

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

THIRTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 21, 1983

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

Prayer was offered by Rabbi Gary Menchel, Principal of the new Maimonides High School of Minnesota, St. Louis Park, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Erickson	Knuth	Otis	Sherman
Anderson, G.	Evans	Kostohryz	Pauly	Simoneau
Anderson, R.	Findlay	Krueger	Peterson	Skoglund
Battaglia	Fjoslien	Kvam	Piepho	Solberg
Beard	Forsythe	Larsen	Piper	Sparby
Begich	Frerichs	Levi	Price	Stadum
Bennett	Graba	Long	Quinn	Staten
Bergstrom	Greenfield	Ludeman	Quist	Sviggum
Bishop	Gruenes	Mann	Redalen	Swanson
Blatz	Gustafson	Marsh	Reif	Thiede
Brandl	Gutknecht	McDonald	Rice	Tomlinson
Brinkman	Halberg	McEachern	Riveness	Tunheim
Burger	Haukoos	McKasy	Rodosovich	Uphus
Carlson, D.	Heap	Metzen	Rodriguez, C.	Valan
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Valento
Clark, J.	Himle	Murphy	Rose	Vanasek
Clark, K.	Hoffman	Nelson, D.	St. Onge	Vellenga
Clawson	Hokr	Nelson, K.	Sarna	Waltman
Cohen	Jacobs	Neuenschwander	Schafer	Welch
Coleman	Jennings	Norton	Scheid	Welker
Dempsey	Jensen	O'Connor	Schoenfeld	Welle
DenOuden	Johnson	Ogren	Schreiber	Wenzel
Dimler	Kahn	Olsen	Seaberg	Wigley
Eken	Kalis	Omann	Segal	Wynia
Elioff	Kelly	Onnen	Shaver	Zaffke
Ellingson	Knickerbocker	Osthoff	Shea	Speaker Sieben

A quorum was present.

Hoberg, Minne and Voss were excused.

Berkelman was excused until 4:00 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 455, 655, 658, 722, 779, 837, 854, 1006, 1113, 356, 556, 689 and 76 and S. F. Nos. 891, 160, 292, 900, 1114, 808, 857, 1015, 53, 159, 275, 466, 541, 831 and 843 have been placed in the members' files.

S. F. No. 358 and H. F. No. 689, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jensen moved that the rules be so far suspended that S. F. No. 358 be substituted for H. F. No. 689 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 338 and H. F. No. 556, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Osthoff moved that S. F. No. 338 be substituted for H. F. No. 556 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 598 and H. F. No. 161, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kelly moved that the rules be so far suspended that S. F. No. 598 be substituted for H. F. No. 161 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 900 and H. F. No. 891, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rodriguez, F., moved that the rules be so far suspended that S. F. No. 900 be substituted for H. F. No. 891 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 843 and H. F. No. 892, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Knuth moved that the rules be so far suspended that S. F. No. 843 be substituted for H. F. No. 892 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 160 and H. F. No. 622, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clawson moved that the rules be so far suspended that S. F. No. 160 be substituted for H. F. No. 622 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 891 and H. F. No. 837, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Segal moved that the rules be so far suspended that S. F. No. 891 be substituted for H. F. No. 837 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 699 and H. F. No. 1113, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Neuenschwander moved that the rules be so far suspended that S. F. No. 699 be substituted for H. F. No. 1113 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 263 and H. F. No. 356, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wynia moved that the rules be so far suspended that S. F. No. 263 be substituted for H. F. No. 356 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

April 13, 1983

The Honorable Harry A. Sieben, Jr.
Speaker of the House
276 State Office Building
St. Paul, Minnesota 55155

Dear Speaker Sieben:

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

H. F. No. 79, relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, sections 260.125, subdivision 2, and by adding a subdivision.

H. F. No. 121, relating to state historic sites; designating the old administration building at the Minnesota Veterans Home and the Longfellow House in Minneapolis as state historic sites; amending Minnesota Statutes 1982, section 138.53, by adding a subdivision; and section 138.56, by adding a subdivision.

H. F. No. 182, relating to the metropolitan transit commission; providing for special fares for jobseekers; amending Minnesota Statutes 1982, section 473.408, subdivision 5, and by adding a subdivision.

H. F. No. 236, relating to occupations and professions; regulating physicians attending the graduate school of the Mayo Foundation; amending Minnesota Statutes 1982, section 147.20.

H. F. No. 252, relating to occupations and professions; regulating the practice of dentistry; amending Minnesota Statutes 1982, sections 150A.05, subdivision 2; and 150A.11, subdivision 1.

H. F. No. 298, relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

Sincerely,

RUDY PERPICH
Governor

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

April 15, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983</i>	<i>Date Filed 1983</i>
	79	25	April 13	April 13
	121	26	April 13	April 13
	182	27	April 13	April 13
	236	28	April 13	April 13
	252	29	April 13	April 13
	298	30	April 13	April 13
107		31	April 13	April 13
128		32	April 13	April 13
207		33	April 13	April 13
269		34	April 13	April 13
325		35	April 13	April 13
327		36	April 13	April 13

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

H. F. No. 92, A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies, and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer nonpost-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 120.075, subdivision 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdivision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 275.125, subdivisions 2d, 2e, 2i, 5, 5b, 6d, 8, 11a, 11b, and by adding subdivisions; 354.66, subdivision 9; 354A.094, subdivision 9; 375.335; 466.01, subdivision 1; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, section 4; Laws 1969, chapter 775, section 3, by adding a subdivision; Laws 1969, chapter 775, section 3, subdivision 2, as amended; Laws 1969, chapter 1060, section 4; Laws 1981, chapter 358, article 7, section 29, as amended; and Laws 1982, chapter 548, article 3, sections 27 and 28; proposing new law coded in Minnesota Statutes, chapters 3, 120, 121, 122, 123, 124, 126, 129B, and 134; repealing Minnesota Statutes 1982, sections 121.501 to 121.507; 122.542; 124.11, subdivision 1; 124.24; 124.251; 124.273, subdivisions 1 and 2; 124.26, subdivision 4; 124.271, subdivision 5; 124.32, subdivisions 1 and 9; 124.561; 124.562; 124.5621; 124.5622; 124.-

5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; 124.574, subdivision 2; 124.611; 125.611, subdivision 9; 129B.06 to 129B.09; 134.03; 134.06; 134.-16; 134.19; 134.352; and 375.33.

Reported the same back with the following amendments:

Page 47, line 1, before "The" insert "*Notwithstanding any laws or rules to the contrary,*"

Page 90, lines 14 and 16, delete the hyphen in "*nonpost-secondary*" to form one word

Page 90, delete lines 19 to 29

Pages 90 and 91, delete section 24

Renumber succeeding sections of the article

Page 91, lines 17, 19, 29, and 31, delete the hyphens in "*nonpost-secondary*" and "*nonpost-secondary*" to form one word

Page 91, delete lines 34 to 36

Page 92, delete lines 1 to 8

Page 92, delete lines 23 to 26

Page 93, line 15, after "for" insert "*both sexes and*"

Page 99, line 4, after "of" insert "*both sexes and*"

Page 127, after line 1, insert:

"Sec. 6.

The council on quality education, with the assistance of the state board, shall review various formulas for statewide funding of early childhood and family education programs. The formulas reviewed shall include a formula using a per capita aid amount distributed to school districts through the community education program and designated for early childhood and family education programs. The council shall report to the legislature by February 15, 1984, regarding its review of formulas."

Renumber succeeding sections of the article

Page 147, after line 7, insert:

"Article 12

EMPLOYER RETIREMENT CONTRIBUTIONS

Section 1. [APPROPRIATIONS.]

Subdivision 1. The sums indicated in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal years ending June 30 in the years indicated. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 2. [TEACHERS RETIREMENT ASSOCIATION: TEACHERS STATEWIDE.] *To meet the state's obligation prescribed in Minnesota Statutes 1982, section 354.43, there is appropriated:*

\$87,508,200 1984,

\$92,137,200 1985.

Subd. 3. [TEACHERS RETIREMENT ASSOCIATION: SUPPLEMENTAL BENEFITS—1915.] *To meet the state's obligation prescribed in Minnesota Statutes 1982, section 354.55, subdivision 5, there is appropriated:*

\$1,500 1984,

\$1,500 1985.

Subd. 4. [TEACHERS RETIREMENT ASSOCIATIONS IN CITIES OF THE FIRST CLASS.] *To the commissioner of finance for payment to teachers retirement associations in Minneapolis, St. Paul, and Duluth, to meet the state's obligation prescribed in Minnesota Statutes 1982, section 354A.12, subdivision 2, there is appropriated:*

\$18,138,400 1984,

\$19,023,500 1985.

Subd. 5. [EMPLOYER SOCIAL SECURITY CONTRIBUTIONS; TEACHERS.] *To the commissioner of employee relations for payment to the federal government to meet the state's obligation prescribed in Minnesota Statutes 1982, section 355.46, there is appropriated:*

\$82,945,000 1984,

\$90,626,000 1985.

Subd. 6. [SOCIAL SECURITY COSTS OF ADMINISTRATION.] To the commissioner of employee relations to meet the state's obligation prescribed in Minnesota Statutes 1982, sections 355.46 and 355.49, there is appropriated:

\$51,000 1984,

\$51,000 1985."

Amend the title as follows:

Page 1, line 3, after "libraries," insert "aids for teacher retirement contributions,"

Page 2, line 5, delete everything after the semicolon

Page 2, line 6, delete "adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 242, A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring manufacturers of toxic substances to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a toxic substance under certain conditions; requiring employers using toxic substances to provide employees with certain training and information; creating a presumption that toxic substances must be labeled under certain circumstances; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing penalties; providing protection for trade secrets; amending Minnesota Statutes 1982, sections 182.651, by adding a subdivision; 182.653, by adding a subdivision; 182.654, subdivision 7, and by adding a subdivision; 182.655, subdivisions 4, 10, 11, and by adding subdivisions; 182.658; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SHORT TITLE.]

This act shall be known as the "Employee Right to Know Act of 1983."

Sec. 2. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 14. "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:

(a) is regulated by the federal Occupational Safety and Health Administration under title 29 of the Code of Federal Regulations part 1910, subpart z; or

(b) is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric or pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable, accidental, or intentional exposure to the chemical or substance.

