for applicable laws relating to termination of contracts; removing a time limitation on the duration of covenants, conditions and restrictions; amending Minnesota Statutes 1980, Sections 500.20, Subdivision 1; 559.21, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 508; repealing Minnesota Statutes 1980, Section 500.20, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Anderson, G.; Clawson; Gruenes and Nelsen, B., were excused while in conference.

SPECIAL ORDERS

S. F. No. 1886 was reported to the House.

Otis moved to amend S. F. No. 1886, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. 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) 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) ANY PETROLEUM REFINERY;)

((K)) (g) Any nuclear fuel processing or nuclear waste storage or disposal facility; and

((L)) (h) Any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of (25) 75 tons of the material per hour.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 116H.11, is amended by adding a subdivision to read:

Subd. 1a. [RATE PLAN.] The energy policy and conservation report shall include a section prepared by the public utilities commission. The commission's section shall be prepared in consultation with the commissioner of the department of energy, planning and development and shall include, but not be limited to, all of the following:

(a) A description and analysis of the commission's rate design policy as it pertains to the goals stated in sections 116H.01, 216B.164, and 216B.241; and

(b) Recommendations to the governor and the legislature for administrative and legislative actions to accomplish the purposes of sections 116H.01, 216B.164, and 216B.241.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 216B.241, Subdivision 2, is amended to read:

Subd. 2. [PROGRAMS.] (THE COMMISSION SHALL INITIATE A PILOT PROGRAM DESIGNED TO DEMONSTRATE THE FEASIBILITY OF INVESTMENTS AND EXPENSES OF A PUBLIC UTILITY IN ENERGY CONSERVATION IMPROVEMENTS.) The commission (, AS PART OF THE PILOT PROGRAM, SHALL) *may* order (AT LEAST ONE) public (UTILITY) *utilities* to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements shall be offered to the customers. The order of the commission shall provide to the extent practicable for a free choice of contractor, qualified under the residential conservation services program of the energy agency, for consumers participating in the (PILOT) program. The commission (SHALL NOT)

may order a utility to make (ANY) an energy conservation improvement investment or expenditure (UNLESS IT FIRST) whenever the commission finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. Investments and expenditures made pursuant to an order shall be treated for ratemaking purposes in the manner prescribed in section 216B.16, subdivision 6b. No utility shall make an energy conservation improvement pursuant to this section to a residential building envelope unless it is the primary supplier of energy used for either space heating or cooling in the building.

Sec. 4. Minnesota Statutes 1980, Section 218.021, Subdivision 1, is amended as follows:

Subdivision 1. It shall be unlawful for any common carrier:

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

((2) TO CHANGE OR DISCONTINUE ANY PUBLISHED RATE, CHARGE OR CLASSIFICATION, MINIMUM WEIGHT OR RULE RELATING TO SERVICE WITHOUT APPROVAL OF THE BOARD.)

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

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

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

((6)) (5) To charge or receive any greater compensation for the transportation of a quantity of property for a shorter

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

((7)) (6) To charge or receive for the transportation of freight of any description for any distance within this state a greater amount than is at the same time charged or received for a like quantity of freight of the same class over a greater distance of the same railway; or to charge or receive at any point upon its road a higher rate for receiving, handling or delivering freight of the same class or quantity than it shall at the same time charge or receive to any other point upon the same line; or to charge or receive for freight of any description over its railway a greater amount than at the same time is charged or received for the transportation of a like quantity of freight of the same class being transported over any portion of the same railway of equal distance; or to charge or receive from any person a greater amount than it shall at the same time charge or receive from any other person for the same class and like quantity of freight at the same point upon its railway; or to charge or receive from any person for the transportation of any freight upon its railway a greater amount than it shall at the same time charge or receive from any other person for the transportation of a like quantity of freight of the same class being transported from the same point over an equal distance of the same railway; or to charge or receive from any person for the use and transportation of any railway car upon its railroad for any distance, a greater amount than is at the same time charged or received from any other person for the use and transportation of any railway car of the same class or number for a like purpose being transported over a greater distance of the same railway; or to charge or receive from any person for the use and transportation of any railway car upon its railroad a greater amount in the aggregate than it shall at the same time charge or receive from any other person for the use and transportation of any railway car of the same class for a like purpose being transported from the same original point of an equal distance of the same railway; provided, however, where two or more railroads serve a common point one having a shorter mileage than the other from a given point, the railroad having the longer mileage may be authorized by the board to meet the rate made by the shortest line.

((8)) (7) To charge or receive more for transporting a car of freight than is charged or received per car for several cars of a like class of freight over the same railway for the same distance; or to charge or receive more for transporting a ton of

freight than is charged or received per ton for more than a ton but less than a carload of like class over the same railway for the same distance; or to charge or receive more for transporting one hundred pounds of freight than is charged or received per hundred pounds above one hundred pounds but less than a ton of like class over the same railway for the same distance.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 218.031, Subdivision 1, is amended to read:

Subdivision 1. Except as otherwise directed or authorized, it shall be the duty of every common carrier:

(1) To prescribe in the first instance, and to publish upon not less than (TEN) 20 days' public notice *in the case of new or increased rates or ten days' public notice in the case of reduced rates*, in such manner as may be required by the commissioner and law, all schedules of (FARES,) rates and charges and classifications thereof, together with the rules governing the same, and minimum weights for transportation of freight articles between points or stations in the state, and terminal and switching charges (, PROVIDED THERE SHALL BE BUT ONE CLASSIFICATION APPLICABLE TO ANY ONE COMMODITY WHICH SHALL BE UNIFORM ON ALL RAILROADS IN THIS STATE AND GOVERN IN ALL STATE COMMERCE). *A new or changed contract rate shall become effective in accordance with the provisions of United States Code, Title 49, Section 10713, as amended through December 31, 1981. The board may, for good cause, reduce the notice period specified in this clause.*

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

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

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

(5) Upon request of an owner or consignor of freight to the initial company, whenever the initial line does not reach the

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

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

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

(8) To issue receipts or bills of lading covering all property received for transportation from any point in the state to any other point in the state, and to respond for any loss, damage or injury to such property caused by it or any carrier to whom such property may be delivered or over whose line it may pass (, NOR SHALL ANY CONTRACTUAL PROVISION WHATSOEVER EXEMPT IT FROM SUCH LIABILITY).

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

(10) To keep its accounts so as to show, as far as practicable, the earnings derived from, and the expenses incurred in, handling intrastate business in such form as the commissioner shall prescribe, including the separation of accounts for each operating division, wholly or partly within the state. Such accounts shall show the total cost of operating through trains and the total cost of operating the local or distributing trains of each operating division, wholly or partly within the state, during the fiscal year to be fixed by the commissioner, the total number of tons of revenue and non-revenue freight, the number of tons of each carried one (1) mile on the through trains and on the local trains, respectively, the number of tons and ton miles of revenue and non-revenue freight carried on through or local trains which are exclusively intrastate, and the gross tons and ton miles made by through and local trains on each division. The accounts shall show the total revenue and non-revenue train and engine miles and the total revenue and non-revenue car miles (the non-revenue car miles to be shown loaded and empty separately) produced by such railroad in the state in each op-

erating division, the number of each of the above train, engine and car mileage produced in handling the through trains and in handling the local trains, the total locomotive miles produced in switching on each division and such further information related to the income or cost of intrastate business as the commissioner may require. The commissioner may require such accounts to be kept with reference to the intrastate passenger business of each carrier and the train, car and engine mileage incurred in such business in this state as he may deem necessary.

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

Sec. 6. Minnesota Statutes 1981 Supplement, Section 218.041, Subdivision 2, is amended to read:

Subd 2. The board shall, (UPON PETITION AFTER HEARING) *in accordance with the provisions of United States Code, title 49, sections 10101 to 11917, as amended through December 31, 1981:*

(1) *Exercise the jurisdiction over common carriers vested in the board by law.*

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

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

((3) PRESCRIBE SCHEDULES OF REASONABLE MAXIMUM RATES OR CHARGES FOR THE TRANSPORTATION OF FREIGHT AND CARS ON EACH RAILROAD, INCLUDING THE CLASSIFICATION OF SUCH RATES AND RULES GOVERNING THE SAME, AND REVISE THE SAME FROM TIME TO TIME.)

(4) The board may unite two or more stations or commercial centers into a common rate point (AND MAY DESIGNATE THE CLASSES OF FREIGHT WHICH SHALL TAKE COMMON RATES,) and fix the mileage that shall govern between

the common rate point and any or all other points in the state. The distance so fixed shall not apply as a measure of the rate for the movement of (THE SAME CLASS OF) freight for similar distances between other points.

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

(6) Define switching and drayage service to apply to the movement of traffic within and between points and fix reasonable maximum rates for the same, which shall be independent of any rates that may be made for line haul transportation. (THERE SHALL BE BUT ONE TERMINAL CHARGE FOR SWITCHING OR TRANSFERRING ANY CAR WITHIN ANY ONE MUNICIPALITY AND,) If it is necessary that any car in such transfer pass over the tracks of more than one railroad within such limits, the company first so transferring such car shall receive the entire charge therefor and be liable to each company doing subsequent switching for its just share of such charge as may be agreed upon among the companies, or, in the event of disagreement, as prescribed by the board.

Sec. 7. Minnesota Statutes 1980, Section 218.041, Subdivision 4, is amended to read:

Subd. 4. The board shall, upon petition:

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

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

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

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

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

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

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

Sec. 8. Minnesota Statutes 1980, Section 218.071, Subdivision 1, is amended to read:

Subdivision 1. *The board and commissioner may promulgate rules, orders and directives necessary to carry out the respective duties conferred on them by this chapter. The rules, orders, and directives may not be contrary to United States Code, title 49, sections 10101 to 11917, as amended through December 31, 1981. Every duly adopted rule, order or directive of the board or commissioner shall have the full force and effect of law.*

Sec. 9. [EFFECTIVE DATE.]

This act is effective the day following final enactment. Until the effective date of Laws 1980, Chapter 534, the jurisdiction conferred on the transportation regulation board by sections 4 to 8 shall be exercised by the public utilities commission."

Delete the title and insert:

"A bill for an act relating to the public utilities commission; specifying the role of the department of energy, planning and development before the public utilities commission; clarifying and assigning certain public utilities commission responsibilities; amending Minnesota Statutes 1980, Sections 116H.02, Subdivision 5; 218.021, Subdivision 1; 218.041, Subdivision 4; and 218.071, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 116H.11, by adding a subdivision; 216B.241, Subdivision 2; 218.031, Subdivision 1; and 218.041, Subdivision 2."

Ainley moved to amend the Otis amendment to S. F. No. 1886, as follows:

Page 9, line 15 to page 11, line 7, of the Otis amendment delete Section 6

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

The question recurred on the Otis amendment, as amended. The motion prevailed and the Otis amendment, as amended, was adopted.

Otis moved to amend S. F. No. 1886, the first engrossment, as amended, as follows:

Page 12, after line 28 insert:

"Sec. 8 Minnesota Statutes 1981 Supplement, Section 116H.31, Subdivision 1, is amended to read:

Subdivision 1. [POLICIES.] Developing and improving efficient and economical district heating systems is a public purpose for state and local financing and a proper function of state and local government. Climate and geography make a

reliable, economic supply of energy essential for industrial, commercial, and residential heating. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable municipal district heating systems as demonstration projects. Municipal district heating systems may be financed by loans from the state and from other sources available to municipalities.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 116H.31, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] In this section:

- (a) "Commissioner" means the commissioner of finance.
- (b) "Construction costs" means all costs associated with the construction, modification or expansion of a district heating system except for preliminary planning costs and detailed design costs. Construction costs include the cost of debt service from the time a construction loan is made until five years after the beginning of the operation of the district heating system constructed or the part of the system being modified or expanded.
- (c) "Director" means the director of the Minnesota energy agency.
- (d) "District heating" means the use of a central energy conversion facility to produce hot water or steam for (DISTRIBUTION TO HOMES OR BUSINESSES) *a district heating system*. District heating facilities may also produce electricity in addition to hot water or steam.
- (e) "Municipality" means any county, city, town, municipal power agency, or public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized or nonprofit corporation organized pursuant to the provisions of chapter 317 whose membership is limited to the mayor and governing body of the city in which the district heating system is located.
- (f) "*District heating system*" means any existing or proposed facility for (1) the production, through cogeneration or

otherwise, of hot water or steam to be used for district heating, or (2) the transmission and distribution of hot water or steam for district heating either directly to heating consumers or to another facility or facilities for transmission and distribution, or (3) any part or combination of the foregoing facilities.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 465.74, is amended by adding a subdivision to read:

Subd. 6. [DEFINITION.] For the purposes of this section, and chapters 474 and 475, "district heating system" means any existing or proposed facility for (1) the production, through cogeneration or otherwise, of hot water or steam to be used for district heating, or (2) the transmission and distribution of hot water or steam for district heating either directly to heating consumers or to another facility or facilities for transmission and distribution, or (3) any part or combination of the foregoing facilities.

In keeping with the public purpose of section 116H.31, subdivision 1, to encourage state and local leadership and aid in providing available and economical district heating service, the definition of "district heating system" under this section should be broadly construed to allow municipal government sufficient flexibility and authority to evaluate and undertake such policies and projects as will most efficiently and economically encourage local expansion of district heating service."

Renumber the sections and correct all internal cross references as may be required by this amendment.

Amend the title as follows:

Page 13, line 6, after the semicolon insert "defining "district heating systems" for purposes of the program of loans to municipalities for establishing and improving district heating systems;"

Page 13, line 10, after "Subdivision;" insert "116H.31, Subdivisions 1 and 2;"

Page 13, line 11, delete "and"

Page 13, line 12, before the period, insert "; and 465.74, by adding a subdivision"

The motion prevailed and the amendment was adopted.

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

S. F. No. 1886 was given its third reading, as amended.

MOTION FOR RECONSIDERATION

Welker moved that the action whereby S. F. No. 1886, as amended, was given its third reading be now reconsidered. The motion prevailed.

Fjoslien moved to amend S. F. No. 1886, the first engrossment, as amended, as follows:

Page 2, after line 30, insert:

"Sec. 2. 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."

Renumber subsequent sections

Further, amend the title:

Page 13, line 10, after the semicolon, insert "Section 116H.13, Subdivision 8"

The motion prevailed and the amendment was adopted.

Ainley moved to amend S. F. No. 1886, the first engrossment, as amended, as follows:

Reinsert section 6, page 9, line 15 to page 11, line 7, of the first Otis amendment.

The motion prevailed and the amendment was adopted.

S. F. No. 1886, A bill for an act relating to energy; changing the definition of large energy facility; amending Minnesota Statutes 1980, Section 116H.02, Subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Aasness
Ainley

Anderson, G.
Anderson, I.

Battaglia
Begich

Berkelman
Blatz

Brandl
Brinkman

Byrne	Hauge	Long	Piepho	Stumpf
Carlson, D.	Haukoos	Luknic	Reding	Sviggum
Carlson, L.	Heap	Mann	Reif	Swanson
Clark, J.	Hoberg	Marsh	Rice	Tomlinson
Clark, K.	Hokanson	McCarron	Rodriguez, C.	Valan
Clawson	Hokr	McEachern	Rodriguez, F.	Vanasek
Dahlvang	Jacobs	Mehrkens	Rothenberg	Vellenga
Drew	Jennings	Minne	Samuelson	Voss
Eken	Johnson, C.	Munger	Sarna	Weaver
Elioff	Johnson, D.	Murphy	Schafer	Welch
Ellingson	Jude	Nelson, K.	Schoenfeld	Wenzel
Ewald	Kahn	Norton	Schreiber	Wieser
Fjoslien	Kalis	Novak	Shea	Wynia
Forsythe	Kelly	O'Connor	Sherman	Zubay
Greenfield	Knickerbocker	Ogren	Sieben, M.	Spkr. Sieben, H.
Gustafson	Kostohryz	Olsen	Simoneau	
Halberg	Kvam	Otis	Skoglund	
Hanson	Laidig	Peterson, B.	Staten	
Harens	Lehto	Peterson, D.	Stowell	

Those who voted in the negative were:

Den Ouden	Lemen	Niehaus	Rees	Welker
Erickson	Ludeman	Nysether	Valento	Wigley
Esau	McDonald	Onnen		
Kaley	Nelsen, B.	Redalen		

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

H. F. No. 1811 was reported to the House.

Staten moved that H. F. No. 1811 be continued on Special Orders. The motion prevailed.

The Speaker resumed the Chair.