For the purposes of determining what is a hazardous substance, where one of the terms used in this subdivision is defined by the American National Standards Institute document Z129.1-1982 on the precautionary labeling of hazardous industrial chemicals, that definition shall apply.

Sec. 3. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 15. "Harmful biological agent" means any bacteria, virus, fungus, or other animate agent, which, according to documented medical or scientific evidence, may cause substantial acute or chronic permanent disability or long-term illness as a direct result of any customary or reasonably foreseeable, accidental, or intentional exposure to the biological agent.

Sec. 4. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 16. "Harmful physical agent" means noise, heat, cold, vibration, repetitive motion, radiation, ionizing and nonionizing radiation, hypobaric or hyperbaric pressure, or any other physical stress, which, according to documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable, accidental, or intentional exposure to the physical agent, which is in excess of any exposure safety standard concerning the physical agent adopted by the commissioner under this chapter.

Sec. 5. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 17. Notwithstanding any other language to the contrary, the definitions of hazardous substance, harmful biological agent, and harmful physical agent shall not include:

(a) any chemical, substance, or agent which is not introduced into the workplace by the employer to be used, studied, or produced, and is not the byproduct of some method of production; among other cases, this exception excludes from the definition of harmful biological agent, an agent in the body of a person who is present in a hospital or clinic for diagnosis or treatment;

(b) consumer products packaged for distribution to, and used by, the general public when the product is used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and employee exposure to the product is not significantly greater than exposure commonly experienced by private consumers of the product;

(c) any chemical, substance, or agent received by an employer in a sealed package which prevents exposure of the employee to the work environment hazard, when that chemical, substance, or agent is subsequently sold or transferred in the sealed package and the seal remains intact while the chemical, substance, or agent is in the employer's workplace;

(d) any article, including but not limited to, an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create any extant or potential health hazard as a result of being handled by the employee; or

(e) any waste material regulated pursuant to the federal Resource Conservation and Recovery Act, P.L. 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

Sec. 6. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 18. "Work environment hazard" means a hazardous substance, harmful biological agent, or harmful physical agent.

Sec. 7. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 19. "Manufacturer" means anyone who produces, synthesizes, extracts, or otherwise makes, processes, blends, packages or repackages a hazardous substance, harmful biological agent, or a substance or mechanism which emits a harmful phys-

ical agent. The term manufacturer shall also include anyone who imports into this state or distributes within this state any hazardous substance, harmful biological agent, or a substance or mechanism which emits a harmful physical agent. Manufacturer does not include anyone whose primary business concerning the hazardous substance, harmful biological agent, or substance or mechanism which emits a harmful physical agent is in retail sales to the public. A hospital or clinic engaged in the diagnosis or treatment of a harmful biological agent is not a manufacturer of that agent.

Sec. 8. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4a. Every employer who is a manufacturer of a hazardous substance, harmful biological agent, or a substance or mechanism which emits a harmful physical agent, shall provide each employer who purchases the substance, agent, or mechanism with the information necessary for the purchasing employer to comply with section 9. Such provision shall be made at the time of purchase and shall be current, accurate, and complete. If the purchase is of a substance, agent, or mechanism, or mixture thereof, which involves a number of work environment hazards, complete information will be provided by the manufacturer concerning each work environment hazard. For the purposes of this subdivision the term "purchase" shall include any transference including free trial samples.

When the work environment hazard is a mixture of hazardous substances, the manufacturer may provide the information required by this section on the entire product mixture, instead of on each hazardous substance in it, if all of the following conditions are met: hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture; provision of information on the mixture will be as effective in protecting employee health as information on the ingredients; and the hazardous substances in the mixture are identified along with the information on the mixture.

Sec. 9. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4b. Prior to any employee's initial assignment to a workplace where the employee will be routinely exposed to a work environment hazard, his employer shall provide him with training concerning the work environment hazard. In addition, training shall be provided whenever an employee may be routinely exposed to any additional work environment hazard to which they were not previously exposed. For each work environ-

ment hazard to which the employee may be routinely exposed, the employee's training program shall include:

- (a) the name or names of the work environment hazard including any generic name, chemical name, trade name, and commonly used name;
- (b) the level, if any, at which exposure to the work environment hazard has been determined to be hazardous according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the National Council on Radiation Protection and Measurements, and the American National Standards Institute;
- (c) the acute and chronic effects of exposure at hazardous levels;
- (d) the symptoms of the effects;
- (e) any potential for flammability, explosion, or reactivity of the work environment hazard;
- (f) appropriate emergency treatment;
- (g) proper conditions for safe use of and exposure to the work environment hazard;
- (h) procedures for cleanup of leaks and spills;
- (i) the name, phone number, and address of the manufacturer of the hazardous substance, harmful biological agent, or substance or mechanism which emits the harmful physical agent; and
- (j) a written copy of all of the above information.

It is intended that the training provisions of this subdivision apply only to new employee assignments and exposures after the effective date of this act. Employers are not required to train employees concerning work environment hazards, to which the employee was routinely exposed in the employer's workplace prior to the effective date of this act.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 13.

Sec. 10. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4c. Each employer who operates a hospital or clinic shall provide regular inservice training to its employees who are routinely exposed to contagious animate agents including viruses, bacteria, and fungus. This training shall be current, appropriate to the level of education of the employee, and relevant to the employee's typical exposure to the animate agents in fulfilling their duties for the employer. The training shall include the names of common animate agents to which the employee may be exposed, proper techniques for the employee to avoid contamination of himself or others with the animate agent, and symptoms of contamination. Training shall be provided upon the initial assignment of the employee to a job where that person will be routinely exposed to contagious animate agents and shall be repeated after that at intervals no greater than two years.

Sec. 11. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4d. Each employer who is in the business of providing a service of collection, processing, or disposal of waste regulated pursuant to the federal Resource Conservation and Recovery Act, P.L. 94-580, shall provide employees who are routinely exposed to this waste a general safety training program approved by the commissioner. This training program shall be appropriate for the seriousness of the safety hazards commonly encountered by the employees and shall include: training concerning the general safety hazards involved in the collection, processing, or disposal of the waste; proper safety procedures to avoid the deleterious effects of these hazards; and common symptoms of the deleterious effects. Training shall be provided to employees within 60 days of the commissioner's approval of the training program, or, if the employee is employed after this 60-day period, prior to the employees initial assignment where they will be routinely exposed to waste. The employer's safety training program shall be submitted to the commissioner for approval within two months of the effective date of this act.

Sec. 12. Minnesota Statutes 1982, section 182.654, subdivision 7, is amended to read:

Subd. 7. Any employee who has been exposed or is being exposed to (TOXIC MATERIALS OR HARMFUL PHYSICAL AGENTS) work environment hazards in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by his employer with the opportunities provided in section 182.655, subdivision (10) 10a.

Sec. 13. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 10. Every employee and any association or union representing that employee shall have the right, upon request,

to receive from their employer, within a reasonable period of time, any information the employer would be required to provide the employee if the employer were training the employee under section 9 concerning any work environment hazards to which the employee is routinely exposed.

Sec. 14. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 11. An employee shall have the right, without loss of pay or other benefits of employment, to refuse to work under conditions which the employee reasonably believes constitute a violation of sections 182.65 to 182.674 and subject the employee to imminent hazard involving exposure to a work environment hazard. Once an employee has refused to work under this subdivision his employer must immediately correct the alleged violation, reassign the employee to other work under conditions that do not violate sections 182.65 to 182.674, or give the employee time off until the dispute is settled and any violation corrected or the employer exercises one of his other options described above. The employee's right under this section shall include, but not be limited to, the right of any employee, without loss of pay or other benefits of employment, to refuse to work if the employee reasonably believes (1) the employer has failed to provide training required pursuant to section 11, (2) the employer has failed to provide the information required pursuant to section 13 within a reasonable time not in excess of 24 hours of the employee's request for same, or (3) the employee is asked to work with a work environment hazard under conditions which are inconsistent with training or information provided by the employer pursuant to section 11 or 13. This subdivision is intended only to enlarge employees' right to refuse to work under conditions which violate sections 182.65 to 182.674 and involve exposure to work environment hazards and does not in any way limit any other employee right to refuse to work under state or federal law.

Sec. 15. Minnesota Statutes 1982, section 182.655, is amended by adding a subdivision to read:

Subd. 3a. The commissioner shall, with all due haste, adopt exposure safety standards for each harmful physical agent specifically listed in section 4 for which the commissioner has not yet adopted such a standard.

Sec. 16. Minnesota Statutes 1982, section 182.655, is amended by adding a subdivision to read:

Subd. 3b. The commissioner shall promulgate standards to construct a list of chemicals, substances, and agents that satisfy the definitions of a hazardous substance, harmful biological agent, or harmful physical agent in section 182.651. The commissioner shall also promulgate standards to construct a list of

chemicals, substances, and agents that the commissioner has considered and determined do not satisfy these definitions. The commissioner shall not have exclusive power to make such determinations and the question of whether a chemical, substance, or agent meets the definitions of a hazardous substance, harmful biological agent, or harmful physical agent can be raised in any court of competent jurisdiction. However, once the commissioner has affirmatively promulgated that a chemical, substance, or agent does or does not satisfy these definitions, any later review of that same question by a court shall not be de novo but instead as a review of the commissioner's standard.

The commissioner is specifically directed, with all due haste, to review the available scientific evidence concerning the chemicals, substances, and agents covered by the definition of a toxic substance or harmful physical agent contained in the Code of Federal Regulations, title 29, section 1910.20(c)(11) to determine if they meet the definitions of hazardous substance, harmful biological agent, or harmful physical agent in section 182.651. The commissioner is also specifically directed to review new scientific evidence as it develops concerning old and new chemicals, substances, and agents and to promulgate standards in accordance with this subdivision.

Sec. 17. Minnesota Statutes 1982, section 182.655, subdivision 4, is amended to read:

Subd. 4. The commissioner, in promulgating standards dealing with (TOXIC MATERIALS OR HARMFUL PHYSICAL AGENTS) *work environment hazards* under this section, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subdivision shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in the terms of objective criteria and of the performance desired.

Sec. 18. Minnesota Statutes 1982, 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. (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.) *In the case of work environment hazards, it shall be presumed by the commissioner that labeling of containers containing hazardous substances or harmful biological agents or posting notices in areas where work environment hazards are present is necessary to properly apprise employees. This presumption can be rebutted only by a finding by the commissioner that labeling or posting required under other federal or state law is adequate to fulfill the purposes of this subdivision.*

Sec. 19. Minnesota Statutes 1982, section 182.655, is amended by adding a subdivision to read:

Subd. 10a. Where appropriate, standards shall 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. Standards shall also provide for monitoring or measuring employee exposure at the locations and intervals and in the manner as may be necessary and appropriate for the protection of employees. Where appropriate, a 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 hazards in order to most effectively determine whether the health of those employees is adversely affected by such exposure. The results of these examinations or tests shall be furnished only to the commissioner and, at the request of the employee, to his physician.

Sec. 20. Minnesota Statutes 1982, section 182.655, subdivision 11, is amended to read:

Subd. 11. The commissioner shall provide for an emergency temporary standard to take immediate effect upon publication if he determines:

(a) That employees are exposed to grave danger from exposure to (SUBSTANCES OR AGENTS DETERMINED TO BE TOXIC OR PHYSICALLY HARMFUL OR FROM NEW) *work environment hazards or other hazards*; and

(b) That such emergency standard is necessary to protect employees from such danger. Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in subdivision 2.

Upon publication of such standard or standards, which interested persons may receive upon request and payment of fees, the commissioner shall commence a proceeding in accordance with subdivision 2 and the standard as published shall also serve as a proposed rule for the proceeding; the commissioner shall promulgate a standard under this section no later than six months after the publication of the emergency standard.

Sec. 21. [182.6575] [WAIVER PROHIBITED.]

No employer may request or require any employee to waive any rights under section 182.654 or occupational safety and health standards promulgated pursuant to this chapter.

Sec. 22. Minnesota Statutes 1982, 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) *sections 182.65 to 182.674* including the provisions of applicable standards.

Sec. 23. Minnesota Statutes 1982, section 182.66, subdivision 1, is amended to read:

Subdivision 1. If, upon inspection or investigation, the commissioner believes that an employer has violated a requirement of section 182.653, (SUBDIVISIONS 2 TO 4,) or any standard, rule, regulation or order prescribed pursuant to Laws 1973, Chapter 732, he shall with reasonable promptness and in no event later than six months following the inspection issue to the employer by certified mail a written citation. The citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the act,

standard, rule, regulation or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation.

Sec. 24. Minnesota Statutes 1982, section 182.663, subdivision 3, is amended to read:

Subd. 3. The commissioner shall issue regulations requiring employers to maintain accurate records of employee exposures to (POTENTIALLY TOXIC MATERIALS OR HARMFUL PHYSICAL AGENTS) *work environment hazards* which are required to be monitored under Laws 1973, Chapter 732. Such regulations shall provide employees or their representatives with an opportunity to have access to the records thereof. Such regulations shall provide employees or their representatives, with an opportunity to observe such monitoring or measuring and to have access to the records thereto. In order to carry out the provisions of this section, such regulations may include provisions requiring employers to conduct periodic inspections. Each employer shall promptly notify any employee who has been or is being exposed to (TOXIC MATERIALS OR HARMFUL PHYSICAL AGENTS) *a work environment hazard* in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under Laws 1973, Chapter 732, and shall inform any employee who is being thus exposed of the corrective action being taken.

Sec. 25. Minnesota Statutes 1982, section 182.666, is amended by adding a subdivision to read:

Subd. 5a. Any employer who knowingly violates section 11 shall be assessed a fine of up to \$1,000 for each violation. The employer shall also be liable to each aggrieved employee for civil punitive damages of \$200.

Sec. 26. Minnesota Statutes 1982, 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, agent, or mechanism is a trade secret as defined in section 325C.01, subdivision 5.

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 employer, employee, or employee representative pursuant to section 8, 9, or 13, 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, training under section 9, information under sections 8 or 13, or in the course of an investigation or proceeding under sections 182.65 to 182.674. An employer, employee, or employee representative who knowingly discloses information in violation of this subdivision and any person knowingly receiving such information is guilty of a gross misdemeanor. An employer, employee, or employee representative who violates this subdivision shall also be liable for damages to the aggrieved employer, including consequential damages caused by the unlawful receipt or disclosure.

Sec. 27. [182.675] [RELATIONSHIP TO COLLECTIVE BARGAINING.]

Although not required, an employee may seek to resolve any dispute arising under this chapter through resolution procedures provided by any applicable labor agreement or, if there is no applicable provision of a labor agreement, through a dispute resolution procedure that shall be developed by the commissioner. The employee shall not be deemed to have waived or lost any substantive or procedural rights under this chapter due to resort to the resolution methods and can pursue all legal remedies under this chapter without any prejudice due to the results of these resolution methods. The applicable statutes of limitations under this chapter shall toll during the employee's resort to these resolution methods. The commissioner may adopt temporary rules to develop a dispute resolution procedure. Nothing in this chapter shall be deemed to prevent the creation of additional rights or remedies for employees pursuant to a labor agreement or personnel rule.

Sec. 28. [INSTRUCTION TO REVISOR.]

Whenever the phrase "Laws 1973, chapter 732" or a like phrase appears in Minnesota Statutes, chapter 182, the revisor

of statutes shall substitute the phrase "this chapter" or "chapter 182."

Sec. 29. [EFFECTIVE DATE.]

The provisions of sections 1 to 27 become effective 180 days after the date of final enactment."

Delete the title and insert:

"A bill for an act relating to labor; providing for occupational safety and health; defining "work environment hazards" and other terms; requiring manufacturers of work environment hazards to provide certain information; requiring employers to provide employees with training concerning work environment hazards; requiring training of people employed as waste haulers; requiring training for hospital employees; giving employees a right to information concerning work environment hazards; giving employees a right to refuse to work with a work environment hazard under certain circumstances; creating a presumption that work environment hazards must be labeled; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing protection for trade secrets; providing civil and criminal penalties; amending Minnesota Statutes 1982, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.654, subdivision 7, and by adding subdivisions; 182.655, subdivisions 4, 10, 11, and by adding subdivisions; 182.658; 182.66, subdivision 1; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182."

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

The report was adopted.

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

H. F. No. 253, A bill for an act relating to the operation of state government; clarifying certain provisions regarding the term of the legislative auditor; amending Minnesota Statutes 1982, section 3.97, subdivision 4.

Reported the same back with the following amendments:

Page 1, delete lines 24 and 25, and insert:

"Sec. 2. Minnesota Statutes 1982, section 3.972, is amended to read:

3.972 [(DUTIES AS TO STATE AGENCIES AND SEMI-STATE) AGENCIES; AUDITS; DEFINITIONS.]

Subdivision 1. [PUBLIC ACCOUNTANT.] For the purposes of this section, "public accountant" means a certified public accountant, certified public accounting firm, or a licensed public accountant licensed by the board of accountancy pursuant to sections 326.17 to 326.23.

Subd. 2. [AUDITS OF STATE AND SEMI-STATE AGENCIES.] The legislative auditor shall make a constant audit of all financial affairs of all departments and agencies of the state, and of the financial records and transactions of public boards, associations, and societies supported, wholly or in part, by state funds. Once in each year, if funds and personnel permit, without previous notice, he shall visit each of such state departments and agencies, associations or societies and, so far as practicable, inspect such agencies, thoroughly examine the books and accounts thereof, verifying the funds, securities and other assets, check the items of receipts and disbursements with the voucher records thereof, ascertain the character of the official bonds for the officers thereof and the financial ability of the bondsmen, inspect the sources of revenue thereof, the use and disposition of state appropriations and property, investigate the methods of purchase and sale, the character of contracts on public account, ascertain proper custody and depository for the funds and securities thereof, verify the inventory of public property and other assets held in trust, and ascertain that all financial transactions and operations involving the public funds and property of the state comply with the spirit and purpose of the law, are sound by modern standards of financial management and are for the best protection of the public interest.

Subd. 3. [AUDIT CONTRACTS.] Notwithstanding any other law to the contrary, a state department, board, commission, or other state agency shall not negotiate a contract with a public accountant for an audit, except a contract negotiated by the state auditor for an audit of a local government, unless the contract has been reviewed by the legislative auditor. The legislative auditor shall not participate in the selection of the public accountant, but shall review and submit written comments on the proposed contract within seven days of its receipt. Upon completion of the audit, the legislative auditor shall be given a copy of the final report.

Sec. 3. Minnesota Statutes 1982, section 462A.22, subdivision 10, is amended to read:

Subd. 10. All of the (OFFICIAL) books and records of the agency shall be subject to audit by the legislative auditor in the manner prescribed for other agencies of state government. The agency is authorized also to employ and to contract in its resolu-

tions and indentures for the employment of (INDEPENDENT) public accountants for the audit of books and records pertaining to any fund or funds. *The legislative auditor shall review contracts with public accountants as provided in section 2.*

Sec. 4. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for the review of audit contracts;"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 5, after "4" insert "; 3.972; and 462A.22, subdivision 10"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 570, A bill for an act relating to the council for the handicapped; providing for appointment of members to the council; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

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

The report was adopted.

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

H. F. No. 796, A bill for an act relating to parks, open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and better regional recreation open space lands by the metropolitan council and metropolitan area local governmental units; authorizing expenditures for acquisition and betterment of state parks, recreation areas, trails, forests, fishing management lands, wildlife management areas, natural and scientific areas, wild, scenic, and

recreational rivers, canoe and boating routes, and public water access; appropriating money; amending Minnesota Statutes 1982, section 473.147, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 21, delete "\$34,985,000" and insert "\$36,995,000"

Page 2, line 30, after "86A.05" insert "and Laws of Minnesota 1980, chapter 614, section 164"

Page 4, after line 13, insert:

"(17) For acquisition, betterment and development of the state trail described in section 4.", and in right hand column insert "\$2,000,000"

Page 4, after line 19, insert:

"Sec. 4. Minnesota Statutes 1982, section 85.015, is amended by adding a subdivision to read:

Subd. 14. [STATE TRAIL, RAMSEY AND WASHINGTON COUNTIES.] (a) The trail shall originate at milepost 446.19 on the Soo Line Railroad right-of-way in the Southeast Quarter of Section 19, Township 29 North, Range 22 West, Ramsey County, and shall extend in an easterly and northeasterly direction along the Soo Line Railroad right-of-way to milepost 438.33 in the Southwest Quarter of Section 5, Township 29 North, Range 21 West, in Washington County, and there terminate.