S. F. No. 1888 was reported to the House.

Den Ouden moved to amend S. F. No. 1888, the first engrossment, as follows:

Page 1, line 12, delete "*welfare and*"

Page 1, line 14, delete "*welfare and*"

Amend the title as follows:

Page 1, line 2, delete "*welfare and*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 52 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Laidig	Olsen	Stadum
Ainley	Halberg	Lemen	Onnen	Stowell
Blatz	Heap	Levi	Peterson, B.	Sviggum
Carlson, D.	Heinitz	Ludeman	Piepho	Valento
Dempsey	Himle	Luknic	Redalen	Welker
Den Ouden	Hoberg	Marsh	Rees	Wieser
Erickson	Hokr	McDonald	Rothenberg	Wigley
Esau	Jennings	Mehrrens	Schafer	Zubay
Ewald	Johnson, D.	Nelsen, B.	Schreiber	
Fjoslien	Kaley	Niehaus	Sherman	
Forsythe	Knickerbocker	Nysether	Sherwood	

Those who voted in the negative were:

Anderson, B.	Eken	Kelly	Otis	Stumpf
Anderson, G.	Elioff	Kostohryz	Peterson, D.	Swanson
Battaglia	Ellingson	Lehto	Reding	Tomlinson
Begich	Greenfield	Mann	Rice	Vanasek
Brandl	Hanson	McEachern	Rodriguez, C.	Vellenga
Brinkman	Harens	Minne	Rodriguez, F.	Voss
Carlson, L.	Hauge	Munger	Sarna	Weaver
Clark, J.	Hokanson	Murphy	Schoenfeld	Welch
Clark, K.	Jacobs	Nelson, K.	Shea	Wenzel
Clawson	Johnson, C.	Norton	Sieben, M.	Wynia
Dahlvang	Jude	Novak	Simoneau	Spkr. Sieben, H.
Dean	Kahn	O'Connor	Skoglund	
Drew	Kalis	Ogren	Staten	

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

S. F. No. 1888, A bill for an act relating to education; requiring welfare and correctional institutions to submit an educational policy to the commissioner of education; proposing new law coded in Minnesota Statutes, Chapter 121.

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 76 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Johnson, D.	Murphy	Rothenberg
Anderson, G.	Ellingson	Jude	Nelson, K.	Sarna
Battaglia	Erickson	Kahn	Norton	Schoenfeld
Begich	Fjoslien	Kalis	O'Connor	Shea
Brandl	Greenfield	Kelly	Ogren	Sieben, M.
Brinkman	Gustafson	Kostohryz	Otis	Simoneau
Carlson, L.	Hanson	Lehto	Peterson, B.	Skoglund
Clark, J.	Harens	Luknic	Peterson, D.	Stadum
Clark, K.	Hauge	Mann	Piepho	Staten
Clawson	Haukoos	Marsh	Reding	Stumpf
Dahlvang	Heap	McCarron	Reif	Swanson
Dean	Hokanson	McEachern	Rice	Tomlinson
Drew	Jacobs	Minne	Rodriguez, C.	Vanasek
Eken	Johnson, C.	Munger	Rodriguez, F.	Vellenga

Voss
Weaver

Welch

Wenzel

Wynia

Spkr. Sieben, H.

Those who voted in the negative were:

Aasness	Halberg	Lemen	Olsen	Sviggunn
Ainley	Heinitz	Levi	Onnen	Valento
Dempsey	Himle	Ludeman	Redalen	Welker
Den Ouden	Hoberg	McDonald	Rees	Wigley
Esau	Jennings	Mehrkens	Schafer	Zubay
Ewald	Kaley	Nelsen, B.	Schreiber	
Forsythe	Kvam	Niehaus	Sherwood	
Gruenes	Laidig	Nysether	Stowell	

The bill was passed and its title agreed to.

Dempsey was excused between the hours of 5:15 and 9:15 p.m.

S. F. No. 1894 was reported to the House.

Nelson, K., moved to amend S. F. No. 1894, the second engrossment, as follows:

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 con-*

servation 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 de-

velopment, 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) *adopted pursuant to this subdivision, shall be part of the state building code. Notwithstanding the provisions of this subdivision, all applications for approval of building specifications and plans may be sub-*

mitted 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 midwest.

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 1980, Section 116H.15, Subdivision 1, is amended to read:

Subdivision 1. Any person who violates (SECTIONS 116H.01 TO 116H.15,) *any provision of this chapter or section 325F.20 (,) or 325F.21, or any rule or regulation promulgated thereunder, or knowingly submits false information in any report required by (SECTIONS 116H.01 TO 116H.15,) this chapter or section 325F.20 (,) or 325F.21* shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

Sec. 17. Minnesota Statutes 1981 Supplement, Section 116H.15, Subdivision 2, is amended to read:

Subd. 2. The provisions of *this chapter and sections (116H.01 TO 116H.15,) 325F.20 (,) and 325F.21, or any rules or regulations promulgated hereunder may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the commissioner, and the existence of an adequate remedy at law shall not be a defense to an action brought under this subdivision.*

Sec. 18. Minnesota Statutes 1980, Section 116H.15, Subdivision 3, is amended to read:

Subd. 3. When the court finds that any person has violated (SECTIONS 116H.01 TO 116H.15,) *any provision of this chapter or section 325F.20 (,) or 325F.21, or any rule or regulation thereunder, has knowingly submitted false information in any report required by (SECTIONS 116H.01 TO 116H.15,) this chapter or section 325F.20 (,) or 325F.21, or has violated any court order issued under sections (116H.01 TO 116H.15,) this chapter or section 325F.20 (,) or 325F.21, the court may impose a civil penalty of not more than \$10,000 for each violation. These penalties shall be paid to the general fund in the state treasury.*

Sec. 19. 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. 20. [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 natural gas supplier serving 50 or more Minnesota residential customers, and electrical suppliers serving cities of the first and second class, 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. 21. 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. 22. 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 struc-

tures, 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. 23. 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. 24. [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.

Sec. 25. [EFFECTIVE DATE.]

Sections 1, 2 and 13 shall be effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy; transferring certain duties to the commissioner of the department of energy, planning and development; 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; amending Minnesota Statutes 1980, Sections 16.86, Subdivisions 4 and 5; 116H.02, Subdivision 5, and by adding a subdivision; 116H.15, Subdivisions 1 and 3; 394.25, Subdivision 2; 462.357, Subdivision 1; and 500.30; Minnesota Statutes 1981 Supplement, Sections 116H.07; 116H.085; 116H.088, Subdivision 1; 116H.09, Subdivision 1; 116H.095, Subdivisions 4 and 5; 116H.10, Subdivision 4; 116H.11, Subdivision 1; 116H.12, Subdivision 4; 116H.128; 116H.13, Subdivision 8; 116H.15, Subdivision 2; and 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; and Minnesota Statutes 1981 Supplement, Section 116H.19, Subdivision 1."

The motion prevailed and the amendment was adopted.

Nelson, K., moved to amend S. F. No. 1894, the second engrossment, as amended, as follows:

Page 2, lines 7 to 25, delete Section 2

Renumber subsequent sections accordingly

Page 16, line 34, delete "2"; delete "13" and insert "12"

Further, amend the title as follows:

Page 17, line 9, delete "Subdivisions" and insert "Subdivision"

Page 17, line 10, delete "and 5"

The motion prevailed and the amendment was adopted.

S. F. No. 1894, A bill for an act relating to energy; changing the duties of the commissioner of the department of energy, planning and development; expanding the scope of certain energy education programs; changing certain residential energy sales programs; providing for wind energy conversion systems in county and municipal zoning law; creating wind easements; amending Minnesota Statutes 1980, Sections 116H.02, by adding a subdivision; 116H.15, Subdivisions 1 and 3; 394.25, Subdivision 3; 462.357, Subdivision 1; 500.30; 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.128; 116H.15, Subdivision 2; 116H.18; proposing new law coded in Minnesota Statutes, Chapter 325E; repealing Minnesota Statutes 1980, Sections 116H.088, Subdivision 2; 116H.12, Subdivision 8; and Minnesota Statutes 1981 Supplement, Section 120.78, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Erickson	Ludeman	Nysether	Welker	Zubay
Kaley	McDonald			

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

H. F. No. 1642 was reported to the House.

Wynia moved that H. F. No. 1642 be continued on Special Orders. The motion prevailed.

H. F. No. 1934 was reported to the House.

Vanasek moved that H. F. No. 1934 be returned to its author. The motion prevailed.

H. F. No. 930 was reported to the House.

Ellingson moved to amend H. F. No. 930, the first engrossment, as follows:

Page 2, after line 23, insert:

"Sec. 4. Minnesota Statutes 1980, Section 15.165, Subdivision 2, is amended to read:

Subd. 2. An individual asked to supply private or confidential data concerning himself shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision or statewide system; (b) whether he may refuse or is legally required to supply the requested data; (c) any known consequence arising from his supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. *This requirement shall not apply when an individual is asked to supply investigative data to an undercover law enforcement officer.*"

Page 3, line 32, strike "sections" and insert "section"

Page 5, after line 19, insert:

"Sec. 13. Minnesota Statutes 1981 Supplement, Section 15.781, Subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA.] The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 15.162, subdivision 5a: data, other than their names and addresses, submitted by (LICENSEES AND) applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to having his or her name disclosed; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of pa-

tients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.

Sec. 14. Minnesota Statutes 1981 Supplement, Section 15.781, Subdivision 4, is amended to read:

Subd. 4. [PUBLIC DATA.] Licensing agency minutes, *application data on licensees*, orders for hearing, findings of fact, conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public, pursuant to section 15.162, subdivision 5b. The entire record concerning the disciplinary proceeding is public data pursuant to section 15.162, subdivision 5b, in those instances where there is a public hearing concerning the disciplinary action."

Page 6, line 2, after "records" insert "*compiled by the bureau of criminal apprehension and disseminated through the criminal justice information system*"

Page 6, after line 8, insert:

"Subd. 3. [LIMITATION.] *Nothing in this section shall limit public access to data made public by section 15.791.*"

Page 6, line 17, delete "GENERAL" and insert "PRIVATE DATA"

Page 6, line 21, after "5a" insert "*, to the extent that the release of the data would either (a) disclose personal, medical, psychological, or financial information or (b) endanger an individual's life*"

Page 6, delete lines 22 through 27 and insert:

"Subd. 3. [CONFIDENTIAL DATA.] *Corrections and detention data are confidential, pursuant to section 15.162, subdivision 2a, to the extent that release of the data would: (a) endanger an individual's life, (b) endanger the effectiveness of an investigation authorized by statute and relating to the enforcement of rules or law, (c) identify a confidential informant, or (d) clearly endanger the security of any institution or its population.*"

Page 6, line 28, before "After" insert "Subd. 4. [PUBLIC DATA.]"

Page 6, line 28, delete "in" and insert "to a"

Page 6, line 28, delete "the" and insert "any"

Page 6, line 28, after "data" insert "made private or confidential by this section"

Page 6, delete lines 30 through 36

Page 15, line 15, delete "subdivision" and insert "subdivisions and"

Page 15, after line 20, insert:

"Sec. 24. [REVISOR'S INSTRUCTIONS.]

The revisor of statutes shall codify the provisions of sections 1 to 23 and recodify the provisions of Minnesota Statutes 1980, Section 15.1611 to 15.1699 and of Laws 1981, Chapter 311 in an appropriate place in the next edition of Minnesota Statutes. He shall also correct all statutory cross references in the provisions being codified or recodified.

Sec. 25. [EFFECTIVE DATE.]

Sections 1 to 24 are effective the day following final enactment."

Renumber sections in sequence

Amend the title as follows:

Page 1, line 6, after the second semi-colon, insert "15.165, Subdivision 2,"

Page 1, line 10, delete the second "Subdivision" and insert "Subdivisions"

Page 1, line 10, after "1" insert ", 2, and 4"

The motion prevailed and the amendment was adopted.

Schreiber moved to amend H. F. No. 930, the first engrossment, as amended, as follows:

Page 1, line 15, of the Ellingson amendment delete "an undercover" and insert "a"

The motion prevailed and the amendment was adopted.

H. F. No. 930, A bill for an act relating to the collection and dissemination of data; classifying data as private, confidential, nonpublic, and protected nonpublic; amending Minnesota Stat-

utes 1980, Sections 15.162, Subdivision 4; 15.1621, Subdivision 1; 15.1642, Subdivision 5; 15.1678; 15.1679; 15.1691, Subdivision 6; 15.1692, Subdivision 2; 169.09, Subdivision 13; 268.12, Subdivision 12; Minnesota Statutes 1981 Supplement, Sections 15.1682; 15.1699; 15.775, Subdivision 2; 15.781, Subdivision 1; and 15.784, Subdivision 2; proposing new law coded in Chapter 15.

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 113 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley	Ludeman	Nysether	Rothenberg	Welker
Jennings	McDonald	Rees	Sviggunn	

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

H. F. No. 1558 was reported to the House.

Simoneau moved that H. F. No. 1558 be continued on Special Orders. The motion prevailed.

H. F. No. 376 was reported to the House.

Reding moved that H. F. No. 376 be continued on Special Orders. The motion prevailed.

S. F. No. 1715 was reported to the House.

Long moved to amend S. F. No. 1715, the third engrossment, as follows:

Page 2, line 8, delete the period and insert:

" , except that an incumbent holding a position under subdivision 14 shall not be terminated by the appointing authority for 270 days following the effective date of subdivision 14. For 270 days after the first 270 days the appointing authority under subdivision 14 shall not terminate an incumbent without a vote of approval by a majority of the city council."

The motion prevailed and the amendment was adopted.

S. F. No. 1715, A bill for an act relating to the city of Minneapolis; providing duties of the civil service commission; providing for positions in the unclassified service; permitting the city to change the name of the housing and redevelopment authority; permitting the transfer of certain employees to employment of the housing and redevelopment authority; establishing terms for transfer of the employees; permitting certain employees to purchase service credit from the Minneapolis employees retirement fund; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended, and by adding subdivisions; and Laws 1980, Chapter 595, Section 2, Subdivision 1 and Section 3, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 100 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fjoslien	Kostohryz	Novak	Sieben, M.
Anderson, G.	Forsythe	Kvam	O'Connor	Simoneau
Battaglia	Greenfield	Laidig	Ogren	Skoglund
Begich	Gustafson	Lehto	Onnen	Staten
Berkelman	Halberg	Lemen	Otis	Stumpf
Blatz	Hanson	Levi	Peterson, D.	Sviggum
Brandl	Hauge	Long	Piepho	Swanson
Brinkman	Heap	Luknic	Redalen	Tomlinson
Byrne	Heinitz	Mann	Reding	Valan
Carlson, D.	Himle	Marsh	Rees	Valento
Carlson, L.	Hoberg	McCarron	Reif	Vanasek
Clark, J.	Hokanson	McDonald	Rodriguez, C.	Voss
Clawson	Jacobs	McEachern	Rodriguez, F.	Weaver
Dean	Johnson, C.	Mehrkens	Rose	Welch
Eken	Johnson, D.	Minne	Samuelson	Wenzel
Elioff	Jude	Munger	Sarna	Wieser
Ellingson	Kahn	Murphy	Schoenfeld	Wigley
Erickson	Kalis	Nelsen, B.	Schreiber	Wynia
Evans	Kelly	Nelson, K.	Shea	Zubay
Ewald	Knickerbocker	Norton	Sherman	Spkr. Sieben, H.

Those who voted in the negative were:

Ainley	Drew	Ludeman	Rice	Stowell
Anderson, I.	Haukoos	Niehaus	Rothenberg	Vellenga
Dahlvang	Hokr	Nysether	Schafer	Welker
Den Ouden	Jennings	Olsen	Stadum	

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

S. F. No. 1907 was reported to the House.

There being no objection, S. F. No. 1907 was continued on Special Orders.

S. F. No. 1640 was reported to the House.

Ellingson moved that S. F. No. 1640, as amended on Wednesday, March 10, 1982, be continued on Special Orders. The motion prevailed.

H. F. No. 1764 was reported to the House.

There being no objection, H. F. No. 1764 was continued on Special Orders.

H. F. No. 1684, A bill for an act relating to gambling; permitting local governments to fix the compensation of bingo security workers by ordinance; amending Minnesota Statutes 1980, Section 349.17, 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Rodriguez, C.	Schoenfeld	Stadum	Valan	Wenzel
Rodriguez, F.	Schreiber	Staten	Valento	Wieser
Rose	Shea	Stowell	Vanasek	Wigley
Rothenberg	Sherman	Stumpf	Vellenga	Wynia
Samuelson	Sherwood	Sviggum	Voss	Zubay
Sarna	Sieben, M.	Swanson	Weaver	Spkr. Sieben, H.
Schafer	Simoneau	Tomlinson	Welch	

The bill was passed and its title agreed to.

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

RECESS

RECONVENED

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 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.

The Senate has appointed as such committee Messrs. Pehler, Humphrey and Benson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 253, A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid

sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

The Senate has appointed as such committee Messrs. Tennessen; Peterson, R. W., and Benson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 438, A bill for an act relating to retirement; authorizing certain persons in various retirement funds to purchase prior service credit and military service credit; authorizing an amendment to the articles of incorporation of the Minneapolis teachers retirement fund association; allowing a surviving spouse to elect a joint and survivor annuity under certain circumstances; amending Minnesota Statutes 1981 Supplement, Section 354.46, Subdivision 2.