(b) The trail shall be developed primarily for hiking and nonmotorized riding.

(c) In addition to the authority granted in Minnesota Statutes, section 85.015, subdivision 1, lands and interests in lands for the trail may be acquired by eminent domain.

(d) The commissioner of natural resources, after consulting with all local units of government affected by the trail, and with the commissioner of transportation and the metropolitan council, shall prepare a master plan for the trail. After completion of the master plan, any land or interest in land not needed for the trail may be disposed of by the commissioner of natural resources as follows:

(1) by transfer to the department of transportation, the historical society, or another state agency;

(2) by sale at not less than the purchase price to a city, town, school district, park district, or other political subdivision whose boundaries include or are adjacent to the land, for public pur-

poses only, after written notice to each such political subdivision; or

(3) if no offer to purchase is received from any political subdivision within one year after the completion of the master plan; then by public sale, at not less than the purchase price, upon notice published in the manner provided in section 92.14, and otherwise in the same manner as trust fund lands are sold, so far as applicable.

All proceeds derived from the sale of unneeded land or interest in land shall be deposited in the state bond fund. For the purposes of section 4f of the Federal Highway Act of 1968, any land or interest in land not needed for the trail and transferred to another state agency, or sold, does not constitute permanent park, recreation area, or wildlife or waterfowl refuge facility land."

Page 4, line 33, delete "4" and insert "3"

Page 5, line 29, delete "\$35,000" and insert "\$37,000"

Renumber the sections

Amend the title as follows:

Page 1, after line 13, insert "sections 85.015, by adding a subdivision; and"

Page 1, line 14, delete "section"

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

The report was adopted.

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 831, A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 2, strike line 16

Page 2, line 17, strike "473.121, subdivision 2,"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 857, A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

Reported the same back with the following amendments:

Page 1, delete lines 17 to 25

Page 2, delete lines 1 and 2

Page 2, line 3, delete everything before "The"

Page 4, line 2, delete "upon recommendation" and insert "after approval"

Page 4, after line 3, insert:

"Sec. 7. [REPEALER.]

Sections 1 to 6 are repealed June 30, 1987."

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

The report was adopted.

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

H. F. No. 955, A bill for an act relating to state contracts; providing for an increase in small business set-aside awards; providing for subcontracting of state construction contracts in certain cases; requiring a staff complement sufficient to facilitate the set-aside program; providing for a small business procurement advisory council; requiring the commissioner of administration to promulgate rules; providing for certain reports to the governor, legislature, and small business procurement advisory council; limiting the local purchasing authority of state departments and agencies; amending Minnesota Statutes 1982, sections 16.083, subdivisions 1, 4, and by adding a subdivision; 16.084; 16.085; 16.086, subdivision 1; and 16.28.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 16.083, subdivision 1, is amended to read:

Subdivision 1. [SMALL BUSINESS SET-ASIDES.] The commissioner of administration shall for each fiscal year designate and set aside for awarding to small businesses approximately (20) 30 percent of the value of anticipated total state procurement of goods and services including construction. The commissioner shall divide the procurements so designated into contract award units of economically feasible production runs in order to facilitate offers or bids from small businesses. In making his annual designation of set-aside procurements the commissioner shall attempt to vary the included procurements so that a variety of goods and services produced by different small businesses shall be set aside each year. The failure of the commissioner to set aside particular procurements shall not be deemed to prohibit or discourage small businesses from seeking the procurement award through the normal solicitation and bidding processes.

Sec. 2. Minnesota Statutes 1982, section 16.083, is amended by adding a subdivision to read:

Subd. 1a. [CONSULTANT, PROFESSIONAL AND TECHNICAL PROCUREMENTS.] Every state agency shall for each fiscal year designate and set aside for awarding to small businesses approximately 30 percent of the value of anticipated procurements of that agency for consultant services or professional and technical services. The set aside under this subdivision shall be in addition to that provided by subdivision 1, but shall otherwise comply with section 16.098 and the set aside for businesses owned and operated by socially or economically disadvantaged persons.

Sec. 3. Minnesota Statutes 1982, section 16.083, subdivision 4, is amended to read:

Subd. 4. [PREFERENCE TO SMALL BUSINESSES.] At least (15 PERCENT) *one-third* of the value of the procurements designated for set-aside awards shall be awarded, if possible, to businesses owned and operated by socially or economically disadvantaged persons. In the event small businesses owned and operated by socially or economically disadvantaged persons are unable to perform at least (15 PERCENT) *one-third* of the set-aside awards, the commissioner shall award the balance of the set-aside contracts to other small businesses. *At least 50 percent of the value of the procurements awarded to businesses owned and operated by socially or economically disadvantaged*

persons shall actually be performed by the business to whom the award is made or another business owned and operated by a socially or economically disadvantaged person or persons. Subcontracting done in the normal course of business shall be deemed to have been performed by a business owned and operated by a socially or economically disadvantaged person or persons.

Sec. 4. Minnesota Statutes 1982, section 16.083, is amended by adding a subdivision to read:

Subd. 4a. [CONTRACTS IN EXCESS OF \$200,000; SET-ASIDE.] The commissioner as a condition of awarding state procurements for construction contracts or approving contracts for consultant, professional or technical services pursuant to section 16.098, in excess of \$200,000 shall require that at least ten percent of the contract award to a prime contractor be subcontracted to a business owned and operated by a socially or economically disadvantaged person or persons. In the event small businesses owned and operated by socially and economically disadvantaged persons are unable to perform ten percent of the prime contract award, the commissioner shall require that other small businesses perform at least ten percent of the prime contract award. Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information. Prime contractors receiving construction contract awards in excess of \$200,000 shall furnish to the commissioner the name of each business owned and operated by a socially or economically disadvantaged person or persons or other small business that is performing work on the prime contract and the dollar amount of the work performed.

Sec. 5. Minnesota Statutes 1982, section 16.084, is amended to read:

16.084 [ENCOURAGEMENT OF PARTICIPATION; ADVISORY TASK FORCE.]

Subdivision 1. [COMMISSIONER OF ADMINISTRATION.] The commissioners of administration and energy, planning and development shall publicize the provisions of the set-aside program, attempt to locate small businesses able to perform set-aside procurement awards, (AND) encourage participation. When the commissioner of administration determines that a small business is unable to perform under a set-aside contract, he shall (SO) inform the commissioner of energy, planning and development who shall assist the small business in attempting to remedy the causes of the inability to perform a set-aside award. In assisting the small business, the commis-

sioner of energy, planning and development in cooperation with the commissioner of administration shall use (ANY) management or financial assistance programs (AS MAY BE) made available by or through the department of energy, planning and development, other state or governmental agencies, or private sources.

Subd. 2. [ADVISORY TASK FORCE.] The commissioner of administration may appoint a small business procurement advisory task force to advise the commissioner of administration on matters relating to the small business procurement program. The task force shall consist of 13 members, with one member to be designated by each of the following groups: the council on Black Minnesotans; the council on the affairs of Spanish-speaking people; the Indian affairs intertribal board, the council on the economic status of women, and the handicapped council. Eight members shall be appointed by the governor, with one member representing each of the five minority constituencies. The governor's appointees shall be knowledgeable in the area of business in general and shall have a substantial relationship with the constituent community represented. The remaining three members appointed by the governor shall represent small businesses not owned and operated by socially or economically disadvantaged persons. A chairperson of the advisory task force shall be elected from among the members designated or appointed. The eight members appointed by the governor shall be subject to the appointments program provided by section 15.0597. The terms and removal of all members shall be as provided in section 15.059, but members shall not receive per diem or expenses.

Subd. 3. [DUTIES.] The small business procurement advisory task force shall:

(a) advise the commissioner of administration on matters relating to the small business procurement program;

(b) review complaints or grievances from small business vendors or contractors who are doing or attempting to do business under the program; and

(c) review the quarterly reports of the commissioners of administration and energy, planning and development provided by section 16.086 to ensure compliance with the goals of the program.

Sec. 6. Minnesota Statutes 1982, section 16.085, is amended to read:

16.085 [RULES.]

The commissioner of administration shall promulgate by rule standards and procedures for certifying that small businesses

and small businesses owned and operated by socially or economically disadvantaged persons are eligible to participate under the requirements of sections 16.081 to 16.086. (THE PROCEDURE FOR DETERMINATION OF ELIGIBILITY MAY INCLUDE SELF CERTIFICATION BY A BUSINESS, PROVIDED THAT THE COMMISSIONER RETAINS THE ABILITY TO VERIFY A SELF CERTIFICATION.) The commissioner shall promulgate *by rule standards and procedures for hearing appeals and grievances and other rules as may be necessary to carry out the duties set forth in sections 16.081 to 16.086.* The commissioner may make rules which exclude or limit the participation of nonmanufacturing business, including third-party lessors, jobbers, manufacturers' representatives, and others from eligibility under Laws 1980, Chapter 361. *The commissioner may promulgate rules to establish a preference program whereby businesses owned and operated by socially and economically disadvantaged persons would be allowed a 5 percent preference in the bid amount on selected state procurements. Any preference program established by the commissioner shall expire on June 30, 1986, and the commissioner shall report to the legislature on the progress of the program by January 1, 1986. The commissioner shall adopt rules providing for the purchase of supplies, equipment, and other property by state agencies when the amount of the purchase is not less than \$100 nor more than \$500 without prior approval of the commissioner when the agency has adopted a plan to make 10 percent of the purchases on an annual basis from businesses owned and operated by socially and economically disadvantaged persons. The rules shall provide that any agency plan include provisions for purchases from vendors throughout the state for any agency that has offices located statewide, and for purchases from local vendors by agency offices.*

Sec. 7. Minnesota Statutes 1982, section 16.086, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF ADMINISTRATION.] The commissioner of administration shall submit an annual report pursuant to section 3.195 to the governor and the legislature with a copy to the commissioner of energy, planning and development indicating the progress being made toward the objectives and goals of sections 16.081 to 16.086 during the preceding fiscal year. (THIS REPORT) *The commissioner shall also submit a quarterly report to the small business procurement advisory task force. These reports shall include the following information:*

(a) the total dollar value and number of potential set-aside awards identified during this period and the percentage of total state procurement this figure reflects;

(b) the number of small businesses identified by and responding to the set-aside program, the total dollar value and

number of set-aside contracts actually awarded to small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;

(c) the total dollar value and number of set-aside contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with appropriate designation as to the total number and value of set-aside contracts awarded to each small business *and to each category of economically or socially disadvantaged persons as defined by section 645.445 and agency rules*, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflect;

(d) the number of contracts which were designated and set-aside pursuant to section 16.083 but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procurement procedures.