The Senate has appointed as such committee Messrs. Peterson, C. C.; Renneke; Moe, D. M.; Spear and Frederickson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1499, A bill for an act relating to the commitment of persons who are mentally ill, mentally ill and dangerous, mentally retarded, or chemically dependent; providing for informal admissions by consent, involuntary emergency admissions and for involuntary commitment by civil judicial procedures; providing for rights of persons admitted under voluntary, emergency or involuntary judicial procedures; requiring pre-petition screening; providing for commitment hearings and procedures in conformance with due process; requiring a hearing and review before final determination of commitment; providing for commitment for determinate periods; providing for

provisional discharge and partial hospitalization; requiring special review boards for mentally ill and dangerous and psychopathic personalities; establishing review boards for civilly committed persons; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 253A; repealing Minnesota Statutes 1980, Sections 253A.01 to 253A.23.

The Senate has appointed as such committee Messrs. Spear, Hanson and Peterson, D. L.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1804, A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; proposing new law coded in Minnesota Statutes, Chapter 344.

The Senate has appointed as such committee Messrs. Renneke, Willet and Menning.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1817, A bill for an act relating to transportation; adding a new route to the trunk highway system in substitution of an existing route; discontinuing and removing a route from the trunk highway system; providing for the disposal of surplus property; exempting the state transportation plan from the provisions of the administrative procedure act; requiring driver qualifications and safety requirements for certain motor carriers; regulating building movers and establishing fees; allowing expenditures from the state airports fund for educational programs to promote interest and safety in aeronautics; amending Minnesota Statutes 1980, Sections 161.41; 173.02, Subdivision 2; 174.03, Subdivisions 1 and 2; 360.015, Subdivision 2; 360.017, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections

221.011, Subdivision 22; and 221.81; proposing new law coded in Minnesota Statutes, Chapter 221; repealing Minnesota Statutes 1981 Supplement, Section 161.465.

The Senate has appointed as such committee Messrs. Engler, Purfeerst and Schmitz.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1573, A bill for an act relating to crimes; prohibiting the manufacture, sale, transfer and delivery of simulated controlled substances; prohibiting their manufacture, sale, transfer and delivery; providing penalties; amending Minnesota Statutes 1980, Sections 152.09, Subdivision 1; 152.15, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 152.

The Senate has appointed as such committee Mr. Frank, Mrs. Lantry and Mr. Ramstad.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1712, A bill for an act relating to public welfare; amending the community social services act; removing certain requirements related to biennial plans and the sliding fee for child care; providing for identification of certain rules; exempting the commissioner from certain rulemaking procedures; providing for notice and comment procedures with respect to proposals to amend or repeal certain rules; providing for allocation of funds to counties; amending Minnesota Statutes 1980, Section 256E.09, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 245.84, Subdivision 2; 256E.03, Subdivision 2; 256E.05, Subdivision 3; and 256E.07, Subdivision 3; repeal-

ing Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 2.

The Senate has appointed as such committee Messrs. Fredrickson, Solon and Mrs. Lantry.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2000, A bill for an act relating to the city of Brooklyn Center; authorizing the Brooklyn Center housing and re-development authority to carry out a housing interest buy-down program.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Luther; Peterson, R. W., and Engler.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Ellingson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2000. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1821, A bill for an act relating to community corrections; clarifying and harmonizing the provisions of Minnesota Statutes relating to the administrative structure of participating counties, the composition of the corrections advisory board, the powers of probation officers, and the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1980, Sections 401.01, Subdivision 2; 401.02, Subdivisions 1, 3, and 4; 401.06; 401.08, Subdivisions 1 and 2; and 401.13.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Renneke, Sikorski and Moe, D. M.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Laidig moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1821. The motion prevailed.

Mr. Speaker:

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

S. F. No. 16, A bill for an act relating to probate; changing certain time limits and procedures for a personal representative to file an inventory and appraisalment; amending Minnesota Statutes 1980, Section 524.3-706.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Davies, Sieloff and Lessard.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 16. The motion prevailed.

Mr. Speaker:

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

S. F. No. 358, A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Tennessen, Bang, Davies, Sikorski and Benson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Otis moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 358. The motion prevailed.

Mr. Speaker:

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

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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Merriam, Davis and Engler.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Voss moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1621. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1758, A bill for an act relating to crimes; prohibiting conspiracies to violate controlled substances laws; clarifying the crime of escape from jail; prescribing penalties; amending Minnesota Statutes 1980, Section 609.485, Subdivision 3; proposing new law coded in Minnesota Statutes 1980, Chapter 152.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Hanson, Davies, Merriam, Knutson and Peterson, R. W.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1758. The motion prevailed.

Mr. Speaker:

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

S. F. No. 155, A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Purfeerst, Mrs. Brataas and Mr. Peterson, R. W.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Luknic moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 155. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1522, A bill for an act relating to local government; changing the filing of the bond of the town clerk and the town treasurer; permitting towns to self insure in the same way as other political subdivisions; authorizing certain towns to exercise special powers by affirmative vote of the town electors; requiring notice; authorizing towns to plan; providing for standards and criteria for conditional uses and variances; authorizing the establishment of a board for planning in certain areas; authorizing governmental units to provide services for other governmental units; amending Minnesota Statutes 1980, Sections 367.10; 367.15; 368.01, Subdivisions 1, 30, and by adding subdivisions; 462.352, Subdivision 2; 462.357, Subdivision 6; 462.358, Subdivision 1a; 462.36, Subdivision 1; 471.59, by adding a subdivision; and 471.98, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 462.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Wegener, Rued and Davies.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Brinkman moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1522. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1443, A bill for an act relating to agriculture; prohibiting the trafficking in skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Setzepfandt, Mrs. Lantry and Mr. Nelson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Reif moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3

members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1443. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1702, A bill for an act relating to corrections; authorizing the appointment of internal security investigators for adult correctional facilities in the unclassified civil service; clarifying the "good time" and solitary confinement provisions relating to county jails; amending Minnesota Statutes 1980, Sections 241.01, Subdivision 3a; 641.09; and 643.29, Subdivision 1.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Solon, Knutson and Renneke.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Johnson, D., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1702. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1239, A bill for an act relating to the operation of state government; authorizing the state board of investment to employ investment management firms to invest certain funds on its behalf; appropriating money; amending Minnesota Statutes 1980, Section 11A.04.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Moe, D. M.; Spear and Renneke.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1239. The motion prevailed.

Mr. Speaker :

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

S. F. No. 1964, A bill for an act relating to state government; ratifying state employee and University of Minnesota labor agreements and compensation plans; amending Minnesota Statutes 1980, Section 299D.03, Subdivision 2; repealing Minnesota Statutes 1980, Sections 299C.041; and 299D.03, Subdivision 3.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Knoll; Spear; Pillsbury; Moe, D. M., and Nelson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Simoneau moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1964. The motion prevailed.

Mr. Speaker :

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

S. F. No. 1671, A bill for an act relating to environment; providing for the chairmanship, staff, and administration of the environmental quality board; amending Minnesota Statutes 1980, Section 116C.03, Subdivision 2a, and by adding subdivisions; Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivisions 2 and 4; repealing Minnesota Statutes 1980, Sections 116C.04, Subdivisions 8 and 9; 116C.05; 116C.07; and Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivision 3.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Bernhagen, Merriam and Luther.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Munger moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1671. The motion prevailed.

Mr. Speaker:

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

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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Bertram, Schmitz and Frederickson.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1499. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1897, A bill for an act relating to the state agricultural society; updating and clarifying certain powers and duties of the society; amending Minnesota Statutes 1980, Sections 37.01; 37.04, Subdivision 3; 37.05; 37.06; 37.17, Subdivisions 1, 2, and by adding a subdivision; 37.18; 37.19; 37.20; 37.21; and 37.22; repealing Minnesota Statutes 1980, Section 37.23; Minnesota Statutes 1981 Supplement, Sections 37.17, Subdivision 3; and 37.27.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rice moved that the House refuse to concur in the Senate amendments to H. F. No. 1897, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1799, A bill for an act relating to health; providing for evaluation of certain changes in certificate of need review; requiring certain price information to be reported and disseminated; requiring monitoring; amending the thresholds of review; providing for additional waivers; requiring reports; amending Minnesota Statutes 1980, Sections 145.833, Subdivision 5; 145.835, Subdivisions 3 and 4; Minnesota Statutes 1981 Supplement, Sections 250.05, Subdivision 4; 447.45, Subdivision 1; and 474.03; proposing new law coded in Minnesota Statutes, Chapter 144; repealing Minnesota Statutes 1980, Sections 145.832 to 145.845, as amended; and Minnesota Statutes 1981 Supplement, Sections 62D.22, Subdivision 6; 145.834; and 145.845.

PATRICK E. FLAHAVEN, Secretary of the Senate

Swanson moved that the House refuse to concur in the Senate amendments to H. F. No. 1799, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1699, A bill for an act relating to education; requiring all public elementary and secondary schools to provide instructional programs in chemical abuse; amending Minnesota Statutes 1980, Section 126.03; and proposing new law coded in Chapter 126.

PATRICK E. FLAHAVEN, Secretary of the Senate

McEachern moved that the House refuse to concur in the Senate amendments to H. F. No. 1699, that the Speaker appoint

a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

SPECIAL ORDERS

S. F. No. 1666 was reported to the House.

There being no objection, S. F. No. 1666 was temporarily laid over on Special Orders.

S. F. No. 1859 was reported to the House.

Heinitz moved to amend S. F. No. 1859, the third engrossment, as follows:

Page 7, delete lines 29 to 36

Page 8, delete lines 1 to 36

Page 9, delete lines 1 to 11

Re-number remaining sections

Page 11, delete lines 12 to 20

Re-number remaining sections

Page 28, delete lines 8 to 36

Page 29, delete lines 1 to 35

Page 31, delete line 9

Page 31, line 10, delete "*1, 1983. The remaining sections of this act are*" and insert "*This act is*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 42 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Blatz	Drew	Heap	Kelly	Olsen
Brandl	Erickson	Heinitz	Kvam	Onnen
Byrne	Fjoslien	Hoberg	Levi	Peterson, B.
Clark, J.	Greenfield	Hokr	Marsh	Reif
Clark, K.	Hanson	Jennings	McEachern	Rothenberg
Clawson	Hauge	Jude	Niehaus	Schafer
Dean	Haukoos	Kaley	Norton	Staten

Sviggum	Vellenga	Wieser	Wigley	Zubay
Valento	Voss			

Those who voted in the negative were:

Ainley	Ellingson	Lehto	Nysether	Sherwood
Anderson, I.	Esau	Lemen	O'Connor	Sieben, M.
Battaglia	Evans	Long	Ogren	Simoneau
Begich	Forsythe	Ludeman	Peterson, D.	Skoglund
Berkelman	Gruenes	Mann	Piepho	Stowell
Brinkman	Himle	McCarron	Reding	Swanson
Carlson, D.	Hokanson	McDonald	Rees	Valan
Carlson, L.	Jacobs	Mehrkens	Rodriguez, C.	Weaver
Dahlvang	Johnson, D.	Minne	Rodriguez, F.	Welker
Dempsey	Kalis	Munger	Samuelson	Wenzel
Den Ouden	Knickerbocker	Murphy	Schreiber	Spkr. Sieben, H.
Eken	Kostohryz	Nelsen, B.	Shea	
Elioff	Laidig	Novak	Sherman	

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

Anderson, I., moved to amend S. F. No. 1859, the third engrossment, as follows:

Page 4, line 17, after "base" insert "*compatible with the data base of the Minnesota land management information center,*"

Page 8, line 34, after the semicolon, insert:

"(c) *Money from the sale of tree planting stock as provided in section 89.37, subdivision 4,*"

Reletter subsequent clause

Page 11, line 16, restore the stricken language

Page 11, line 17, delete "*are annually appropriated*" and insert "*forest management fund pursuant to section 11 and are available*"

Page 11, delete lines 19 and 20

Page 15, line 9, after the period, insert "*The standards shall not be subject to the rulemaking provisions of chapter 15.*"

Page 21, line 6, after "IS" insert "*containing any standing timber*"

Page 22, line 26, delete the new language

Page 22, line 26, after "and" strike the comma

Page 22, line 27, strike "in the case of timbered land,"

Page 22, line 27, after "approval" strike "of the"

Page 22, line 28, delete "appraised value" and strike "of the timber"

Page 22, line 29, after "resources" insert "when required pursuant to section 282.01, subdivision 3"

Page 25, line 5, delete "full"

Page 25, line 6, delete "appraised" and insert "sale"

Page 25, line 10, delete "appraised" and insert "sale"

The motion prevailed and the amendment was adopted.

Battaglia moved to amend S. F. No. 1859, the third engrossment, as amended, as follows:

Page 24, line 22, after the period insert a new section to read:

"Sec. 28. [VETERANS' CREDIT APPLICATION.]

The provisions of Minnesota Statutes 1980, Sections 282.031 to 282.037 shall continue in effect with respect to any veteran who has applied to purchase land under those sections before the effective date of this section or to any veteran who purchases land under those sections and applies within the required time for a credit under Minnesota Statutes 1980, Section 282.033. This section is repealed April 1, 1988."

Renumber subsequent sections

Page 31, line 9, delete "30" and insert "31"

The motion prevailed and the amendment was adopted.

Welker moved to amend S. F. No. 1859, the third engrossment, as amended, as follows:

Page 28, after line 7, insert a new section to read:

"Sec. 30. [SALE OF TAX-FORFEITED LAND.]

Subdivision 1. [COUNTY SALE.] Notwithstanding any other law to the contrary, any parcel of land forfeited to the state for the non-payment of taxes before June 30, 1982, and classified as non-conservation land pursuant to chapter 282, shall be sold by public auction in the county where the land is located according to the following formula:

(a) *In counties with less than 1,000 acres of tax-forfeited lands, all such land shall be sold by June 30, 1983;*

(b) *In counties with more than 1,000 but less than 10,000 acres of tax-forfeited lands, at least 50 percent of the land shall be sold by June 30, 1983, and the remaining land sold by June 30, 1985;*

(c) *In counties with more than 10,000 but less than 200,000 acres of tax-forfeited lands, at least 20 percent shall be sold by June 30, 1983, and the remaining lands sold by June 30, 1987; and*

(d) *In counties with more than 200,000 acres of tax-forfeited lands, at least ten percent shall be sold by June 30, 1983, and the remaining lands sold by June 30, 1991.*

Any parcel of land forfeited to the state for the non-payment of taxes after June 30, 1982, shall be sold by public auction in the county where the land is located, after one year from the date of forfeiture.

Subd. 2. [TERMS.] Payments, interest, notice, appraisal and certification of tax-forfeited land sales made pursuant to subdivision 1 shall conform with the applicable provisions of chapter 282.

Subd. 3. [COMMISSIONER OF NATURAL RESOURCES BID AND SALE.] The commissioner of natural resources may bid on tax-forfeited land offered for public sale in subdivision 1 using current funds available for land acquisition. For each acre of tax-forfeited land purchased under this subdivision, the commissioner of natural resources shall certify to the commissioner of administration that two acres of state land are offered for sale and are sold."

Renumber remaining sections

A roll call was requested and properly seconded.

Sherwood moved to amend the Welker amendment to S. F. No. 1859, the third engrossment, as amended, as follows:

On line 3 of the Welker amendment after "contrary" insert "with the exception of Minnesota Statutes 282.018 and 282.06"

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

The question recurred on the Welker amendment and the roll was called. There were 44 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Aasness	Forsythe	Kalis	Olsen	Stowell
Ainley	Halberg	Kvam	Onnen	Svigggum
Blatz	Haukoos	Ludeman	Piepho	Valan
Carlson, D.	Heap	Marsh	Redalen	Valento
Dempsey	Himle	McDonald	Rees	Welker
Den Ouden	Hoberg	Mehrkens	Reif	Wieser
Erickson	Hokr	Neilsen, B.	Schafer	Wigley
Evans	Jennings	Niehaus	Schoenfeld	Zubay
Fjoslien	Kaley	Nysether	Sherman	

Those who voted in the negative were:

Anderson, I.	Eken	Kelly	Novak	Sarna
Battaglia	Elioff	Kostohryz	O'Connor	Sherwood
Begich	Ellingson	Laidig	Ogren	Sieben, M.
Berkelman	Greenfield	Lehto	Otis	Simoneau
Brandl	Gruenes	Lemen	Peterson, B.	Skoglund
Brinkman	Hanson	Long	Peterson, D.	Staten
Byrne	Harens	Mann	Pogemiller	Swanson
Carlson, L.	Hauge	McCarron	Reding	Vellenga
Clark, J.	Hokanson	Minne	Rice	Voss
Clark, K.	Jacobs	Munger	Rodriguez, F.	Welch
Clawson	Johnson, C.	Murphy	Rose	Wenzel
Dahlvang	Johnson, D.	Nelson, K.	Rothenberg	Wynia
Drew	Jude	Norton	Samuelson	Spkr. Sieben, H.

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

Welker moved to amend S. F. No. 1859, the third engrossment, as amended, as follows:

Page 16, lines 28 to 36 reinstate the stricken language and delete the new language

Page 17, delete lines 1 and 2

Page 17, line 3, delete "*private ownership*."

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

Welker moved to amend S. F. No. 1859, the third engrossment, as amended, as follows:

Page 21, lines 6 to 8 reinstate the stricken language and delete the new language

Page 22, lines 25 to 28 reinstate the stricken language and delete the new language

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 44 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kvam	Piepho	Sherwood
Ainley	Halberg	Laidig	Redalen	Sviggum
Blatz	Haukoos	Ludeman	Rees	Valan
Carlson, D.	Heap	Marsh	Reif	Valento
Dempsey	Himle	McDonald	Rodriguez, C.	Welker
Den Ouden	Hoberg	Nelsen, B.	Rose	Wieser
Erickson	Jennings	Niehaus	Rothenberg	Wigley
Esau	Johnson, D.	Olsen	Schafer	Zubay
Evans	Kaley	Onnen	Sherman	

Those who voted in the negative were:

Anderson, G.	Eken	Kostohryz	Ogren	Skoglund
Anderson, I.	Elioff	Lehto	Otis	Staten
Battaglia	Ellingson	Lemen	Peterson, B.	Stowell
Begich	Greenfield	Long	Peterson, D.	Swanson
Berkelman	Gruenes	Mann	Pogemiller	Tomlinson
Brandl	Hanson	McCarron	Reding	Vanasek
Brinkman	Harens	McEachern	Rice	Vellenga
Byrne	Hokanson	Minne	Rodriguez, F.	Voss
Carlson, L.	Jacobs	Munger	Samuelson	Welch
Clark, J.	Johnson, C.	Murphy	Sarna	Wenzel
Clark, K.	Jude	Nelson, K.	Schoenfeld	Wynia
Clawson	Kalis	Norton	Shea	Spkr. Sieben, H.
Dahlvang	Kelly	Novak	Sieben, M.	
Dean	Knickerbocker	O'Connor	Simoneau	

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

Welker moved to amend S. F. No. 1859, the third engrossment, as amended, as follows:

Page 2, line 6, after "resources" insert a period and delete the remainder of the line

Page 2, delete lines 7 and 8

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

Carlson, D., moved to amend S. F. No. 1859, the third engrossment, as amended, as follows:

Page 21, line 9, after the period insert: "*The commissioner of natural resources shall base his review of a proposed sale on the policy and considerations specified in subdivision 1. The decision of the commissioner of natural resources shall be in writing and shall state the reasons therefor. The county may appeal the decision of the commissioner of natural resources to the district court in the manner provided by section 15.0424 for judicial review of contested case decisions.*"

The motion prevailed and the amendment was adopted.

S. F. No. 1859, A bill for an act relating to forestry; establishing a forest resource management policy and plan; realignment of forestry boundaries; establishing a forest management fund and accounting system; changing certain procedures for timber sales from state and tax-forfeited lands; extending certain timber permits; making various changes in forestry laws; amending Minnesota Statutes 1980, Sections 16A.125, Subdivision 5; 89.001, and by adding subdivisions; 89.01, Subdivision 6; 89.021, Subdivision 1; 89.036; 89.37, Subdivisions 2, 3, 3a, and 4; 90.201; 90.251, Subdivisions 1 and 4; 197.447; 282.01, Subdivisions 1 and 3; 282.02; and 282.132; Minnesota Statutes 1981 Supplement, Section 282.04, Subdivision 1; Laws 1981, Chapter 305, Section 11; proposing new law coded in Minnesota Statutes, Chapters 88, 89, 90, and 282; repealing Minnesota Statutes 1980, Sections 282.031; 282.032; 282.033; 282.034; 282.035; 282.036; and 282.037.

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 111 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley	Ludeman	Nelsen, B.	Voss	Welker
Den Ouden	McDonald	Stowell		

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1964:

Simoneau; Sieben, M.; Rose; Halberg and Norton.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1821:

Laidig, McCarron and Rice.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 358:

Otis, Wynia, Jude, Sarna and Halberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1239:

Reding, Rice and Kaley.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 155:

Luknic, McCarron and Samuelson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1758:

Kelly, Battaglia, Jude, Schreiber and Halberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1699.

McEachern, Long and Levi.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. No. 1738.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1508.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1451.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1738, A bill for an act relating to crimes; prohibiting possession of obscene works appealing to pedophiles; increasing the fines for distribution of obscene material; prescribing penalties; amending Minnesota Statutes 1980, Sections 617.241; and 617.246, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 617.

The bill was read for the first time.

Levi moved that S. F. No. 1738 and H. F. No. 1764, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1508, A bill for an act relating to veterans; establishing information and referral assistance programs; authorizing limited studies; mandating annual reports; establishing an Agent Orange information and assistance section in the department of veterans affairs; providing Agent Orange information to health professionals; providing genetic information and counseling; classifying certain information as confidential; authorizing certain class actions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 196.

The bill was read for the first time.

Harens moved that S. F. No. 1508 and H. F. No. 1669, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1451, A bill for an act relating to metropolitan government; providing for the establishment and operation of a water planning and management program in the metropolitan area; requiring watershed and local water management plans; providing for the establishment and operation of watershed management organizations; establishing provision for the event that grant funding is not received for the North Koochiching area sanitary district; authorizing counties, cities, and towns to bond for certain watershed improvements; authorizing taxes; amending Minnesota Statutes 1980, Sections 112.35, by adding a subdivision; 112.37, Subdivision 1, and by adding a subdivision; 112.42, Subdivision 3, and by adding a subdivision; 112.43, by adding a subdivision; Laws 1981, Chapter 291, Section 2, Subdivisions 1, 2, and by adding subdivisions; 4, Subdivision 1; 5, Subdivision 2; 7; 8, Subdivisions 1, 2, and by adding a subdivision; and 24; proposing new law coded in Minnesota Statutes, Chapter 473.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Levi moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1451 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Levi moved that the rules of the House be so far suspended that S. F. No. 1451 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1451 was read for the second time.

Levi moved to amend S. F. No. 1451, the third engrossment, as follows:

Delete everything after the enacting clause and insert:

Section 1. Laws 1981, Chapter 291, Section 2, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A (WASTE WATER TREATMENT) *sanitary sewer* board called the North Koochiching (COUNTY WASTE WATER TREATMENT) *sanitary sewer* board with jurisdiction in the (INTERNATIONAL FALLS, SOUTH INTERNATIONAL FALLS AND RANIER MUNICIPALITIES AND THE EAST KOOCHICHING COUNTY SEWER DISTRICT AND THE PAPERMAKERS SEWER

DISTRICT) *North Koochiching area sanitary district* is established as a public corporation and political subdivision with all the rights, powers, privileges, immunities and duties which may be granted to or imposed upon a municipal corporation.

Sec. 2. Laws 1981, Chapter 291, Section 2, is amended by adding a subdivision to read:

Subd. 1a. [DISTRICT.] The North Koochiching area sanitary district is the International Falls, South International Falls and Ranier municipalities and the East Koochiching county sewer district and the Papermakers sewer district, except that if the conditions in subdivision 10 as added by section 4 of this act are not met, after December 31, 1985, the north Koochiching area sanitary district shall then be the area served by the district disposal system on that date.

Sec. 3. Laws 1981, Chapter 291, Section 2, Subdivision 2, is amended to read:

Subd. 2. [MEMBERS AND SELECTIONS.] The board members shall be appointed by each of their governmental units in the following numbers:

International Falls 4

South International Falls 2

East Koochiching county sewer district 1

Papermakers sewer district 1

Ranier 1

The East Koochiching and Papermakers sewer districts shall each appoint their member on the board and designate the term of the member in accordance with subdivision 5, by a majority vote. *If the conditions in subdivision 10 as added by section 4 of this act are not met, after December 31, 1985 the composition of the board shall be changed, with each local government unit remaining in the district appointing one board member.*

Sec. 4. Laws 1981, Chapter 291, Section 2, is amended by adding a subdivision to read:

Subd. 10. [CONDITIONS; APPOINTMENT OF ENGINEER; BOARD COMPOSITION.] If before January 1, 1986, the state or federal governments have not offered grants for at least 70 percent of the estimated grant eligible cost, or the board has not advertised for bids for construction, of all interceptors and treatment works which the comprehensive plan adopted

pursuant to Laws 1981, Chapter 291, section 4 identifies as critical to the integrity of the district, then:

(a) The board shall appoint an independent consulting engineer who shall determine the actual value, as of January 1, 1982, of all real and personal property transferred to the board pursuant to Laws 1981, Chapter 291, section 5, subdivision 2, clause (a) as amended by section 6 of this act.

(b) After appointing the independent consulting engineer, the composition of the board shall be changed to comply with Laws 1981, Chapter 291, Section 2, Subdivision 2.

Sec. 5. Laws 1981, Chapter 291, Section 4, Subdivision 1, is amended to read:

Subdivision 1. [BOARD PLAN AND PROGRAM.] The board shall adopt as its first comprehensive plan for the collection, treatment and disposal of waste water in the district for the period the board deems proper the comprehensive plan adopted by the joint powers board previously established for the cities of International Falls, South International Falls, and Ranier and the county of Koochiching by agreement pursuant to Minnesota Statutes, Section 471.59. The board shall prepare and adopt subsequent comprehensive plans for the collection, treatment and disposal of waste water in the district for each succeeding designated period the board deems proper. The first plan, as modified by the board, and any subsequent plan, *shall provide that no treatment facilities shall be constructed which would allow a discharge above the water intake used to supply drinking water to residents of the district, and shall take into account the preservation and best and most economic use of water and other natural resources in the area; the preservation, uses and potential for use of lands adjoining waters of the state to be used for the disposal of waste water; and the impact the disposal system will have on present and future land use in the area affected.* Plans shall include the general location of needed interceptors and treatment works, a description of the area that is to be served by the various interceptors and treatment works, a long range capital improvements program and other details the board deems appropriate. *Plans shall specifically identify those interceptors and treatment works which are critical to the integrity of the district.* In developing the plans, the board shall consult with persons designated for the purpose by the governing body of any municipal and public corporation or governmental or political subdivision or agency within the district. It shall consider the data, resources, and suggestions offered to the board by the entities and any planning agency acting on behalf of one or more of them. Each plan, when adopted, shall be followed in the district and may be revised as often as the board deems necessary.

Sec. 6. Laws 1981, Chapter 291, Section 5, Subdivision 2, is amended to read:

Subd. 2. [METHOD OF ACQUISITION.] (a) The board may require any local government unit to transfer to the board, *without consideration, free and clear of all encumbrances, subject only to a contingent liability pursuant to section 8, subdivision 1a, as amended by section 9 of this act* all of the unit's right, title, and interest in any interceptors or treatment works and their necessary appurtenances owned by the unit which are needed for the purpose stated in subdivision 1. Appropriate instruments of conveyance for all the transferred property shall be executed and delivered to the board by the proper officers of each local government unit concerned.

(b) All persons regularly employed by a local government unit to operate and maintain works transferred to the board on the date on which the transfer becomes effective shall be employees of the board, in the same manner and with the same options and rights as other employees of the board.

Sec. 7. Laws 1981, Chapter 291, Section 7, is amended to read:

Sec. 7. [BUDGET.]

The board shall prepare and adopt a budget, on or before (SEPTEMBER 1, 1981) *August 1, 1982* and annually thereafter. The budget shall show for the following calendar year or other fiscal year determined by the board estimated receipts of money from all sources, including but not limited to payments by each local government unit, federal or state grants, taxes on property, and funds on hand at the beginning of the year, and estimated expenditures for:

(a) Costs of operation, administration and maintenance of the district disposal system;

(b) Costs of acquisition and betterment of the district disposal system; and

(c) Debt service, including principal and interest, on general obligation bonds and certificates issued pursuant to section 12, and any money judgments against the district.

Expenditures within these categories and others the board may determine, shall be itemized in the detail the board shall prescribe. The board and its officers, agents, and employees shall not spend money for any purpose other than debt service without having set forth the expense and its amount in the budget. No obligation to make an unbudgeted expenditure shall be enforceable except as the obligation of the person incurring it. The board

may amend the budget at any time by transferring from one purpose to another any budgeted sums, except money for debt service and bond proceeds, or by increasing expenditures in any amount by which cash receipts during the budget year actually exceed the total amounts designated in the original budget. The creation of an obligation pursuant to section 12 or the receipt of a federal or state grant is a sufficient budget designation of the proceeds for the purpose for which it is authorized, and of the tax or other revenue pledged to pay the obligation, whether or not specifically included in the budget.

Sec. 8. Laws 1981, Chapter 291, Section 8, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITION OF CURRENT COSTS.] The estimated cost of administration, operation, maintenance and debt service of the district disposal system to be paid by the board in a fiscal year and the estimated costs of acquisition and betterment of the system which are to be paid during the year from funds other than state or federal grants and bond proceeds and all other previously unallocated payments made by the board pursuant to this act to be allocated in the year, less any costs to be allocated to industries pursuant to subdivision 3 *and less any amounts to be received pursuant to subdivision 1a as added by section 9 of this act*, are referred to as current costs and shall be allocated by the board to the local government units in the budget for such year.

Sec. 9. Laws 1981, Chapter 291, Section 8, is amended by adding a subdivision to read:

Subd. 1a. [PAYMENT OF DIFFERENCE.] If the area of the district and the composition of the board change pursuant to section 2, after December 31, 1985 any local government unit remaining in the district shall pay in equal payments over 20 years, with interest at the rate of eight percent per annum, the proportionate difference in the value determined pursuant to Laws 1981, Chapter 291, section 2, subdivision 10, clause (a), as amended by section 4 of this act.

Sec. 10. Laws 1981, Chapter 291, Section 8, Subdivision 2, is amended to read:

Subd. 2. [METHOD OF ALLOCATION OF CURRENT COSTS.] All current costs shall be allocated to local government units in the district on a pro rata basis determined by the effluent contributed by each, less any industrial wastes for which costs have been allocated under subdivision 3, calculated on the basis of flow measurement. The projected pro rata contribution of effluent shall be made on or before (SEPTEMBER 1, 1981) August 1, 1982 and annually thereafter. An adjustment shall be made on or before February 1 of each succeeding year based upon the actual effluent contributed by each government entity.

The adjustments shall be paid to the district or to the proper local government units. It also may be corrected by deduction from or addition to subsequent payments. The adoption or revision of a method of allocation used by the board shall be by the affirmative vote of at least two-thirds of the members of the board.

Sec. 11. Laws 1981, Chapter 291, Section 24, is amended to read:

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

(THIS ACT) *Laws 1981, Chapter 291*, is effective (IN THE LOCAL GOVERNMENT UNITS NAMED IN SECTION 23 UPON APPROVAL BY ALL OF THE GOVERNMENT UNITS NAMED IN SECTION 23 AND UPON COMPLIANCE WITH MINNESOTA STATUTES, SECTION 645.021, SUBDIVISION 3.) *the day after final enactment of sections 1 to 11 of this chapter, pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, clause (a).*

Sec. 12. Minnesota Statutes 1980, Section 112.35, is amended by adding a subdivision to read:

Subd. 22. "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

Sec. 13. Minnesota Statutes 1980, Section 112.37, Subdivision 1, is amended to read:

112.37 [PROCEDURE FOR ESTABLISHMENT.]

Subdivision 1. Proceedings for the establishment of a watershed district shall be initiated (ONLY) by the filing of a nominating petition with the secretary of the board (, WHICH). The nominating petition shall be signed by any one of the following groups: (EITHER BY)

(1) at least one-half of the counties within the proposed district; or

(2) (OR) by a county or counties having at least 50 percent of the area within the proposed district; or

(3) (OR) by a majority of the cities within the proposed district; or

(4) (OR A NOMINATING PETITION ALSO MAY BE FILED IF SIGNED) by at least 50 resident freeholders of the proposed district, exclusive of the resident freeholders within the corporate limits of any city on whose behalf the authorized official has signed the petition.

(SAID) *The nominating petition shall set forth the following:*

- (1) The name of the proposed district;
- (2) The necessity for the the district, and why it would be conducive to public health and public welfare, or accomplish any of the purposes of a watershed district;
- (3) A statement in general terms setting forth the purpose of the contemplated improvements, the territory to be included in the district, and all proposed subdivisions thereof, if any, of the district;
- (4) The number of managers proposed for the district. *Except as otherwise provided in subdivisions 6 and 7, the managers shall be not less than three nor more than five (AND), shall be selected from a list of at least ten nominees (. THEY), and shall be selected as representative of the local units of government affected (AND). None shall be a public officer of the county, state, or federal government;*
- (5) A map of the proposed district;
- (6) A request for the establishment of the district as proposed.

The petitioners shall cause to be served upon the county auditor or auditors of the counties affected by the proposed district, the commissioner, and the director, a copy of (SAID) *the nominating petition, and proof of service thereof shall be attached to the original petition, to be filed with the secretary of the board.*

Sec. 14. Minnesota Statutes 1980, Section 112.37, is amended by adding a subdivision to read:

Subd. 7. The managers of a district wholly within the metropolitan area shall number not less than five nor more than nine. They shall be selected from a list of persons nominated jointly or severally by statutory and home rule charter cities and towns having territory within the district. The list shall contain at least three nominees for each position to be filled. If the cities and towns fail to nominate in accordance with this subdivision, the managers shall be selected as provided in subdivision 1.