Sec. 8. Minnesota Statutes 1982, section 16.098, subdivision 4, is amended to read:

Subd. 4. [PROCEDURE FOR CONSULTANT AND PROFESSIONAL AND TECHNICAL SERVICES CONTRACTS.] Before approving a proposed state contract for consultant services or professional and technical services the commissioner shall have at least determined that:

(1) all provisions of *section 16.083, subdivisions 1a and 4a, and subdivisions 2 and 3 of this section* have been verified or complied with;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities, and that there is statutory authority to enter into the contract;

(3) the contract will not establish an employer/employee relationship between the state or the agency and any persons performing under the contract;

(4) no current state employees will engage in the performance of the contract;

(5) no state agency has previously performed or contracted for the performance of tasks which would be substantially duplicated under the proposed contract;

(6) the contracting agency has specified a satisfactory method of evaluating and utilizing the results of the work to be performed.

Sec. 9. Minnesota Statutes 1982, section 16.28, is amended to read:

16.28 [PURCHASES.]

The commissioner of administration, subject to the approval of the governor, may make rules (, REGULATIONS,) and orders regulating and governing the manner and method of purchasing, delivering, and handling of, and the contracting for supplies, equipment, and other property for the various officials, departments, and agencies of the state government and institutions under their control. (SUCH) *These* rules (, REGULATIONS,) and orders shall be uniform, so far as practicable, shall be of general or limited application, and shall include provisions for the following:

(1) the advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;

(2) the purchase of supplies and other property without advertisement or the receipt of bids, where the amount involved will not exceed \$500, when in the judgment of the commissioner it is expedient;

(3) the purchase of supplies and other property without competition in cases of emergency requiring immediate action;

(4) the purchase of certain supplies, equipment, and other property by long or short term contracts, or by purchases of contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more departments, offices, and commissions;

(5) the time for submitting estimates for various supplies, equipment, and other property;

(6) regulation to secure the prompt delivery of commissary or other necessary supplies;

(7) standardization of forms for estimates, orders, and contracts;

(8) standardization of specifications for purchasing supplies, equipment, and other property;

(9) standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;

(10) the purchase of supplies and other property locally upon permission, specific or otherwise, of the commissioner;

(11) the use and disposal of the products of state institutions;

(12) the disposal of obsolete, excess, and unsuitable supplies, salvage, waste materials, and other property, and (THE) *their* transfer (OF SAME) to other departments, offices, and commissions;

(13) the storage of surplus supplies, equipment, and other property not needed for immediate use;

(14) the testing of commodities or supplies or samples thereof;

(15) hearings on complaints in respect to the quality, grade, or brand of commodities or supplies;

(16) the waiver of rules in special cases;

(17) *The purchase of supplies, equipment and other property by state department and agency heads and institutions under their control without prior approval of the commissioner of administration when the amount involved does not exceed \$100, or when the amount involved is at least \$100 but does not exceed \$500 when the purchases are made in accordance with rules adopted pursuant to section 16.085.*

The commissioner shall have immediate supervision of all purchases and contracts made, and shall carry out and enforce such rules (, REGULATIONS,) and orders relative thereto as he may adopt.

Sec. 10. [APPROPRIATION.]

The sum of \$200,000 is appropriated from the general fund to the department of administration for the 1984-1985 biennium to implement sections 1 to 9. The approved complement of the department of administration is increased by two positions.

Sec. 11. [EFFECTIVE DATE.]

This act is effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to state contracts; providing for an increase in small business set-aside awards; providing for set aside of consultant, professional and technical contracts; providing for subcontracting of state construction contracts in certain cases; requiring a staff complement sufficient to facilitate the set-aside program; providing for a small business procurement advisory task force; requiring the commissioner of administration to promulgate rules; providing for certain reports to the governor, legislature, and small business procurement advisory council; appropriating money; increasing the approved complement of the department of administration; amending Minnesota Statutes 1982, sections 16.083, subdivisions 1, 4, and by adding subdivisions; 16.084; 16.085; 16.086, subdivision 1; 16.098, subdivision 4; and 16.28."

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

The report was adopted.

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

H. F. No. 957, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey to private persons, under certain circumstances, road easements across railroad rights-of-way acquired for trail purposes; proposing new law coded in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 1, line 13, delete "*permanent*"

Page 1, line 17, delete "*all of*"

Page 1, line 18, delete "*all other lawful*"

Page 1, line 20, delete "*including but not limited to*" and insert "*through*"

Page 1, line 21, delete everything after "*road*"

Page 1, line 22, delete everything before "*and*"

Page 1, line 24, delete "*any short or long term*"

Page 1, line 26, delete "*permanent*"

Page 2, line 2, delete everything after "*pay*"

Page 2, line 5, delete "also" and delete "such"

Page 2, line 6, after "conditions" insert "of use"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1021, A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.461, subdivisions 4, 6, and by adding a subdivision; and 302A.521, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 300.083, subdivision 6, is amended to read:

Subd. 6. [DETERMINATION OF ELIGIBILITY.] (a) All determinations whether indemnification of a person is required because the criteria set forth in subdivision 2 have been satisfied and whether a person is entitled to payment or reimbursement of expenses in advance of the final disposition of a proceeding as provided in subdivision 3 shall be made:

((A)) (1) By the board by a majority of a quorum. Directors who are at the time parties to the proceeding shall not be counted for determining either a majority or the presence of a quorum;

((B)) (2) If a quorum under clause ((A)) (1) cannot be obtained, by a majority of a committee of the board, consisting solely of two or more directors not at the time parties to the proceeding, duly designated to act in the matter by a majority of the full board including directors who are parties;

((C)) (3) If a determination is not made under clause ((A)) (1) or ((B)) (2), by special legal counsel, selected either by a majority of the board or a committee by vote pursuant to clause ((A)) (1) or ((B)) (2) or, if the requisite quorum of the full board cannot be obtained and the committee cannot be

established, by a majority of the full board including directors who are parties;

((D)) (4) If a determination is not made under clauses ((A)) (1) to ((C)) (3), by the shareholders, excluding the votes of shares held by parties to the proceeding; or

((E)) (5) If an adverse determination is made under clauses ((A)) (1) to ((D)) (4), or if no determination is made under clauses ((A)) (1) to ((D)) (4) within 60 days after the termination of a proceeding or after a request for an advance of expenses, as the case may be, by a court in this state, which may be the same court in which the proceeding involving the person's liability took place, upon application of the person and any notice the court requires.

(b) *With respect to a person who is not a director, officer, or person possessing, directly or indirectly, the power to direct or cause the direction of the management or policies of the corporation, the determination whether indemnification of this person is required because the criteria set forth in subdivision 2 have been satisfied and whether this person is entitled to payment or reimbursement of expenses in advance of the final disposition of a proceeding as provided in subdivision 3 may be made by an annually appointed committee of the board, having at least one member who is a director. The committee shall report at least annually to the board concerning its actions.*

Sec. 2. Minnesota Statutes 1982, section 302A.115, is amended by adding a subdivision to read:

Subd. 7. [LOST NAMES; USE BY OTHERS.] Each corporation formed before July 1, 1979 which has not filed the active status report required by Minnesota Statutes 1982, section 301.511 and which has not elected to become governed by chapter 302A before January 1, 1984 shall file that report with the secretary of state accompanied by a filing fee of \$10.

Each corporation which has not filed that report on August 1, 1983 loses its right to the exclusive use of its name. The corporation may reacquire the right to use that name by filing the report and paying the fee required by this subdivision, unless the name has been adopted for use or reserved by another person, in which case the report will be rejected unless the report can be accepted pursuant to subdivision 1, clause (d). A corporation which cannot reacquire the use of its corporate name shall adopt a new corporate name which complies with the provisions of section 302A.115.

Sec. 3. Minnesota Statutes 1982, section 302A.215, is amended to read:

302A.215 [CUMULATIVE VOTING FOR DIRECTORS.]

Subdivision 1. [VOTING RIGHTS.] Unless the articles provide that there shall be no cumulative voting, and except as provided in section 302A.223, subdivision 5, each shareholder entitled to vote for directors has the right to cumulate those votes in the election of directors by giving written notice of intent to cumulate those votes to any officer of the corporation before the meeting, or to the presiding officer at the meeting at which the election is to occur at any time before the election of directors at the meeting, in which case:

(a) The presiding officer at the meeting shall announce, before the election of directors, that shareholders shall cumulate their votes; and

(b) Each shareholder shall cumulate those votes either by casting for one candidate the number of votes equal to the number of directors to be elected multiplied by the number of votes represented by the shares, or by distributing all of those votes on the same principle among any number of candidates.

Subd. 2. [MODIFICATIONS.] No amendment to the articles or bylaws which has the effect of denying, limiting, or modifying the right to cumulative voting for directors provided in this section shall be adopted if the votes of a proportion of the voting power sufficient to elect a director at an election of the entire board under cumulative voting are cast against the amendment.

Sec. 4. Minnesota Statutes 1982, section 302A.413, is amended by adding a subdivision to read:

Subd. 9. [MODIFICATION.] No amendment to the articles or board action pursuant to section 302A.401, subdivision 2, clause (b), which has the effect of denying, limiting, or modifying the preemptive rights provided in this section shall be adopted if the votes of a proportion of the voting power sufficient to elect a director at an election of the entire board under cumulative voting are cast against the amendment.

Sec. 5. Minnesota Statutes 1982, section 302A.461, subdivision 4, is amended to read:

Subd. 4. [RIGHT TO INSPECT.] (a) A shareholder, beneficial owner, or a holder of a voting trust certificate has an absolute right, upon written demand, to examine and copy, in person or by a legal representative, at any reasonable time:

- (1) The share register; and
- (2) All documents referred to in subdivision 2.