Sec. 15. Minnesota Statutes 1980, Section 112.42, Subdivision 3, is amended to read:

Subd. 3. At least 30 days prior to the expiration of the term of office of the first managers named by the board, the county commissioners of each county affected shall meet and proceed

to appoint successors to the first managers. (PROVIDED, HOWEVER,) If the nominating petition that initiated the district (SHALL BE) originated from a majority of the cities within the district or if the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of (NOMINEES SUBMITTED) *persons nominated jointly or severally* by the townships and municipalities within the district. (SAID) *The list shall contain at least three nominees for each position to be filled. It shall be submitted to the affected county board at least 60 days prior to the expiration of the term of office. If (SUCH) the list is not submitted within 60 days prior to the expiration of the term of office the county commissioners shall select the managers from eligible individuals within the district. (SAID) The county commissioners shall at least 30 days before the expiration of the term of office of any managers meet and appoint the successors. If the district affects more than one county, distribution of the managers among the counties affected shall be as directed by the board. Ten years after the order of establishment, upon petition of the county board of commissioners of any county affected by the district, the board after public hearing thereon, may redistribute the managers among the counties if (SUCH) redistribution is in accordance with the policy and purposes of this chapter. No petition for the redistribution of managers shall be filed with the board more often than once in ten years. The term of office of each manager, if the number does not exceed three, shall be one for a term of one year, one for a term of two years, and one for a term of three years. If the managers consist of five members, one shall be for a term of one year, two for a term of two years, and two for a term of three years. If the board of managers consists of more than five members, the managers shall be appointed so that as nearly as possible one-third serve terms of one year, one-third serve terms of two years, and one-third serve terms of three years. If the district affects more than one county, the board shall direct the distribution of the one, two and three year terms among the affected counties. Thereafter, the term of office for each manager shall be for a term of three years, and until his successor is appointed and qualified. If the district affects more than five counties, in order to provide for the orderly distribution of the managers, the board may determine and identify the manager areas within the territory of the district and select the appointing county board of commissioners for each manager's area. Any vacancy occurring in an office of a manager shall be filled by the appointing county board of commissioners. A record of all appointments made under this subdivision shall be filed with the county auditor of each county affected, with the secretary of the board of managers, and with the secretary of the water resources board. No person shall be appointed as a manager who is not a voting resident of the district and none shall be a public officer of the county, state, or federal government.*

Sec. 16. Minnesota Statutes 1980, Section 112.42, is amended by adding a subdivision to read:

Subd. 3a. The board shall restructure the boards of managers of districts established before the effective date of this act and located wholly within the metropolitan area to ensure compliance with the requirements of sections 14 and 15. The board shall request recommendations from the district and the affected local government units. Additional managers, if any, shall be appointed by the county designated by the board, to terms designated by the board, at the time of and in the manner provided for the next regular appointment of successors to managers of the district.

Sec. 17. Minnesota Statutes 1980, Section 112.43, is amended by adding a subdivision to read:

Subd. 1a. A watershed district located wholly within the metropolitan area shall have the duties and authorities provided in sections 18 to 25. Notwithstanding any contrary provision of subdivision 1, a watershed district located wholly within the metropolitan area shall have authority to regulate the use and development of land only under the conditions specified in section 20, clause (c).

Sec. 18. [473.875] [PURPOSES.]

The purpose of the surface water management programs required by sections 18 to 25 is to preserve and use natural water storage and retention systems in order to (a) reduce to the greatest practical extent the public capital expenditures necessary to control excessive volumes and rates of runoff, (b) improve water quality, (c) prevent flooding and erosion from surface flows, (d) promote ground water recharge, (e) protect and enhance fish and wildlife habitat and water recreational facilities, and (f) secure the other benefits associated with the proper management of surface water.

Sec. 19. [473.876] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 7 to 14, the following terms have the meanings given them.

Subd. 2. [CAPITAL IMPROVEMENT PROGRAM.] "Capital improvement program" means an itemized program for at least a five year prospective period, and any amendments to it, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial effect that the improvements will have on the local government unit or watershed management organization.

Subd. 3. [LOCAL COMPREHENSIVE PLAN.] "Local comprehensive plan" has the meaning given it in section 473.852, subdivision 5.

Subd. 4. [LOCAL GOVERNMENT UNIT.] *"Local government unit" or "local unit" has the meaning given it in section 473.852.*

Subd. 5. [MINOR WATERSHED UNITS.] *"Minor watershed units" means the drainage areas identified and delineated as such pursuant to Laws 1977, Chapter 455, Section 33, Subdivision 7(a).*

Subd. 6. [OFFICIAL CONTROLS.] *"Official controls" has the meaning given it in section 473.852.*

Subd. 7. [WATERSHED.] *"Watershed" means a drainage area having boundaries which are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and which crosses the borders of two or more local government units.*

Subd. 8. [WATERSHED DISTRICT.] *"Watershed district" means a district established under chapter 112.*

Subd. 9. [WATERSHED MANAGEMENT ORGANIZATION.] *"Watershed management organization" or "organization" means a watershed district wholly within the metropolitan area or a joint powers entity established wholly within the metropolitan area by special law or by agreement which performs some or all of the functions of a watershed district for a watershed and which has the characteristics and the authority specified under section 20. Lake improvement or conservation districts are not watershed management organizations.*

Sec. 20. [473.877] [WATERSHED MANAGEMENT ORGANIZATION.]

Subdivision 1. [AUTHORITY.] *Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water as required by sections 18 to 25 may provide for a joint board having:*

(a) *the authority to prepare and adopt a plan meeting the requirements of section 21;*

(b) *the authority to review and approve local water management plans as provided in section 22;*

(c) *the authority of a watershed district under chapter 112 to regulate the use and development of land when one or more of the following conditions exist: (1) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section 11 or*

has not adopted the implementation program described in the plan; (2) an application to the local government unit for a permit for the use and development of land requires an amendment to or variance from the adopted local water management plan or implementation program of the local unit; (3) the local government unit has authorized the organization to require permits for the use and development of land.

(d) other powers necessary to exercise the authority under clauses (a) to (c), including the power to enter into contracts for the performance of functions with governmental units or persons.

Subd. 2. [REVIEW OF WATERSHED BOUNDARIES.] Before commencing planning under section 21, a watershed management organization established pursuant to section 471.59 and this section shall submit a map delineating the boundaries of the watershed to the water resources board for review and comment on the conformance of the boundaries with the requirements of sections 18 to 25. The board shall have 60 days to comment.

Sec. 21. [473.878] [WATERSHED PLANS.]

Subdivision 1. [REQUIREMENT.] A watershed management plan is required for watersheds comprising all minor watershed units within the metropolitan area. For the purposes of this section a minor watershed unit shall be considered within the metropolitan area if more than 90 percent of its area is within the metropolitan area. The watershed management plan shall be prepared, adopted, and implemented in accordance with the requirements of sections 18 to 25.

Subd. 2. [RESPONSIBLE UNITS.] Where a watershed management organization exists, the plan for the watershed shall be prepared and adopted by the organization. If a watershed management organization is not established by December 31, 1983, for any watershed located wholly outside of Hennepin and Ramsey counties, the county or counties containing the watershed shall prepare and adopt the watershed plan and shall have the planning, review, and permitting authority of a watershed management organization specified in section 20. If a watershed management organization is not established by December 31, 1983, for any watershed or minor watershed unit within the metropolitan area and wholly or partly within Hennepin or Ramsey counties, the county or counties containing the watershed shall petition for the establishment of a watershed district under chapter 112, provided, however, that a district established pursuant to such a petition shall not cross a primary river nor a river forming the boundary between a metropolitan county and a county outside the metropolitan area and shall not have authority to plan or construct storm sewer separation projects without the agreement of all local government units having

territory within the district. A watershed management organization may request a county to prepare all or part of a plan. A county may delegate the preparation of all or part of a plan to the county soil and water conservation district. Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or part of a plan to the city or town.

Subd. 3. [GENERAL STANDARDS.] The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five. The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 18 to 25, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed. The plan shall be prepared and submitted for review under subdivision 5 by December 31, 1985. Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 18 to 25. Existing or amended plans of a watershed management organization which meet the requirements of sections 18 to 25 may be submitted for review under subdivision 5.

Subd. 4. [CONTENTS.] The plan shall:

(a) Describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;

(b) Present information on the hydrologic system and its components and existing and potential problems related thereto;

(c) State objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;

(d) Set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;

(e) Describe conflicts between the watershed plan and existing plans of local government units;

(f) Set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the watershed plan; and

(g) Set out a procedure for amending the plan.

Subd. 5. [REVIEW.] Upon completion of the plan but before final adoption by the organization, the organization shall submit the plan for review and comment to all counties, soil and water conservation districts, towns, and statutory and home rule charter cities having territory within the watershed. Any local government unit which expects that substantial amendment of its local comprehensive plan will be necessary in order to bring local water management into conformance with the watershed plan shall describe as specifically as possible, within its comments, the amendments to the local plan which it expects will be necessary. Sixty days after the submission to local government units for comment, the organization shall submit the plan, any comments received, and any appropriate amendments to the plan, to the board of the county or counties having territory within the watershed. The county shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 112.60, subdivision 2, or section 25. The county shall have 60 days to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the water resources board for review pursuant to subdivision 7.

Subd. 6. [REVIEW BY METROPOLITAN COUNCIL.] After completion of the review under subdivision 5, the plan shall be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans.

Subd. 7. [REVIEW BY STATE AGENCIES.] After completion of the review under subdivision 6, the plan shall be submitted to the commissioner of natural resources and the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 18 to 25. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 18 to 25. If the capital

improvement program is the subject of a dispute between counties, the water resources board shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Subd. 8. [ADOPTION; IMPLEMENTATION.] *The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 7 and approval of the plan by the water resources board. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 112 requiring the managers to wait upon petitions for projects, to submit projects for review by the water resources board, and to limit the cost and purposes of projects.*

Subd. 9. [AMENDMENTS.] *To the extent and in the manner required by the adopted plan, all amendments to the adopted plan shall be submitted to the towns, cities, county, and other agencies for review in accordance with the provisions of subdivisions 5, 6, and 7.*

Sec. 22. [473.879] [LOCAL WATER MANAGEMENT PLANS.]

Subdivision 1. [REQUIREMENT.] *After the watershed plan is approved and adopted, or amended, pursuant to section 21, the local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan within the time period prescribed in the implementation program of the watershed plan and, as necessary, shall prepare or cause to be prepared amendments to the local comprehensive plan. Each town within the counties of Anoka, Carver, Dakota, Scott, and Washington authorized by general or special law to plan and regulate the use of land under sections 462.351 to 462.364 shall by resolution determine whether to prepare the local water management plan itself or to delegate all or part of the preparation of the plan to the county. Towns within counties which have adopted comprehensive plans applicable to the town shall use county preparation of their plan to the maximum extent possible.*

Subd. 2. [STANDARDS; CONTENTS.] *Each local plan, in the degree of detail required in the watershed plan, shall:*

(a) Describe existing and proposed physical environment and land use;

(b) Define drainage areas and the volumes, rates, and paths of stormwater runoff;

(c) *Identify areas and elevations for stormwater storage adequate to meet performance standards established in the watershed plan;*

(d) *Define water quality and water quality protection methods adequate to performance standards established in the watershed plan;*

(e) *Identify regulated areas; and*

(f) *Set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.*

Subd. 3. [REVIEW.] *After consideration but before adoption by the governing body, each local unit shall submit its water management plan to the watershed management organization for review for consistency with the watershed plan adopted pursuant to section 21. The organization shall approve or disapprove the local plan or parts thereof. The organization shall have 60 days to complete its review. If the organization fails to complete its review within the prescribed period, unless an extension is agreed to by the local unit the local plan shall be deemed approved.*

Subd. 4. [ADOPTION; IMPLEMENTATION.] *After approval of the local plan by the organization, the local government unit shall adopt and implement its plan within 120 days and shall amend its official controls accordingly within 180 days.*

Subd. 5. [AMENDMENTS.] *To the extent and in the manner required by the organization, all amendments to local water management plans shall be submitted to the organization for review and approval in accordance with the provisions of subdivision 3 for the review of plans.*

Sec. 23. [473.880] [EXEMPTION FROM LEVY LIMIT.]

Any levy to pay the increased costs to a local government unit or watershed management organization of implementing sections 10 and 11 or to pay costs of improvements and maintenance of improvements identified in an approved and adopted plan shall be in addition to any other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275 except those allowed to be levied pursuant to section 25, subdivision 7 after the taxable years 1984 and thereafter. Notwithstanding any provision to the contrary in chapter 112, a watershed district may levy a tax sufficient to pay the increased costs to the district of implementing sections 21 and 22. The proceeds of any tax levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this section.

Sec. 24. [473.881] [SPECIAL TAX DISTRICT.]

Subdivision 1. [WATERSHED MANAGEMENT TAX DISTRICT.] Any local government unit planning for water management under sections 10 and 11 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 21 and 22. Any local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with section 21 and which has a local water management plan adopted in accordance with section 11 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities.

Subd. 2. [PROCEDURE.] The district shall be established by ordinance adopted after a hearing. Notice of the time, place, and purpose of the hearing shall be published for two successive weeks in the official newspaper of the local government unit, ending at least seven days before the day of the hearing. The ordinance shall describe with particularity the territory or area to be included in the district. After adoption, the ordinance shall be filed with the county auditor and county recorder. The district may be dissolved by following the procedures prescribed for the establishment of the district.

Subd. 3. [TAX.] After adoption of the ordinance under subdivision 2, a local government unit may annually levy a tax on all taxable real property in the district for the purposes for which the tax district is established. The proceeds of the tax shall be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the local unit to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district. A tax levied in accordance with this subdivision for paying capital costs is a levy for the payment of principal and interest on bonded indebtedness within the meaning of section 275.50, subdivision 5, clause (e).

Subd. 4. [BONDS.] After adoption of the ordinance under subdivision 2, and after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done by day labor, the local government unit may issue obligations in the amount it deems necessary to pay in whole or in part the capital cost incurred and estimated to be incurred in making the improvement. The obligations shall be payable out of the proceeds of the tax levied pursuant to subdivision 3. The local unit may by resolution of its governing body adopted prior to the sale of obligations pledge the full faith, credit and taxing power of the local unit to assure payment of the principal

and interest in the event the proceeds of the tax levy in the district are insufficient to pay principal and interest. The amount of any taxes which are required to be levied outside of the territory of the tax district or taken from the general funds of the local unit to pay principal and interest on the obligations shall be reimbursed to the local unit from taxes levied within the territory of the tax district. Obligations shall be issued in accordance with chapter 475, except that an election is not required and the amount of any obligations shall not be included in determining the net indebtedness of the local unit under the provisions of any law or charter limiting indebtedness.

Sec. 25. [473.882] [WATERSHED MANAGEMENT ORGANIZATION; CAPITAL IMPROVEMENTS; PAYMENT BY COUNTY.]

Subdivision 1. [GENERAL AUTHORITY.] *The authority provided to watershed districts in this section is in addition to the authority provided in chapter 112. A watershed management organization which has adopted a watershed plan in accordance with section 10 may certify for payment by the county as provided in this section all or any part of the cost of a capital improvement contained in the capital improvement program of the plan.*

Subd. 2. [PROCEDURE.] *A copy of the plan for the improvement shall be forwarded to the county board. The organization shall then hold a public hearing on the proposed improvement, following publication once each week for two successive weeks before the date of the hearing in a legal newspaper published in the county or counties in which a part or all of the affected waters and lands are located. The last publication shall occur not more than 30 days nor less than ten days before the hearing. The notice shall state the time and place of hearing, the general nature of the proposed improvement, the estimated cost, and the method by which the cost of the improvement is to be paid, including the cost to be allocated to each county under subdivision 3. Not less than ten days before the hearing, notice by mail shall be given to the counties and to each home rule charter or statutory city or town located wholly or partly within the territory of the watershed management organization. Failure to give mailed notice or defects in the notice shall not invalidate the proceedings. At the time and place specified in the notice the organization shall hear all parties interested in the proposed improvement. If upon full hearing the organization finds that the improvement will be conducive to public health and promote the general welfare, and is in compliance with sections 18 to 25 and the plan adopted pursuant to section 21, it shall make findings accordingly, determine the cost of the improvement, and certify the cost to the county or counties for payment.*

Subd. 3. [APPORTIONMENT OF COSTS.] *If the territory of the watershed management organization extends into more than one county, the cost of the improvement shall be certified to the county boards in an amount bearing the same proportion to the cost of the improvement as the assessed value of all taxable property in the part of the territory of the organization located within each county bears to the assessed value of all taxable property in the territory of the organization.*

Subd. 4. [COUNTY PAYMENT.] *Each county receiving a certification for payment from a watershed management organization pursuant to this section shall provide funds to meet its proportionate share of the cost of the improvement as shown in the certification by the organization.*

Subd. 5. [BONDS.] *In order to make the payment required by subdivision 4, the county board of each county may issue general obligation bonds of the county in the amount necessary to pay all or part of the cost of improvements certified to the county board or to refund general obligation bonds issued for this purpose. The bonds shall be sold, issued, and secured in accordance with the provisions of chapter 475 for general obligation bonds, except as otherwise provided in this subdivision. No election shall be required.*

Subd. 6. [TAX.] *For the payment of principal and interest on the bonds issued under subdivision 5 and the payment required under subdivision 4, the county shall irrevocably pledge and appropriate the proceeds of an ad valorem tax levied on all taxable property located within the territory of the watershed management organization for which the bonds are issued. Each year until the reserve for payment of the bonds is sufficient to retire the bonds, the county shall levy on all taxable property in the territory of the organization, without respect to any statutory or other limitation on taxes, an amount of taxes sufficient to pay principal and interest on the bonds and to restore any deficiencies in reserves required to be maintained for payment of the bonds. If at any time the amounts available from the levy on property in the territory of the organization are insufficient to pay principal and interest on the bonds when due, the county shall make payment from any available funds in the county treasury. The amount of any taxes which are required to be levied outside of the territory of the watershed management organization or taken from the general funds of the county to pay principal or interest on the bonds shall be reimbursed to the county from taxes levied within the territory of the watershed management organization.*

Subd. 7. [MAINTENANCE LEVY.] *For the purpose of creating a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by the county pursuant to subdivision*

4, the board of managers of a watershed district, with the approval of the county, may impose an ad valorem levy on all property located within the territory of the watershed district. The levy shall be certified, levied, collected, and distributed as provided in section 112.611, and shall be in addition to any other moneys levied and distributed to the district thereunder. The proceeds of the levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

Sec. 26. [APPLICATION.]

Sections 18 to 25 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 27. [EFFECTIVE DATE.]

Sections 1 to 11 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to metropolitan government; providing for the establishment and operation of a water planning and management program in the metropolitan area; requiring watershed and local water management plans; providing for the establishment and operation of watershed management organizations; establishing provision for the event that grant funding is not received for the North Koochiching area sanitary district; authorizing debt; authorizing taxes; amending Minnesota Statutes 1980, Sections 112.35, by adding a subdivision; 112.37, Subdivision 1, and by adding a subdivision; 112.42, Subdivision 3, and by adding a subdivision; 112.43, by adding a subdivision; 112.46; Laws 1981, Chapter 291, Section 2, Subdivisions 1 and 2, and by adding subdivisions; 4, Subdivision 1; 5, Subdivision 2; 7; 8, Subdivisions 1 and 2, and by adding a subdivision; and 24; proposing new law coded in Minnesota Statutes, Chapter 473."

The motion prevailed and the amendment was adopted.

Levi moved to amend S. F. No. 1451, the third engrossment, as amended, as follows:

Page 11, line 15, delete "7" and insert "18"

Page 11, line 16, delete "14" and insert "25"

Page 12, line 2, delete "crosses" and insert "cross"

Page 13, line 26, after "any" insert "minor"

Page 13, line 26, after "*watershed*" insert "*unit*"

Page 13, line 27, after "*watershed*" insert "*unit*"

Page 13, line 32, delete "*watershed or*"

Page 13, line 34, after "*watershed*" insert "*unit*"

Page 18, line 32, delete "*10 and 11*" and insert "*21 and 22*"

Page 18, line 36, insert a comma after "*275*"

Page 18, line 36, delete "*those allowed to be levied*" and insert "*levies*"

Page 19, line 1, delete "*after the taxable years*" and insert "*, for taxes payable in*"

Page 19, line 2, delete "*1984*" and insert "*1985*"

Page 19, line 11, delete "*10 and 11*" and insert "*21 and 22*"

Page 19, line 17, delete "*11*" and insert "*22*"

Page 21, line 3, delete "*10*" and insert "*21*"

Page 21, line 36, before "*county*" insert "*respective*"

Page 21, line 36, delete everything after "*in*"

Page 22, delete lines 1 to 4 and insert "*the proportions prescribed in the capital improvement program of the organization.*"

Further amend the title as follows:

Page 23, line 26, delete "*metropolitan government*" and insert "*storm and waste water management*"

Page 23, line 29, after "*plans*" insert "*in the metropolitan area*"

Page 23, line 31, after "*organizations*" insert "*in the metropolitan area*"

The motion prevailed and the amendment was adopted.

Levi moved to amend S. F. No. 1451, the third engrossment as amended, as follows:

Page 14, line 3, delete "*and*" and insert a comma

Page 14, line 3, delete everything after "shall"

Page 14, delete lines 4 and 5

Page 14, line 3, delete *"territory within the district"* and insert *"have boundaries which are based upon negotiations among all local government units which may have territory within the district and adjacent watersheds and shall not cross county boundaries to include territory whose distinguishing characteristic is multiple drainage points into a primary river"*

The motion prevailed and the amendment was adopted.

Novak moved to amend S. F. No. 1451, the third engrossment, as amended, as follows:

Page 19, line 35, delete *"real"*

The motion prevailed and the amendment was adopted.

Anderson, I., moved to amend S. F. No. 1451, the third engrossment, as amended, as follows:

Page 6, line 18, after *"act."* insert *"Proportionate difference" in this subdivision means the difference in value determined in Laws 1981, Chapter 291, Section 2, Subdivision 10, as amended by section 4 of this act, divided by the number of remaining government units."*

The motion prevailed and the amendment was adopted.

S. F. No. 1451, A bill for an act relating to metropolitan government; providing for the establishment and operation of a water planning and management program in the metropolitan area; requiring watershed and local water management plans; providing for the establishment and operation of watershed management organizations; establishing provision for the event that grant funding is not received for the North Koochiching area sanitary district; authorizing counties, cities, and towns to bond for certain watershed improvements; authorizing taxes; amending Minnesota Statutes 1980, Sections 112.35, by adding a subdivision; 112.37, Subdivision 1, and by adding a subdivision; 112.42, Subdivision 3, and by adding a subdivision; 112.43, by adding a subdivision; Laws 1981, Chapter 291, Section 2, Subdivisions 1, 2, and by adding subdivisions; 4, Subdivision 1; 5, Subdivision 2; 7; 8, Subdivisions 1, 2, and by adding a subdivision; and 24; proposing new law coded in Minnesota Statutes, Chapter 473.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knickerbocker Rees

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

MOTION FOR RECONSIDERATION

Pursuant to notice given on March 9, 1982, Carlson, D., moved that the vote whereby H. F. No. 1757 was not passed on Special Orders on March 9, 1982 be now reconsidered. The motion prevailed.

H. F. No. 1757 was reported to the House.

CALL OF THE HOUSE

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

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

Kalis	McEachern	Otis	Sarna	Valan
Kelly	Mehrkens	Peterson, B.	Schafer	Valento
Knickerbocker	Minne	Peterson, D.	Schoenfeld	Vellenga
Kostohryz	Munger	Piepho	Schreiber	Voss
Kvam	Murphy	Pogemiller	Shea	Weaver
Lemen	Nelson, K.	Redalen	Sherman	Welch
Levi	Niehaus	Reding	Sherwood	Wenzel
Long	Norton	Rees	Simoneau	Wieser
Ludeman	Novak	Reif	Skoglund	Wigley
Luknic	Nysether	Rodriguez, C.	Stadum	Wynia
Mann	O'Connor	Rodriguez, F.	Staten	Zubay
Marsh	Ogren	Rose	Stumpf	Spkr. Sieben, H.
McCarron	Olsen	Rothenberg	Sviggum	
McDonald	Onnen	Samuelson	Swanson	

Eken moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 1757, A bill for an act relating to the University of Minnesota hospitals; limiting the amount of certain bonds previously authorized; amending Laws 1981, Chapter 275, Section 1, Subdivisions 1 and 9, and by adding a subdivision.

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.

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

There were 81 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Aasness	Greenfield	Kvam	Piepho	Stumpf
Ainley	Gruenes	Laidig	Pogemiller	Sviggum
Begich	Halberg	Lemen	Redalen	Swanson
Blatz	Hauge	Levi	Rees	Valan
Brinkman	Haukoos	Ludeman	Reif	Valento
Clark, K.	Heap	Luknic	Rodriguez, C.	Vellenga
Clawson	Heinitz	Marsh	Rose	Weaver
Dean	Himle	McDonald	Rothenberg	Welch
Dempsey	Hoberg	Mehrkens	Sarna	Welker
Den Ouden	Hokanson	Minne	Schafer	Wieser
Drew	Hokr	Nelsen, B.	Schreiber	Wigley
Elioff	Jennings	Nelson, K.	Shea	Wynia
Esau	Johnson, D.	Niehaus	Sherman	Zubay
Evans	Jude	Nysether	Sherwood	
Ewald	Kahn	Olsen	Skoglund	
Fjoslien	Kaley	Onnen	Stadum	
Forsythe	Knickerbocker	Peterson, B.	Stowell	

Those who voted in the negative were:

Anderson, G.	Battaglia	Brandl	Carlson, L.	Dahlvang
Anderson, I.	Berkelman	Byrne	Clark, J.	Eken

Ellingson	Kalis	Munger	Peterson, D.	Simoneau
Erickson	Kelly	Murphy	Reding	Staten
Gustafson	Kostohryz	Norton	Rice	Vanasek
Hanson	Lehto	Novak	Rodriguez, F.	Voss
Harens	Long	O'Connor	Samuelson	Wenzel
Jacobs	Mann	Ogren	Schoenfeld	Spkr. Sieben, H.
Johnson, C.	McCarron	Otis	Sieben, M.	

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1799:

Swanson; Sieben, M., and Kaley.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1897:

Rice, Wynia and Laidig.

SPECIAL ORDERS

S. F. No. 1666 temporarily laid over earlier today was again reported to the House.

Wynia moved to amend S. F. No. 1666, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [480.24] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. [ELIGIBLE CLIENT.] "Eligible client" means an individual or organization that is financially unable to afford legal assistance, as determined by a recipient on the basis of

eligibility guidelines established by the supreme court pursuant to section 4, subdivision 1.

Subd. 3. [QUALIFIED LEGAL SERVICES PROGRAM.] *"Qualified legal services program" means a nonprofit corporation which provides or proposes to provide legal services to eligible clients in civil matters and which is governed by a board of directors composed of attorneys-at-law and consumers of legal services.*

Subd. 4. [RECIPIENT.] *"Recipient" means a qualified legal services program that receives funds from the supreme court to provide legal services to eligible clients.*

Sec. 2. [480.241] [FILING FEE SURCHARGE IN CIVIL ACTIONS.]

Subdivision 1. [AMOUNT OF SURCHARGE; COLLECTION BY COURT CLERKS AND ADMINISTRATORS.] *A plaintiff, petitioner, defendant, respondent, intervenor or moving party in any district, county or municipal court civil action or civil proceeding in which an initial filing fee is payable by that party, except a marriage dissolution or conciliation court action, shall pay to the clerk of district or county court or court administrator of the municipal courts of Hennepin County or Ramsey County a surcharge of \$10 in addition to the initial filing fee otherwise prescribed. A plaintiff, defendant or moving party in any conciliation court action in which an initial filing fee is payable shall pay to the clerk of conciliation court a surcharge of one dollar in addition to the initial filing fee otherwise prescribed. Notwithstanding any other law or rule to the contrary, no surcharge shall be paid by any governmental unit of the state of Minnesota, any local unit of government, or agency thereof, when the governmental unit, local government, or agency thereof is a party to any civil action or civil proceeding in the municipal courts of Hennepin or Ramsey counties, or in any county court.*

Subd. 2. [TRANSMITTAL OF SURCHARGE TO SUPREME COURT.] *Notwithstanding any other law or rule to the contrary, all surcharges collected pursuant to subdivision 1 shall be transmitted monthly by the district, county and conciliation court clerks and municipal court administrators to the supreme court for deposit in the general fund.*

Sec. 3. [480.242] [DISTRIBUTION OF SURCHARGE FUNDS TO QUALIFIED LEGAL SERVICES PROGRAMS.]

Subdivision 1. [ADVISORY COMMITTEE.] *The supreme court shall establish an advisory committee to assist it in performing its responsibilities under sections 1 to 5. The advisory committee shall consist of eleven members appointed by the*

supreme court including seven attorneys-at-law who are well acquainted with the provision of legal services in civil matters, two public members who are not attorneys and two persons who would qualify as eligible clients. Four of the attorney-at-law members shall be nominated by the state bar association in the manner determined by it, and three of the attorney-at-law members shall be nominated by the programs in Minnesota providing legal services in civil matters on July 1, 1982, with funds provided by the federal Legal Services Corporation in the manner determined by them. In making the appointments of the attorney-at-law members, the supreme court shall not be bound by the nominations prescribed by this section. In making appointments to the advisory committee, the supreme court shall ensure that urban and rural areas of the state are represented. The supreme court shall adopt by rule policies and procedures for the operation of the advisory committee including, but not limited to, policies and procedures governing membership terms, removal of members, and the filling of membership vacancies.

Subd. 2. [REVIEW OF APPLICATIONS; SELECTION OF RECIPIENTS.] At times and in accordance with any procedures as the supreme court adopts in the form of court rules, applications for the expenditure of funds collected pursuant to section 2 shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the supreme court, shall distribute the funds received pursuant to section 2, subdivision 2 to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. Subject to the provisions of subdivision 4, the funds shall be distributed in accordance with the following formula.

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program, as determined by the supreme court on the basis of the 1980 national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil matters to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar to per-

form services and programs for qualified alternative dispute resolution. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

Subd. 3. [TIMING OF DISTRIBUTION OF FUNDS.] *The funds to be distributed to recipients selected in accordance with the provisions of subdivision 2 shall be distributed by the supreme court no less than twice per calendar year.*

Subd. 4. [ADMINISTRATION.] *The supreme court may retain up to five percent of the funds received pursuant to section 2, subdivision 2 to defray the costs incurred in executing its responsibilities and the responsibilities of the advisory committee under sections 1 to 5.*

Sec. 4. [480.243] [CLIENT ELIGIBILITY; RECEIPT OF OTHER FUNDS.]

Subdivision 1. [COMMITTEE ELIGIBILITY GUIDELINES.] *The supreme court, with the advice of the advisory committee, shall establish guidelines in the form of court rules to be used by recipients to determine the eligibility of individuals and organizations for legal services provided with funds received pursuant to section 3. The guidelines shall be designed solely to assist recipients in determining whether an individual or organization is able to afford or secure legal assistance from private counsel with respect to the particular matter for which assistance is requested.*

Subd. 2. [RECEIPT OF OTHER FUNDS BY RECIPIENTS.] *Nothing in this section shall be construed to prohibit a recipient from soliciting and accepting other public or private funds to be used for the provision of legal services in civil matters to persons who are not eligible clients, and the guidelines established pursuant to subdivision 1 shall not apply to the use of other funds.*

Sec. 5. [480.244] [REVENUE AND EXPENDITURE RECORDS; POST-AWARD AUDITS.]

A recipient of funds distributed pursuant to section 3 shall maintain revenue and expenditure records regarding those funds in accordance with acceptable general accounting principles for a period of five years following their receipt. The legislative auditor may conduct post-award audits of the funds distributed pursuant to section 3 upon the request of the supreme court and the approval of the legislative audit commission.

Sec. 6. [REPORTS TO THE LEGISLATURE.]

The supreme court shall prepare and submit to the legislature on or before January 1, 1985 a report analyzing the effectiveness of the filing fee surcharge as a means of funding legal services in civil matters to persons unable to afford private counsel and making recommendations regarding the funding of services.

The judicial planning committee shall submit a report to the chairmen of the house appropriations and senate finance committees by February 1, 1983, with recommendations relative to the appropriate placement of the administrative responsibilities of this act. The committee shall consider merging administrative functions with the duties of the board of public defense.

Sec. 7. [APPROPRIATIONS.]

There is appropriated from the general fund to the supreme court all monies deposited pursuant to section 2, subdivision 2, for the fiscal year ending June 30, 1983.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective July 1, 1982. Section 2 applies to filings made on or after July 1, 1982.

Sec. 9. [SUNSET PROVISION.]

Sections 1 to 7 are repealed effective June 30, 1985."

Delete the title and insert:

"A bill for an act relating to legal services; providing for a surcharge on civil filing fees; authorizing the supreme court to appoint an advisory committee; authorizing the distribution of the surcharge funds to qualified programs providing legal services to certain persons; requiring a report to the legislature; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 480."

The motion prevailed and the amendment was adopted.

The Speaker called Heinitz to the Chair.

Peterson, B., and Jude moved to amend S. F. No. 1666, the first engrossment, as amended, as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 375.167, Subdivision 1, is amended to read:

375.167 [NONPROFIT LEGAL ASSISTANCE CORPORATIONS.]

Subdivision 1. [APPROPRIATIONS.] Notwithstanding the provisions and limitations of section 275.09, and any other law to the contrary, the county board of any county may appropriate from the general revenue fund to any nonprofit corporation a sum not to exceed one-fourth of a mill on the dollar of the taxable valuation of the county for the purpose of providing legal assistance to persons who are unable to afford private legal counsel. This levy shall (NOT) be subject to the levy limits established by sections 275.50 to 275.59 (OR FIRST SPECIAL SESSION LAWS 1981, CHAPTER 1, ARTICLE 5, SECTIONS 3 TO 7 AND SHALL BE DISREGARDED IN THE CALCULATION OF LEVIES SUBJECT TO THEM)."