(b) A shareholder, beneficial owner, or a holder of a voting trust certificate has a right, upon written demand, to examine and copy, in person or by a legal representative, other corporate records at any reasonable time only if the shareholder, beneficial owner, or holder of a voting trust certificate demonstrates a proper purpose for the examination. A "proper purpose" is one reasonably related to the person's interest as a shareholder, beneficial owner, or holder of a voting trust certificate of the corporation.

(c) No shareholder, beneficial owner, or holder of a voting trust certificate shall use for commercial purposes, or furnish to another for use for commercial purposes, or shall use as a mailing list, other than for a proper purpose, any information obtained in the exercise of any rights under clause (a).

Sec. 6. Minnesota Statutes 1982, section 302A.461, is amended by adding a subdivision to read:

Subd. 4a. [PROTECTIVE ORDERS.] (a) On application of the corporation, a court in this state may issue a protective order or any other relief it deems appropriate in the circumstances, including an award of damages and reasonable expenses, including attorney's fees and disbursements, if the applicant demonstrates that a shareholder, beneficial owner, or holder of a voting trust certificate has violated subdivision 4, clause (c).

(b) On application of the corporation, a court in this state may issue a protective order permitting the corporation to withhold portions of the records of proceedings of the board for a reasonable period of time, not to exceed 12 months, in order to prevent premature disclosure of confidential information which would be likely to cause competitive injury to the corporation. A protective order may be renewed for successive reasonable periods of time, each not to exceed 12 months and in total not to exceed 36 months, for good cause shown. In the event a protective order is issued, the statute of limitations for any action which the shareholder, beneficial owner, or holder of a voting trust certificate might bring as a result of information withheld automatically extends for the period of delay. If the court does not issue a protective order with respect to any portion of the records of proceedings as requested by the corporation, it shall award reasonable expenses, including attorney's fees and disbursements, to the shareholder, beneficial owner, or holder of a voting trust certificate.

Sec. 7. Minnesota Statutes 1982, section 302A.461, subdivision 6, is amended to read:

Subd. 6. [COMPUTERIZED RECORDS.] The records maintained by a corporation, including its share register, financial records, and minute books, may utilize any information

storage technique, including, for example, punched holes, printed or magnetized spots, or micro-images, even though that makes them illegible visually, if the records can be converted (, BY MACHINE) *accurately* and within a reasonable time, into a form that is legible visually and whose contents are assembled by related subject matter to permit convenient use by people in the normal course of business. A corporation shall convert any of the records referred to in subdivision 4 upon the request of a person entitled to inspect them, and the expense of the conversion shall be borne by the person who bears the expense of copying pursuant to subdivision 5. A copy of the conversion is admissible in evidence, and shall be accepted for all other purposes, to the same extent as the existing or original records would be if they were legible visually.

Sec. 8. Minnesota Statutes 1982, section 302A.521, subdivision 6, is amended to read:

Subd. 6. [DETERMINATION OF ELIGIBILITY.] (a) All determinations whether indemnification of a person is required because the criteria set forth in subdivision 2 have been satisfied and whether a person is entitled to payment or reimbursement of expenses in advance of the final disposition of a proceeding as provided in subdivision 3 shall be made:

((A)) (1) By the board by a majority of a quorum. Directors who are at the time parties to the proceeding shall not be counted for determining either a majority or the presence of a quorum;

((B)) (2) If a quorum under clause ((A)) (1) cannot be obtained, by a majority of a committee of the board, consisting solely of two or more directors not at the time parties to the proceeding, duly designated to act in the matter by a majority of the full board including directors who are parties;

((C)) (3) If a determination is not made under clause ((A)) (1) or ((B)) (2), by special legal counsel, selected either by a majority of the board or a committee by vote pursuant to clause ((A)) (1) or ((B)) (2) or, if the requisite quorum of the full board cannot be obtained and the committee cannot be established, by a majority of the full board including directors who are parties;

((D)) (4) If a determination is not made under clauses ((A)) (1) to ((C)) (3), by the shareholders, excluding the votes of shares held by parties to the proceeding; or

((E)) (5) If an adverse determination is made under clauses ((A)) (1) to ((D)) (4), or if no determination is made under clauses ((A)) (1) to ((D)) (4) within 60 days after the termination of a proceeding or after a request for an advance of

expenses, as the case may be, by a court in this state, which may be the same court in which the proceeding involving the person's liability took place, upon application of the person and any notice the court requires.

(b) *With respect to a person who is not a director, officer, or person possessing, directly or indirectly, the power to direct or cause the direction of the management or policies of the corporation, the determination whether indemnification of this person is required because the criteria set forth in subdivision 2 have been satisfied and whether this person is entitled to payment or reimbursement of expenses in advance of the final disposition of a proceeding as provided in subdivision 3 may be made by an annually appointed committee of the board, having at least one member who is a director. The committee shall report at least annually to the board concerning its actions.*

Sec. 9. Minnesota Statutes 1982, section 302A.751, subdivision 1, is amended to read:

Subdivision 1. [WHEN PERMITTED.] A court may grant any equitable relief it deems just and reasonable in the circumstances or may dissolve a corporation and liquidate its assets and business:

(a) In a supervised voluntary dissolution pursuant to section 302A.741;

(b) In an action by a shareholder when it is established that:

(1) The directors or the persons having the authority otherwise vested in the board are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock;

(2) The directors or those in control of the corporation have acted fraudulently, illegally, or in a manner (PERSISTENTLY UNFAIR) *unfairly prejudicial* toward one or more minority shareholders *in their capacities as shareholders, directors, or officers, or as employees of a closely-held corporation;*

(3) The shareholders of the corporation are so divided in voting power that, for a period that includes the time when two consecutive regular meetings were held, they have failed to elect successors to directors whose terms have expired or would have expired upon the election and qualification of their successors;

(4) The corporate assets are being misapplied or wasted; or

(5) The period of duration as provided in the articles has expired and has not been extended as provided in section 302A.801;

(c) In an action by a creditor when:

(1) The claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied; or

(2) The corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is unable to pay its debts in the ordinary course of business; or

(d) In an action by the attorney general to dissolve the corporation in accordance with section 302A.757 when it is established that a decree of dissolution is appropriate.

Sec. 10. Minnesota Statutes 1982, section 302A.751, is amended by adding a subdivision to read:

Subd. 3a. [CONSIDERATIONS IN GRANTING RELIEF INVOLVING CLOSELY-HELD CORPORATIONS.] In determining whether to order equitable relief, dissolution, or a buy-out, the court shall take into consideration the duty which all shareholders in a closely-held corporation owe one another to act in an honest, fair, and reasonable manner in the operation of the corporation and the reasonable expectations of the shareholders as they exist at the inception and develop during the course of the shareholders' relationship with the corporation and with each other.

Sec. 11. [EFFECTIVE DATE.]

Section 1 is effective January 1, 1984."

Delete the title and insert:

"A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; permitting the use of corporate names of corporations not filing the active status report; restricting the right of a corporation to deny cumulative voting; protecting preemptive rights of shareholders; clarifying when equitable relief is available to minority stockholders; providing for the retention of cumulative voting and preemptive rights after incorporation; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.115, by adding a subdivision; 302A.215; 302A.413, by adding a subdivision; 302A.461, subdivisions 4, 6, and by adding a subdivision; 302A.521, subdivision 6; and 302A.751, subdivision 1, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1059, A bill for an act 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 and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

S. F. No. 147, A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, before line 8, insert:

"Section 1. Minnesota Statutes 1982, section 352.04, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee contribution to the fund shall be an amount equal to (3.46) 3.73 percent of salary, beginning with the first full pay period after (DECEMBER 31, 1981) *January 18, 1983*. These contributions shall be made by deduction from salary in the manner provided in subdivision 4.

Sec. 2. Minnesota Statutes 1982, section 352.04, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTIONS.] The employer contribution to the fund shall be an amount equal to the total amount deducted from the salaries of employees on each payroll abstract, plus an additional (1.58) 1.87 percent of salary beginning with the first full pay period after (JULY 1, 1982. FOR THE PERIOD BEGINNING WITH THE FIRST FULL PAY PERIOD AFTER DECEMBER 31, 1981, AND ENDING WITH THE LAST FULL PAY PERIOD BEFORE JULY 1, 1982, THE CONTRIBUTION SHALL BE AN AMOUNT EQUAL TO 3.46

PERCENT OF SALARY PLUS AN ADDITIONAL 1.74 PERCENT OF SALARY) *January 18, 1983*. The employer contribution shall be made in the manner provided in subdivisions 5 and 6."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "Minnesota state retirement system; correcting"

Page 1, line 3, delete everything after "contributions" and insert "for general members; reducing rates for correctional members"

Page 1, line 4, delete "system"

Page 1, line 4, delete "section" and insert "sections 352.04, subdivisions 2 and 3; and"

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

The report was adopted.

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

S. F. No. 322, A bill for an act relating to soil and water conservation districts; authorizing annual audits by certified public accountants; amending Minnesota Statutes 1982, section 40.06, subdivision 4.

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

The report was adopted.

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

S. F. No. 332, A bill for an act relating to financial institutions; banks; authorizing the leasing of personal property to employees, stockholders, directors, or officers; amending Minnesota Statutes 1982, section 48.152, subdivision 8; repealing Minnesota Statutes 1982, section 48.152, subdivision 9.

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

The report was adopted.

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

S. F. No. 427, A bill for an act relating to safety glazing material; establishing new requirements for the use of glazed safety glass in hazardous locations; amending Minnesota Statutes 1982, section 299G.13, subdivisions 3 and 10.

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

The report was adopted.

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

S. F. No. 466, A bill for an act relating to game and fish; allowing the commissioner of natural resources to prohibit firing upon, over, or across a public highway for the purpose of taking migratory waterfowl in designated locations; amending Minnesota Statutes 1982, section 100.31.

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

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

S. F. No. 529, A bill for an act relating to human rights; prohibiting discrimination because of disability; providing penalties; amending Minnesota Statutes 1982, sections 363.01, subdivision 25, and by adding subdivisions; 363.02, subdivisions 1 and 5; 363.03, subdivisions 1, 3, 4, and 7; and repealing Minnesota Statutes 1982, section 363.03, subdivision 4a.