Renumber sections in sequence

Correct internal cross-references

Amend the title as follows:

Page 6, line 15, after the semi-colon, insert "amending Minnesota Statutes 1981 Supplement, Section 375.167, Subdivision 1;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 76 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	Nysether	Stowell
Ainley	Evans	Kvam	Olsen	Sviggum
Battaglia	Fjoslien	Laidig	Onnen	Swanson
Begich	Forsythe	Lehto	Peterson, B.	Valan
Berkelman	Gruenes	Lemen	Piepho	Valento
Elatz	Halberg	Long	Redalen	Vanasek
Brandl	Haukoos	Ludeman	Rees	Weaver
Brinkman	Heap	Luknic	Reif	Welker
Byrne	Heinitz	Mann	Rose	Wenzel
Carlson, D.	Himle	Marsh	Rothenberg	Wieser
Carlson, L.	Hoberg	McDonald	Sarna	Wigley
Dean	Hokr	McEachern	Schafer	Zubay
Dempsey	Jennings	Mehrkens	Schreiber	
Den Ouden	Johnson, D.	Minne	Sherman	
Elioff	Jude	Murphy	Sherwood	
Erickson	Kalis	Niehaus	Stadum	

Those who voted in the negative were:

Anderson, I.	Greenfield	Jacobs	O'Connor	Rodriguez, C.
Clark, K.	Gustafson	Kahn	Otis	Rodriguez, F.
Clawson	Hanson	Kelly	Peterson, D.	Schoenfeld
Dahlvang	Hauge	Kostohryz	Pogemiller	Sieben, M.
Ellingson	Hokanson	Nelson, K.	Reding	Simoneau

Skoglund
StatenStumpf
Tomlinson

Vellenga

Voss

Wynia

The motion prevailed and the amendment was adopted.

Byrne moved to amend S. F. No. 1666, the first engrossment, as amended, as follows:

Page 6, after line 1, insert:

"Sec. 9. [APPROPRIATION LIMITATION.]

Effective immediately the appropriation provided in Laws 1981, Chapter 356, Section 3 for the fiscal year ending June 30, 1983 shall be available, to the extent it is awarded as grants, only to alternative dispute resolution programs designed to train or reimburse persons other than attorneys in the resolution of disputes."

Page 6, line 2, delete "8" and insert "10"

Page 6, line 3, delete "7" and insert "9"

Page 6, line 5, delete "9" and insert "11"

The motion prevailed and the amendment was adopted.

Clawson moved to amend S. F. No. 1666, the first engrossment, as amended, as follows:

Page 2, line 35, delete "seven" and insert "five"

Page 3, line 1, delete the first "two" and insert "three"

Page 3, line 1, delete the second "two" and insert "three"

Page 3, line 2, delete "Four of the"

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

Sviggum and Ainley moved to amend S. F. No. 1666, the first engrossment, as amended, as follows:

Page 1, line 16, delete "or organization"

The motion prevailed and the amendment was adopted.

S. F. No. 1666, A bill for an act relating to legal services; providing for a surcharge on civil filing fees; authorizing the supreme court to appoint an advisory committee; authorizing the distribution of the surcharge funds to qualified programs providing legal services to certain persons; requiring a report

to the legislature; proposing new law coded in Minnesota Statutes, Chapter 480.

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

The question was taken on the passage of the bill and the roll was called. There were 87 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kelly	Onnen	Simoneau
Anderson, I.	Fjoslien	Kostohryz	Otis	Skoglund
Battaglia	Greenfield	Laidig	Peterson, B.	Staten
Begich	Gruenes	Lehto	Peterson, D.	Stowell
Berkelman	Gustafson	Lemen	Piepho	Stumpf
Blatz	Hanson	Long	Pogemiller	Swanson
Brandl	Harens	Luknic	Reding	Tomlinson
Byrne	Hauge	Mann	Rice	Vanasek
Carlson, L.	Heap	McCarron	Rodriguez, C.	Vellenga
Clark, J.	Heinitz	McEachern	Rodriguez, F.	Voss
Clark, K.	Himle	Minne	Rose	Weaver
Clawson	Hokanson	Munger	Rothenberg	Welch
Dahlvang	Hokr	Murphy	Samuelson	Wenzel
Dempsey	Jacobs	Nelson, K.	Schafer	Wigley
Drew	Johnson, C.	Norton	Schoenfeld	Wynia
Eken	Johnson, D.	Novak	Shea	
Elieff	Jude	O'Connor	Sherman	
Ellingson	Kahn	Ogren	Sieben, M.	

Those who voted in the negative were:

Ainley	Forsythe	Knickerbocker	Nysether	Sviggum
Anderson, G.	Halberg	Ludeman	Olsen	Valan
Brinkman	Haukoos	Marsh	Redalen	Valento
Carlson, D.	Hoberg	McDonald	Rees	Welker
Dean	Jennings	Mehrkens	Reif	Wieser
Den Ouden	Kaley	Nelsen, B.	Schreiber	Zubay
Ewald	Kalis	Niehaus	Stadum	

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 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 Senate has appointed as such committee Messrs. Davies; Ulland; Peterson, R. W.; Dieterich and Olhoff.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 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 16.826; 85.-015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; proposing new law coded in Minnesota Statutes, Chapter 84.

The Senate has appointed as such committee Messrs. Willet, Menning, Luther, Engler and Nelson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1663, A bill for an act relating to law libraries; recodifying the laws governing county law libraries; amending Minnesota Statutes 1980, Sections 140.34; 140.35; 140.36; 140.-37; 140.38; 140.39; 140.40; 140.44; 140.45; 140.46; and 480.09,

Subdivision 5; proposing new law coded in Minnesota Statutes 1980, Chapter 140; repealing Minnesota Statutes 1980, Sections 140.01 to 140.20; 140.212 to 140.33; 140.41 to 140.435; Minnesota Statutes 1981 Supplement, Section 140.21.

The Senate has appointed as such committee Messrs. Peterson, R. W.; Tennessen and Merriam.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1902, A bill for an act relating to Ramsey County; permitting the county to establish a small business set-aside program.

The Senate has appointed as such committee Mrs. Lantry, Messrs. Waldorf and Hughes.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1365, A bill for an act relating to cities; authorizing city rehabilitation loan programs for small and medium sized commercial buildings; and providing for the issuance of revenue bonds to finance the programs; authorizing a housing and commercial rehabilitation interest reduction program; amending Minnesota Statutes 1980, Sections 462.421, Subdivision 14; 462.445, by adding subdivisions; and 462.545, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 459.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 303.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 303, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, by adding a section to authorize at the track parimutuel betting on races if authorized by law; proposing an amendment to the Minnesota Constitution by repealing Article XIII, Section 5, the prohibition against lotteries.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Reding moved that the rule therein be suspended and an urgency be declared so that S. F. No. 303 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Reding moved that the rules of the House be so far suspended that S. F. No. 303 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 303 was read for the second time.

The Speaker resumed the Chair.

Reding moved to amend S. F. No. 303, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [PROPOSED AMENDMENT.]

An amendment to the Minnesota Constitution, Article X, adding a section, is proposed to the people. If the amendment is adopted, the section will read:

Sec. 8. The legislature may authorize and tax parimutuel wagering on horse and dog racing in a manner prescribed by law.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 1982 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to authorize and tax parimutuel wagering on horse and dog races to be authorized by law?"

Yes.....

No....."

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; authorizing and taxing parimutuel wagering on races if authorized by law."

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

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

Aasness	Erickson	Jude	Nelson, K.	Schoenfeld
Ainley	Ewald	Kahn	Niehaus	Schreiber
Anderson, G.	Fjoslien	Kalis	Novak	Shea
Anderson, I.	Forsythe	Kelly	O'Connor	Sherman
Battaglia	Greenfield	Knickerbocker	Ogren	Sieben, M.
Berkelman	Gruenes	Kostohryz	Olsen	Simoneau
Blatz	Gustafson	Kvam	Onnen	Skoglund
Brinkman	Hanson	Laidig	Otis	Stadum
Byrne	Harens	Lehto	Peterson, B.	Stowell
Carlson, D.	Hauge	Lemen	Peterson, D.	Stumpf
Carlson, L.	Haukoos	Levi	Piepho	Swiggum
Clark, J.	Heap	Long	Pogemiller	Swanson
Clawson	Heinitz	Ludeman	Redalen	Tomlinson
Dean	Himle	Luknic	Reding	Valan
Dempsey	Hoberg	Marsh	Rees	Valento
Den Ouden	Hokanson	McEachern	Rice	Vanasek
Drew	Hokr	Metzen	Rodriguez, C.	Wenzel
Eken	Jacobs	Minne	Rothenberg	Wieser
Elioff	Jennings	Munger	Sarna	Zubay
Ellingson	Johnson, C.	Nelsen, B.	Schafer	Spkr. Sieben, H.

Simoneau moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

S. F. No. 303, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, by adding a section to authorize at the track parimutuel betting on races if authorized by law; proposing an amendment to the Minnesota Constitution by repealing Article XIII, Section 5, the prohibition against lotteries.

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

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

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

There were 76 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Kostohryz	O'Connor	Sieben, M.
Anderson, G.	Evans	Lehto	Ogren	Simoneau
Anderson, I.	Halberg	Levi	Olsen	Stumpf
Begich	Hauge	Ludeman	Peterson, D.	Svigum
Berkelman	Heap	Luknic	Piepho	Tomlinson
Blatz	Heinitz	Mann	Pogemiller	Valento
Brinkman	Himle	Marsh	Redalen	Vanasek
Byrne	Hoberg	McCarron	Reding	Welker
Carlson, L.	Hokanson	McDonald	Rees	Wenzel
Clark, J.	Hokr	McEachern	Reif	Wieser
Clawson	Jacobs	Mehrkins	Rodriguez, F.	Wigley
Dahlvang	Jennings	Metzen	Rose	Spkr. Sieben, H.
Dean	Jude	Minne	Samuelson	
Dempsey	Kahn	Munger	Sarna	
Drew	Kalis	Murphy	Schreiber	
Eken	Kelly	Novak	Sherman	

Those who voted in the negative were:

Aasness	Fjoslien	Kvam	Peterson, B.	Stowell
Ainley	Forsythe	Laidig	Rice	Swanson
Battaglia	Greenfield	Lemen	Rodriguez, C.	Valan
Brandl	Gruenes	Long	Rothenberg	Vellenga
Carlson, D.	Gustafson	Nelsen, B.	Schafer	Voss
Clark, K.	Hanson	Nelson, K.	Schoenfeld	Weaver
Den Ouden	Haukoos	Niehaus	Shea	Welch
Ellingson	Johnson, C.	Norton	Sherwood	Wynia
Erickson	Johnson, D.	Nysether	Skoglund	Zubay
Esau	Kaley	Onnen	Stadum	
Ewald	Knickerbocker	Otis	Staten	

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

SPECIAL ORDERS

H. F. No. 1017, A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, Section 5; providing for the improvement and rehabilitation of certain railroad facilities; amending Minnesota Statutes 1980, Section 222.49.

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.

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

There were 112 yeas and 11 nays as follows :

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Drew	Ludeman	Peterson, B.	Schreiber	Weaver
Knickerbocker	Norton	Rothenberg	Valento	Zubay
Kvam				

The bill was passed and its title agreed to.

H. F. No. 1505 was reported to the House.

Jennings moved that H. F. No. 1505 be returned to its author. The motion prevailed.

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

H. F. No. 2033 was reported to the House.

There being no objection, H. F. No. 2033 was continued on Special Orders.

H. F. No. 2034 was reported to the House.

There being no objection, H. F. No. 2034 was continued on Special Orders.

H. F. No. 2080 was reported to the House.

Lemen moved to amend H. F. No. 2080, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [362.60] [DEFINITIONS.]

Subdivision 1. [GENERAL.] For the purpose of sections 1 to 3 the terms defined in this section have the meanings given them.

Subd. 2. [COMMISSION.] "Commission" means the legislative commission for job development.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the department of energy, planning and development.

Subd. 4. [NEW JOB.] "New job" means a permanent job which was created due to the expansion of an existing business or the formation of a new business and which is determined by the commissioner to be a new job.

Sec. 2. [362.61] [LEGISLATIVE COMMISSION FOR JOB DEVELOPMENT.]

Subdivision 1. [CREATION.] There is created the legislative commission for job development. The commission shall consist of six members of the house and six members of the senate. The senate members shall consist of three members designated by the leader of the majority caucus and three members designated by the leader of the minority caucus.

The house members shall consist of three members designated by the leader of the minority caucus and three members designated by the leader of the majority caucus.

The governor, the commissioner of the department of energy, planning and development, and the commissioner of the department of revenue or their designees shall be ex officio members of the commission. Any member of the commission may resign by providing notice to the chairman. A replacement shall be selected in the same manner as the member replaced.

The commission shall elect its own officers who shall serve for terms of 18 months. The chairmanship of the commission shall alternate between a member of the senate and a member of the house. The commission shall utilize existing legislative staff for its staff to the extent possible and may employ professional, clerical and technical assistants necessary to perform its duties.

The commission shall maintain an office in the capitol group of buildings.

Subd. 2. [MEETINGS QUORUM.] The commission shall meet at least once a month on a regular schedule and may meet more frequently at the call of the chairman or at the request of a majority of its legislative members. Any action of the commission shall require the approval of seven of its legislative members.

Subd. 3. [REVIEWING CONTRACTS.] The commissioner shall regularly advise the commission of contract negotiations conducted with employers pursuant to section 3. During the course of the negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties. The commissioner shall submit to the chairman of the commission any negotiated agreements. Agreements shall be submitted within five days of the date of approval by the commissioner but before the agreement is signed. If the commission disapproves of any agreement, the commission shall specify in writing to the parties those portions with which it disagrees and the reasons therefor. Failure of the commission to disapprove of an agreement within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the commissioner.

Sec. 3. [362.62] [COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT; NEW JOB ASSISTANCE.]

Subdivision 1. [POWERS.] The commissioner is authorized to enter into contracts with employers and third parties which provide assistance to employers with respect to projects which the commissioner determines will create new jobs. The commissioner may provide the assistance in any combination of the following:

(a) Provide income tax credits of up to five percent of the payroll for the amount by which the annual payroll exceeds 110 percent of the average payroll for the preceding year. "Payroll" includes only pay subject to Minnesota individual income tax. The credit may not be available for more than ten consecutive years;

(b) Provide an exemption from the sales and use tax on building materials and other capital equipment used for new construction or expansion;

(c) Reduce corporate income tax for a number of years and in an amount as determined by the commissioner; and

(d) *Provide aid for compliance with licensing requirements, certificate of need applications and environmental impact statements.*

Subd. 2. [PROCEDURES, COMMISSION ASSISTANCE.] *An employer seeking assistance for projects which the employer claims will create new jobs shall file an application with the commissioner on forms supplied by the commissioner. The application shall include the number of permanent new jobs the project will create itemized as to type of job, annual wage, the type of assistance sought from the commissioner and other information the commissioner may require. The commissioner shall respond to an application within 90 days of its receipt describing in writing to the applicant whether or not assistance will be provided and what kind of assistance will be provided.*

Subd. 3. [CONTRACT OF ASSISTANCE.] *A contract of assistance shall be executed by the commissioner and the assisted employer. The contract shall detail the assistance to be provided and the obligations of the employer. Third parties may be included as contracting parties as guarantors. Labor unions may be included as contracting parties with respect to labor relations on a project. Local governments may be parties to a contract. All state agencies shall cooperate in performing the state's contract obligations. A contract shall be drafted so that in all cases the dollar assistance given by the state will at the least be offset by the dollar increase in total revenues to the state due to the new jobs created because of the assistance. No contract may be signed by the commissioner until 45 days after it is submitted to the commission.*

Sec. 4. *Minnesota Statutes 1980, Section 290.06, is amended by adding a subdivision to read:*

Subd. 9b. [JOB DEVELOPMENT CREDIT.] *A credit as provided pursuant to a contract executed pursuant to section 3, subdivision 3. If the amount of the credit provided by this subdivision exceeds the taxpayer's liability for taxes pursuant to chapter 290 in the taxable year, beginning after December 31, 1981, the excess amount may be carried forward to the four taxable years following 1981. The entire amount of the credit not used shall be carried to the earliest of the four taxable years to which the credit may be carried and then to each of the three successive taxable years.*

Sec. 5. *Minnesota Statutes 1981 Supplement, Section 290.06, Subdivision 1, is amended to read:*

Subdivision 1. [COMPUTATION, CORPORATIONS.] *The privilege and income taxes imposed by this chapter upon corporations shall be computed by applying to their taxable net income in excess of the applicable deductions allowed under section 290.21 the rate of 12 percent. The rate of tax provided in a con-*

tract executed pursuant to section 3, subdivision 3 shall govern the tax rate of a contracting taxpayer.