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

The report was adopted.

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

S. F. No. 551, A bill for an act relating to waters; requiring legislative approval for diversion of water outside the state; amending Minnesota Statutes 1982, section 105.405, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 105.405, subdivision 2, is amended to read:

Subd. 2. No permit authorized by sections 105.37 to 105.55 nor any plan for which the commissioner's approval is required or permitted, involving a diversion of any waters of the state, surface or underground, to a place outside of this state shall be granted or approved until after a determination by the commissioner that the water remaining in this state will be adequate to meet the state's water resources needs during the specified life of the diversion project *and after approval by the legislature.*

Sec. 2. Minnesota Statutes 1982, section 105.41, subdivision 5, is amended to read:

Subd. 5. Records of the amount of water appropriated or used shall be recorded for each such installation and such readings and the total amount of water appropriated shall be reported annually to the commissioner of natural resources on or before February 15 of the following year upon forms to be supplied by the commissioner.

(FOR THE PURPOSE OF IMPROVING THE STATE'S WATER USE DATA COLLECTION AND DISSEMINATION SYSTEM, THERE IS ESTABLISHED) *The records shall be submitted with an annual water appropriation processing fee (OF \$5) in the amount established in accordance with the following schedule of fees for each water appropriation permit in force at any time during the year: (a) irrigation permits, \$10 for each permitted 40 acres or portion thereof; (b) for non-irrigation permits, \$5 for each ten million gallons or portion thereof permitted each year, but not to exceed a total fee of \$250 per permit. The fee is payable regardless of the amount of water appropriated during the year. (THE FEE SHALL BE PAID AT THE TIME OF MAKING THE ANNUAL REPORT REQUIRED BY THIS SECTION.)* Failure to pay the fee is sufficient cause for revoking a permit. No fee may be imposed on any state agency, as defined in section 16.011, or federal governmental agency holding a water appropriation permit.

Sec. 3. [APPROPRIATION.]

The sum of \$175,000 is appropriated from the general fund to the commissioner of natural resources for the biennium ending June 30, 1985, for water appropriation management programs.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective for reporting years 1983, and following. Sections 1 and 3 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 3, after "state;" insert "increasing water appropriation permit fees; appropriating money;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, after "2" insert "; and 105.41, subdivision 5"

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

The report was adopted.

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

S. F. No. 597, A bill for an act relating to financial institutions; credit unions; requiring applicants to form a credit union to submit certain information to the commissioner of banks; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, sections 52.01; 52.05; and 168.67.

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

The report was adopted.

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

S. F. No. 611, A bill for an act relating to occupations and professions; limiting municipal regulation of tow truck operators; limiting removal by tow trucks from private property; proposing new law coded in Minnesota Statutes, chapter 465.

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

The report was adopted.

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

S. F. No. 653, A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on the

Pine river; amending Minnesota Statutes 1982, section 85.32, subdivision 1.

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

The report was adopted.

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

S. F. No. 659, A bill for an act relating to the city of Crookston; providing for membership in the public employees police and fire fund by a certain police officer.

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

S. F. No. 857, A bill for an act relating to agriculture; excluding pipeline companies from certain restrictions on acquisition of agricultural land; amending Minnesota Statutes 1982, section 500.221, subdivision 2.

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

The report was adopted.

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

S. F. No. 972, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis County; appropriating money.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 92, 253, 570, 831, 957 and 1021 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 358, 338, 598, 900, 843, 160, 891, 699, 263, 322, 332, 427, 466, 529, 597, 611, 653, 659, 857 and 972 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

DenOuden introduced:

H. F. No. 1235, A bill for an act relating to education; permitting the development and implementation of a low-powered two way interactive television transmission system for Independent School District No. 341 and Independent School District No. 464; directing the department of education to make a grant for that purpose; appropriating money.

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

Riveness, Swanson, Himle and Blatz introduced:

H. F. No. 1236, A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 458.195, subdivision 5; and 473.556, subdivision 6.

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

Krueger, Uphus, Wenzel, Graba and Peterson introduced:

H. F. No. 1237, A bill for an act relating to education; establishing a program to require school districts to provide milk to all elementary and secondary pupils in public and nonpublic schools; appropriating money; proposing new law coded in Minnesota Statutes, chapter 124.

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

Haukoos, Scheid, Dempsey, Schreiber and Minne introduced:

H. F. No. 1238, A bill for an act relating to property tax refund; clarifying the definition of homestead; disallowing the credit for months in which certain welfare benefits are received by the claimant; amending Minnesota Statutes 1982, section 290A.03, subdivision 6; 290A.04, by adding a subdivision; repealing Minnesota Statutes 1982, sections 256.879; and 290A.22.

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

Gustafson introduced:

H. F. No. 1239, A bill for an act relating to taxation; extending availability of confession of judgment procedure to certain non-homestead property; amending Minnesota Statutes 1982, section 279.37, subdivision 1.

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

Sarna introduced:

H. F. No. 1240, A bill for an act relating to health insurance; reinstating health insurance for a certain annuitant.

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

Knickerbocker introduced:

H. F. No. 1241, A bill for an act relating to local government; providing counties with authority relating to certain costs; providing for county boards to set various fees; providing for legislative review of certain fees; amending Minnesota Statutes 1982, sections 98.50, subdivision 5; 144.226; 329.03; 329.04; 330.01, subdivision 1; 357.021, subdivision 2; 357.07; 357.18, subdivisions 1 and 1a; 488A.20, subdivision 4; 514.70; 517.08, subdivision 1b; 525.031; 525.033; and 574.32; and proposing new law coded in Minnesota Statutes, chapter 16.

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

Greenfield, Kahn and Vanasek introduced:

H. F. No. 1242, A resolution memorializing the President and Congress of the United States to amend the law to abolish the denial of financial aid benefits to students who refuse to register for the draft.

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

Greenfield, Eken, Knickerbocker, Sieben and Jennings introduced:

H. F. No. 1243, A resolution memorializing the United States Congress to vote favorably on the bill H. R. 1646, the Railroad Retirement Solvency Act of 1983.

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

Elioff, Munger, Begich, Murphy and Battaglia introduced:

H. F. No. 1244, A bill for an act relating to education; establishing engineering degree programs at the University of Minnesota-Duluth and at a selected state university; creating the Minnesota natural resource institute at the University of Minnesota-Duluth; authorizing a sale of bonds; appropriating money.

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

Riveness; Peterson; Nelson, D.; Zaffke and Murphy introduced:

H. F. No. 1245, A bill for an act relating to nonprofit corporations; providing for approval of certain actions by boards of directors without formal board meetings; amending Minnesota Statutes 1982, section 317.20, subdivision 12.

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

Wynia, Gutknecht, Forsythe, Swanson and Murphy introduced:

H. F. No. 1246, A bill for an act relating to handicapped persons; establishing a program in the department of economic security to distribute grants to centers providing independent living services; appropriating money; proposing new law coded in Minnesota Statutes, chapter 129A.

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

Ogren, Osthoff, Simoneau, Munger and Kahn introduced:

H. F. No. 1247, A bill for an act relating to elections; requiring major political party registration as a condition of voting in state partisan primary elections; allowing a voter to change at certain times his political party preference; specifying application information for absentee ballot requests; providing certain procedures for verifying right to vote, marking ballots, and reconciliation of the number of ballots cast; requiring certain information on certain election reports; providing for the preparation of a state partisan primary ballot for each major political party; changing certain requirements for voting machines and electronic voting systems; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1 and 3, and by adding a subdivision; 201.091, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 4; 203B.12, subdivision 2; 203B.17, subdivision 2; 203B.24, by adding a subdivision; 204C.10; 204C.11; 204C.13, subdivisions 1 and 3; 204C.20, by adding a subdivision; 204C.24, subdivision 1; 204C.32, subdivision 1; 204D.05, subdivisions 1 and 3; 204D.08, subdivision 4; 204D.09; 204D.10, subdivision 1; 206.026, subdivision 1; 206.07, subdivisions 1, 4, and 5; 206.09; and 206.20, subdivision 2; repealing Minnesota Statutes 1982, sections 204C.18, subdivision 1; and 204D.08, subdivision 5.

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

Price, Beard and Hoffman introduced:

H. F. No. 1248, A bill for an act relating to Washington County; authorizing the issuance of bonds for library buildings.

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

Heap; Anderson, B., and Levi introduced:

H. F. No. 1249, A bill for an act relating to government meetings; providing that a meeting of fewer than a majority of a quorum is not subject to the open meeting law; amending Minnesota Statutes 1982, section 471.705, subdivision 1.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Krueger introduced:

H. A. No. 13, A proposal for a study of milk quality standards in Minnesota.

The advisory was referred to the Committee on Agriculture.

Krueger and Graba introduced:

H. A. No. 14, A proposal to study cutbacks in federal funds for milk and dairy programs in schools.

The advisory was referred to the Committee on Agriculture.

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. 157, A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

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. 804, A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1982, section 486.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 516, A bill for an act relating to the city of Montevideo; giving it certain powers of a statutory city.

H. F. No. 1079, A bill for an act relating to social and charitable organizations; including planning and developing costs as fundraising costs; amending Minnesota Statutes 1982, section 309.50, subdivision 12.

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. 381, A bill for an act relating to taxation; adopting certain federal provisions relating to income taxes; updating certain references to the Internal Revenue Code; adopting certain federal provisions relating to the determination of interest rates on taxes; imposing penalties; amending Minnesota Statutes 1982, sections 270.75, subdivision 5; 290.01, subdivisions 20, 20a, as amended, 20b, as amended, 20c, and 20f; 290.05, subdivision 6; 290.068, subdivisions 3 and 4; 290.09, subdivisions 2, 7, as amended, and 29; 290.091; 290.10; 290.135, subdivision 1, as amended; 290.16, subdivisions 7 and 16; 290.17, subdivision 1; 290.26, subdivision 2; 290.37, by adding a subdivision; 290.41, subdivisions 3, 8, and by adding a subdivision; 290.45, subdivision 1; 290.48, by adding a subdivision; 290.53, subdivision 2, and by adding subdivisions; 290.92, subdivisions 7, 13, 15, and by adding a subdivision; 290.93, subdivisions 9, 10, and 11; 290.934, subdivision 4; 290.9725; 290.9726, subdivisions 5 and 6; 290.974; 290A.03, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1982, section 290.01, subdivision 28.