Sec. 6. Minnesota Statutes 1981 Supplement, Section 297A.25, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article V, Section 2, is amended to read:

Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, but not including foods which are prepared or specially sliced, wrapped, arranged or displayed, and sold cold or hot for immediate consumption on or off the premises on which the sale is made, whether sold in individual servings or in larger quantities, except food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United

States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal

property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airlift equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.-079. For purposes of this clause, "airlift equipment" includes airplanes and parts necessary for the repair and maintenance of such airlift equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an oppor-

tunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that:

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.

(aa) *Any exemption provided in a contract executed pursuant to section 3, subdivision 3.*

Sec. 7. [SALES TAX EXEMPTION FOR NEW PLANTS; CONTRACT REQUIRED.]

An exemption from the sales tax imposed in chapter 297A which is allowed for materials and supplies or equipment consumed in constructing or incorporated into the construction of a new plant, or the expansion of an existing plant, which are purchased or used in connection with the construction, shall be effective only if purchased pursuant to a contract of assistance under section 5, subdivision 3. Regardless of the order of final enactment of this section and any act providing the exemption referred to in this section, this section shall be given effect.

Sec. 8. [ALLOCATION OF PRIOR UNUSED APPROPRIATIONS; APPROPRIATION.]

There is allocated to the legislative commission on job development for the biennium ending June 30, 1983, the sum of \$40,000 from uncanceled funds previously appropriated to the legislature. The house of representatives and the senate shall make available to the commission the sums allocated by this section. There is appropriated to the legislative commission on job development one percent of any state revenues in the biennium ending June 30, 1983 which are generated pursuant to section 5, subdivision 3 in excess of assistance provided under section 5, subdivision 3.

Sec. 9. [SUNSET; REPEALER.]

Sections 1 to 3 are repealed effective June 30, 1983. Any contract executed pursuant to sections 3 to 5 shall be enforceable according to its terms notwithstanding the repeal of sections 1 to 3.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following their final enactment."

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 57 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Lemen	Piepho	Stowell
Ainley	Halberg	Levi	Redalen	Svigum
Anderson, B.	Haukoos	Ludeman	Rees	Valan
Blatz	Heap	Marsh	Reif	Valento
Carlson, D.	Himle	McDonald	Rose	Weaver
Dean	Hoberg	Mehrkens	Rothenberg	Welker
Dempsey	Hokr	Nelsen, B.	Schafer	Wieser
Drew	Jennings	Niehaus	Schoenfeld	Wigley
Erickson	Johnson, D.	Nysether	Schreiber	Zubay
Evans	Kaley	Olsen	Sherman	
Fjoslien	Knickerbocker	Onnen	Sherwood	
Forsythe	Kvam	Peterson, B.	Stadum	

Those who voted in the negative were:

Anderson, G.	Eken	Kalis	Novak	Simoneau
Anderson, I.	Elioff	Kelly	O'Connor	Skoglund
Battaglia	Ellingson	Kostohryz	Otis	Stumpf
Begich	Greenfield	Lehto	Peterson, D.	Swanson
Berkelman	Hanson	Long	Pogemiller	Tomlinson
Brandl	Harens	Mann	Reding	Vanasek
Byrne	Hauge	McEachern	Rice	Vellenga
Carlson, L.	Hokanson	Minne	Rodriguez, C.	Voss
Clark, J.	Jacobs	Munger	Rodriguez, F.	Welch
Clark, K.	Johnson, C.	Murphy	Sarna	Wenzel
Clawson	Jude	Nelson, K.	Shea	Wynia
Dahlvang	Kahn	Norton	Sieben, M.	Spkr. Sieben, H.

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

H. F. No. 2080, A bill for an act relating to economic development; providing for a Minnesota conference on job formation; appropriating money.

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 91 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Forsythe	Kelly	O'Connor	Simoneau
Battaglia	Greenfield	Knickerbocker	Olsen	Skoglund
Begich	Gustafson	Kostohryz	Onnen	Stadum
Berkelman	Halberg	Laidig	Otis	Stumpf
Blatz	Hanson	Lehto	Peterson, D.	Sviggum
Brandl	Harens	Levi	Pogemiller	Swanson
Byrne	Hauge	Long	Redalen	Tomlinson
Carlson, D.	Haukoos	Mann	Reding	Valan
Carlson, L.	Heap	Marsh	Reif	Vellenga
Clark, J.	Himle	McCarron	Rice	Voss
Clark, K.	Hoberg	McEachern	Rodriguez, C.	Weaver
Clawson	Hokanson	Mehrkens	Rodriguez, F.	Welch
Dahlvang	Jacobs	Minne	Rose	Wenzel
Dean	Johnson, C.	Munger	Rothenberg	Wynia
Drew	Johnson, D.	Murphy	Sarna	Spkr. Sieben, H.
Eken	Jude	Nelson, K.	Schoenfeld	
Elioff	Kahn	Norton	Schreiber	
Ellingson	Kaley	Novak	Shea	
Evans	Kalis	Nysether	Sieben, M.	

Those who voted in the negative were:

Aasness	Fjoslien	Ludeman	Piepho	Vanasek
Ainley	Gruenes	McDonald	Rees	Welker
Dempsey	Jennings	Nelsen, B.	Schafer	Wigley
Den Ouden	Kvam	Niehaus	Sherwood	Zubay
Erickson	Lemen	Peterson, B.	Valento	

The bill was passed and its title agreed to.

H. F. No. 2000, A bill for an act relating to health and welfare; strengthening qualifications for persons controlling, administering, or managing nursing homes; requiring review of reimbursement for substandard care; requiring license revocation in certain situations; clarifying certain provisions of the general assistance program; revising a penalty; amending Minnesota Statutes 1980, Sections 144A.01, Subdivision 7; 144A.04, Subdivisions 4 and 6; 144A.08, Subdivision 3; 144A.10, Subdivision 4; 144A.11, Subdivision 2, and by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 256D.05, 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 117 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Niehaus Welker

The bill was passed and its title agreed to.

H. F. No. 2065, A bill for an act relating to public welfare; providing for regulation of aversive or deprivation procedures for behavior modification of mentally retarded individuals; proposing new law coded in Minnesota Statutes, Chapter 245.

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 117 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Himle	Lemen	Novak
Ainley	Dempsey	Hoberg	Levi	Nysether
Anderson, B.	Drew	Hokanson	Long	Ogren
Anderson, G.	Eken	Hokr	Luknic	Olsen
Anderson, I.	Elioff	Jacobs	Mann	Otis
Battaglia	Ellingson	Jennings	Marsh	Peterson, B.
Begich	Erickson	Johnson, C.	McDonald	Peterson, D.
Berkelman	Ewald	Johnson, D.	McEachern	Piepho
Blatz	Fjoslien	Jude	Mehrkens	Pogemiller
Brandl	Greenfield	Kahn	Metzen	Redalen
Byrne	Gustafson	Kalis	Minne	Reding
Carlson, D.	Halberg	Kelly	Munger	Rees
Carlson, L.	Hanson	Knickerbocker	Murphy	Reif
Clark, J.	Harens	Kostohryz	Nelsen, B.	Rice
Clark, K.	Hauge	Kvam	Nelson, K.	Rodriguez, C.
Clawson	Haukoos	Laidig	Niehaus	Rodriguez, F.
Dahlvang	Heap	Lehto	Norton	Rose

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

Those who voted in the negative were:

Den Ouden Gruenes Onnen Welker

The bill was passed and its title agreed to.

H. F. No. 2188, A bill for an act relating to public welfare; providing for a mechanism in the program of aid to families with dependent children to minimize certain recipients' incentives to quit work; amending Minnesota Statutes 1980, Section 256.74, Subdivisions 1, as amended; and 1a, as amended.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley Jennings Nysether Welker Zubay
Den Ouden Ludeman Onnen Wieser

The bill was passed and its title agreed to.

Eken moved that the remaining bills on Special Orders be continued one day. The motion prevailed.

GENERAL ORDERS

Eken moved that the bills on General Orders be continued one day. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1671:

Munger, Hanson and Dean.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1621:

Voss, McCarron and Schreiber.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1702:

Johnson, D.; Laidig and Battaglia.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 16:

Norton, Jude and Peterson, B.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1522:

Brinkman, Voss and Niehaus.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1443:

Reif, Begich and Welch.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2000:

Ellingson, Jacobs and Schreiber.

MOTIONS AND RESOLUTIONS

MOTION FOR RECONSIDERATION

Pursuant to notice given on March 9, 1982, Carlson, D., moved that the vote whereby H. F. No. 2040, as amended, was not passed on Special Orders on March 9, 1982 be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Carlson, D., motion and the roll was called. There were 84 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Greenfield	Kahn	Murphy	Shea
Anderson, G.	Gustafson	Kalis	Nelson, K.	Sherman
Battaglia	Halberg	Kelly	Norton	Sieben, M.
Begich	Hanson	Knickerbocker	Novak	Simoneau
Berkelman	Harens	Kostohryz	O'Connor	Skoglund
Brandl	Hauge	Laidig	Ogren	Stadum
Carlson, D.	Haukoos	Lehto	Peterson, D.	Stowell
Clark, J.	Heap	Lemen	Redalen	Stumpf
Clark, K.	Himle	Levi	Reding	Tomlinson
Clawson	Hoberg	Luknic	Rees	Valan
Dean	Hokanson	Mann	Reif	Vanasek
Dempsey	Hokr	Marsh	Rice	Vellenga
Eken	Jacobs	McCarron	Rodriguez, C.	Welch
Elioff	Jennings	McEachern	Rodriguez, F.	Wenzel
Ellingson	Johnson, C.	Mehrkins	Rose	Wieser
Evans	Johnson, D.	Minne	Samuelson	Wynia
Ewald	Jude	Munger	Schoenfeld	

Those who voted in the negative were:

Aasness	Blatz	Den Ouden	Erickson	Forsythe
Ainley	Carlson, L.	Drew	Fjoslien	Gruenes

Kaley	Niehaus	Piepho	Svigum	Wigley
Kvam	Nysether	Rothenberg	Swanson	Zubay
Ludeman	Onnen	Schafer	Valento	
McDonald	Otis	Schreiber	Weaver	
Nelsen, B.	Peterson, B.	Sherwood	Welker	

The motion prevailed.

H. F. No. 2040, as amended, was reported to the House.

Anderson, G., moved that H. F. No. 2040, as amended, be placed on Special Orders and be continued.

A roll call was requested and properly seconded.

The question was taken on the Anderson, G., motion and the roll was called. There were 92 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fjoslien	Kelly	Novak	Sieben, M.
Anderson, G.	Greenfield	Kostohryz	O'Connor	Simoneau
Anderson, I.	Gustafson	Laidig	Ogren	Skoglund
Battaglia	Halberg	Lehto	Otis	Stadum
Begich	Hanson	Levi	Peterson, D.	Staten
Berkelman	Harens	Long	Pogemiller	Stowell
Brandl	Hauge	Luknic	Redalen	Stumpf
Byrne	Haukoos	Mann	Reding	Tomlinson
Carlson, D.	Heap	Marsh	Rees	Valan
Carlson, L.	Himle	McCarron	Reif	Vanasek
Clark, J.	Hoberg	McEachern	Rice	Vellenga
Clark, K.	Hokanson	Mehrkens	Rodriguez, C.	Voss
Clawson	Jacobs	Metzen	Rodriguez, F.	Weaver
Dahlvang	Jennings	Minne	Rose	Welch
Dempsey	Johnson, C.	Munger	Samuelson	Wenzel
Eken	Johnson, D.	Murphy	Sarna	Wynia
Elioff	Jude	Nelsen, B.	Schoenfeld	
Ellingson	Kahn	Nelson, K.	Shea	
Evans	Kalis	Norton	Sherman	

Those who voted in the negative were:

Aasness	Ewald	Lemen	Peterson, B.	Swanson
Ainley	Forsythe	Ludeman	Piepho	Valento
Blatz	Gruenes	McDonald	Rothenberg	Welker
Dean	Hokr	Niehaus	Schafer	Wieser
Den Ouden	Kaley	Nysether	Schreiber	Wigley
Drew	Knickerbocker	Olsen	Sherwood	Zubay
Erickson	Kvam	Onnen	Svigum	

The motion prevailed.

Ogren moved that S. F. No. 1988 be recalled from the Committee on Local and Urban Affairs and together with H. F. No. 2174, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Kelly moved that the name of Onnen be added as an author on H. F. No. 1758. The motion prevailed.

Gustafson moved that his name be stricken as an author on H. F. No. 1758. The motion prevailed.

Carlson, D., moved that his name be stricken as an author on H. F. No. 849. The motion prevailed.

Anderson, G., moved that his name be stricken and the name of Simoneau be shown as chief author on H. F. No. 1220. The motion prevailed.

Lemen moved that H. F. No. 2149 be returned to its author. The motion prevailed.

Reding moved that H. F. No. 376 be returned to its author. The motion prevailed.

Kvam moved that the chairman of the House Tax Conference Committee present a progress report to the House. The motion did not prevail.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2066, A bill for an act relating to local government; providing for city facilities related to armories; authorizing issuance of bonds; proposing new law coded in Minnesota Statutes, Chapter 193.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Spear, Dahl and Ms. Berglin.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark, K., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 452.

Kaley moved that the Clark, K., motion be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Kaley motion and the roll was called. There were 60 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Gruenes	Kvam	Nysether	Sherman
Ainley	Halberg	Lemen	Olsen	Sherwood
Anderson, I.	Haukoos	Levi	Onnen	Stadum
Blatz	Heap	Ludeman	Peterson, B.	Stowell
Dahlvang	Heinitz	Luknic	Piepho	Svigum
Dempsey	Himle	Marsh	Rees	Valan
Den Ouden	Hoberg	McDonald	Reif	Valento
Drew	Hokr	McEachern	Rose	Weaver
Evans	Jennings	Mehrkens	Rothenberg	Welker
Ewald	Johnson, D.	Metzen	Sarna	Wieser
Fjoslien	Kaley	Nelsen, B.	Schafer	Wigley
Forsythe	Knickerbocker	Niehaus	Schreiber	Zubay

Those who voted in the negative were:

Anderson, G.	Ellingson	Kostohryz	Otis	Staten
Battaglia	Greenfield	Laidig	Peterson, D.	Stumpf
Begich	Gustafson	Lehto	Pogemiller	Swanson
Berkelman	Hanson	Long	Redalen	Tomlinson
Brandl	Harens	Mann	Reding	Vanasek
Byrne	Hauge	Minne	Rice	Vellenga
Carlson, D.	Hokanson	Munger	Rodriguez, C.	Voss
Carlson, L.	Jacobs	Murphy	Rodriguez, F.	Welch
Clark, J.	Johnson, C.	Nelson, K.	Schoenfeld	Wenzel
Clark, K.	Jude	Norton	Shea	Wynia
Clawson	Kahn	Novak	Sieben, M.	Spkr. Sieben, H.
Eken	Kalis	O'Connor	Simoneau	
Elioff	Kelly	Ogren	Skoglund	

The motion did not prevail.

The question recurred on the Clark, K., motion.

A roll call was requested and properly seconded.

There were 53 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Hanson	Long	Peterson, D.	Staten
Berkelman	Harens	Mann	Pogemiller	Stumpf
Brandl	Hauge	Minne	Reding	Tomlinson
Byrne	Johnson, C.	Munger	Rice	Vanasek
Clark, J.	Jude	Murphy	Rodriguez, C.	Vellenga
Clark, K.	Kahn	Nelson, K.	Rodriguez, F.	Voss
Clawson	Kalis	Norton	Schoenfeld	Welch
Eken	Kelly	Novak	Shea	Wynia
Ellingson	Kostohryz	O'Connor	Sieben, M.	Spkr. Sieben, H.
Greenfield	Laidig	Ogren	Simoneau	
Gustafson	Lehto	Otis	Skoglund	

Those who voted in the negative were:

Aasness	Evans	Johnson, D.	Nysether	Sherwood
Ainley	Ewald	Kaley	Olsen	Stadum
Anderson, I.	Fjoslien	Knickerbocker	Onnen	Stowell
Battaglia	Forsythe	Lemen	Peterson, B.	Sviggum
Begich	Gruenes	Levi	Piepho	Swanson
Blatz	Halberg	Ludeman	Redalen	Valan
Carlson, D.	Haukoos	Luknic	Rees	Valento
Carlson, L.	Heap	Marsh	Reif	Weaver
Dahlvang	Heinitz	McDonald	Rose	Welker
Dempsey	Himle	McEachern	Rothenberg	Wenzel
Den Ouden	Hoberg	Mehrkens	Sarna	Wieser
Drew	Hokanson	Metzen	Schafer	Wigley
Elioff	Hokr	Nelsen, B.	Schreiber	Zubay
Erickson	Jennings	Niehaus	Sherman	

The motion did not prevail.

MOTIONS AND RESOLUTIONS

Kahn moved that H. F. No. 356 be taken from the table, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

McDonald moved that the rules of the House be so far suspended that H. F. No. 2135 be recalled from the Committee on Rules and Legislative Administration, be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

Kelly moved to lay the McDonald motion on the table.

A roll call was requested and properly seconded.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:00 a.m., Friday, March 12, 1982. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Friday, March 12, 1982.

EDWARD A. BURDICK, Chief Clerk, House of Representatives