PATRICK E. FLAHAVEN, Secretary of the Senate

Otis moved that the House refuse to concur in the Senate amendments to H. F. No. 381, that the Speaker appoint a Con-

ference 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. 870, A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rodosovich moved that the House refuse to concur in the Senate amendments to H. F. No. 870, 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. 406, A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, sections 549.04; and 580.17.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Norton moved that the House concur in the Senate amendments to H. F. No. 406 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 406, A bill for an act relating to civil actions; allowing prevailing parties to recover disbursements for process served by private process servers; amending Minnesota Statutes 1982, sections 549.04; and 580.17.

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

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

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kostohryz	Otis	Sherman
Anderson, G.	Evans	Krueger	Pauly	Simoneau
Battaglia	Findlay	Kvam	Peterson	Skoglund
Beard	Fjoslien	Larsen	Piepho	Solberg
Begich	Forsythe	Levi	Piper	Sparby
Bennett	Frerichs	Long	Price	Stadum
Bergstrom	Graba	Ludeman	Quinn	Staten
Bishop	Greenfield	Mann	Quist	Sviggum
Blatz	Gruenes	Marsh	Redalen	Swanson
Brandl	Gustafson	McDonald	Rice	Thiede
Brinkman	Gutknecht	McEachern	Riveness	Tomlinson
Burger	Halberg	McKasy	Rodosovich	Tunheim
Carlson, D.	Haukoos	Metzen	Rodriguez, C.	Uphus
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Valan
Clark, J.	Himle	Murphy	Rose	Valento
Clark, K.	Hoffman	Nelson, D.	St. Onge	Vanasek
Clawson	Hokr	Nelson, K.	Sarna	Waltman
Cohen	Jacobs	Neuenschwander	Schafer	Welch
Coleman	Jennings	Norton	Scheid	Welker
Dempsey	Jensen	O'Connor	Schoenfeld	Welle
DenOuden	Johnson	Ogren	Schreiber	Wenzel
Dimler	Kalis	Olsen	Seaberg	Wigley
Eken	Kelly	Omann	Segal	Wynia
Elioff	Knickerbocker	Onnen	Shaver	Zaffke
Ellingson	Knuth	Osthoff	Shea	Speaker Sieben

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

Mr. Speaker:

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

H. F. No. 132, A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bergstrom moved that the House concur in the Senate amendments to H. F. No. 132 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 132, A bill for an act relating to state lands; authorizing the sale and conveyance of a certain tract of tax-forfeited land by Sherburne County.

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

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Kostohryz	Pauly	Skoglund
Anderson, G.	Evans	Krueger	Peterson	Solberg
Anderson, R.	Findlay	Kvam	Piepho	Sparby
Battaglia	Fjoslien	Larsen	Piper	Stadum
Beard	Forsythe	Levi	Price	Staten
Begich	Frerichs	Long	Quinn	Sviggun
Bennett	Graba	Ludeman	Quist	Swanson
Bergstrom	Greenfield	Mann	Redalen	Thiede
Bishop	Gruenes	Marsh	Rice	Tomlinson
Blatz	Gustafson	McDonald	Riveness	Tunheim
Brandl	Gutknecht	McEachern	Rodosovich	Uphus
Brinkman	Halberg	McKasy	Rodriguez, C.	Valan
Burger	Haukoos	Metzen	Rodriguez, F.	Valento
Carlson, D.	Heinitz	Munger	Rose	Vanasek
Carlson, L.	Himle	Murphy	St. Onge	Waltman
Clark, J.	Hoffman	Nelson, D.	Sarna	Welch
Clark, K.	Hokr	Nelson, K.	Schafer	Welker
Clawson	Jacobs	Neuenschwander	Scheid	Welle
Cohen	Jennings	Norton	Schoenfeld	Wenzel
Coleman	Jensen	Ogren	Seaberg	Wigley
Dempsey	Johnson	Olsen	Segal	Wynia
DenOuden	Kalis	Omann	Shaver	Zaifke
Dimler	Kelly	Onnen	Shea	Speaker Sieben
Eken	Knickerbocker	Osthoff	Sherman	
Elioff	Knuth	Otis	Simoneau	

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

Mr. Speaker:

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

H. F. No. 511, A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Graba moved that the House concur in the Senate amendments to H. F. No. 511 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 511, A bill for an act relating to labor; creating an exemption to the minimum wage overtime provisions for silo builders; amending Minnesota Statutes 1982, section 177.25, by adding a subdivision.

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

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

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Otis	Sherman
Anderson, G.	Erickson	Knuth	Pauly	Simoneau
Anderson, R.	Evans	Kostohryz	Peterson	Skoglund
Battaglia	Findlay	Krueger	Piepho	Solberg
Beard	Fjoslien	Kvam	Piper	Sparby
Begich	Forsythe	Larsen	Price	Stadum
Bennett	Frerichs	Levi	Quinn	Staten
Bergstrom	Graba	Ludeman	Quist	Sviggum
Bishop	Greenfield	Mann	Redalen	Swanson
Blatz	Gruenes	Marsh	Rice	Thiede
Brandl	Gustafson	McDonald	Riveness	Tomlinson
Brinkman	Gutknecht	McEachern	Rodosovich	Tunheim
Burger	Halberg	McKasy	Rodriguez, C.	Uphus
Carlson, D.	Haukoos	Metzen	Rodriguez, F.	Valan
Carlson, L.	Heap	Munger	Rose	Valento
Clark, J.	Heinitz	Murphy	St. Onge	Vanasek
Clark, K.	Himle	Nelson, D.	Sarna	Waltman
Clawson	Hoffman	Nelson, K.	Schafer	Welch
Cohen	Hokr	Neuenschwander	Scheid	Welker
Coleman	Jacobs	Norton	Schoenfeld	Welle
Dempsey	Jennings	Ogren	Schreiber	Wenzel
DenOuden	Jensen	Olsen	Seaberg	Wigley
Dimler	Johnson	Omann	Segal	Wynia
Eken	Kalis	Onnen	Shaver	Zaffke
Elioff	Kelly	Osthoff	Shea	Speaker Sieben

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

Mr. Speaker:

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

S. F. Nos. 391, 420, 464, 506 and 771.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1195.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 391, A bill for an act relating to economic development; regulating loans of the small business finance agency; amending Minnesota Statutes 1982, sections 116J.88, subdivisions 4 and 8, and by adding a subdivision; 116J.89, by adding a subdivision; 116J.90, subdivision 2; and 116J.91, subdivision 12.

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

S. F. No. 420, A bill for an act relating to judgments; requiring interest to be paid from the date of an initial judgment; amending Minnesota Statutes 1982, section 549.09.

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

S. F. No. 464, A bill for an act relating to port authorities; providing for approval of port authority land sales; amending Minnesota Statutes 1982, section 458.17.

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

S. F. No. 506, A bill for an act relating to probate; changing the time for closing certain estates; amending Minnesota Statutes 1982, section 524.3-1003.

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

S. F. No. 771, A bill for an act relating to courts; providing for removal of claims from municipal court to district court; amending Minnesota Statutes 1982, section 488A.01, subdivision 15; and 488A.18, subdivision 15.

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

S. F. No. 1195, A resolution memorializing the United States Congress to vote favorably on the bill H. R. 1646, the Railroad Retirement Solvency Act of 1983.

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, Greenfield moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1195 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Greenfield moved that the rules of the House be so far suspended that S. F. No. 1195 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1195 was read for the second time.

S. F. No. 1195, A resolution memorializing the United States Congress to vote favorably on the bill H. R. 1646, the Railroad Retirement Solvency Act of 1983.

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 110 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Krueger	Osthoff	Simoneau
Anderson, C.	Fjoslien	Kvam	Otis	Skoglund
Anderson, R.	Forsythe	Larsen	Pauly	Solberg
Battaglia	Graba	Levi	Peterson	Sparby
Beard	Greenfield	Long	Piper	Stadum
Begich	Gruenes	Mann	Price	Staten
Bennett	Gustafson	Marsh	Quinn	Sviggum
Bergstrom	Halberg	McDonald	Redalen	Swanson
Blatz	Haukoos	McEachern	Rice	Thiede
Brandl	Heap	McKasy	Riveness	Tomlinson
Brinkman	Himle	Metzen	Rodosovich	Tunheim
Carlson, D.	Hoffman	Munger	Rodriguez, C.	Valan
Carlson, L.	Hokr	Murphy	Rodriguez, F.	Valento
Clark, J.	Jacobs	Nelson, D.	Rose	Vellenga
Clark, K.	Jennings	Nelson, K.	St. Onge	Waltman
Clawson	Jensen	Neuenschwander	Sarna	Welch
Cohen	Johnson	Norton	Scheid	Welle
Coleman	Kalis	O'Connor	Schoenfeld	Wenzel
Dempsey	Kelly	Ogren	Segal	Wigley
Dimler	Knickerbocker	Olsen	Shaver	Wynia
Elioff	Knuth	Omann	Shea	Zaffke
Erickson	Kostohryz	Onnen	Sherman	Speaker Sieben

Those who voted in the negative were:

Bishop
DenOuden

Frerichs
Gutknecht

Quist
Schafer

Uphus

Welker

The bill was passed and its title agreed to.

CONSENT CALENDAR

S. F. No. 708 was reported to the House.

Clawson moved to amend S. F. No. 708, as follows:

Page 4, following line 18, insert:

“Sec. 4. Minnesota Statutes 1982, section 88.78, is amended to read:

88.78 [APPEALS.]

No appeal (SHALL BE) is allowed from a judgment in (ANY COURT OF A JUSTICE OF THE PEACE, OR) a *county or municipal court* (, OR OTHER SIMILAR COURT,) to the district court in any prosecution under sections 88.03 to 88.22, unless the person appealing (SHALL,) *enters into a recognizance* within the time prescribed by law (, ENTER INTO A RECOGNIZANCE, WITH). *The person appealing shall accompany the recognizance with sufficient sureties (,) or deposit cash bail in twice the amount of the fine and costs, (TO BE) as approved by the (JUSTICE, CONDITIONED) court. The recognizance shall contain a promise to appear before the district court on the first day of the next general term (THERE-OF TO BE HELD) in (AND FOR) the same county (,) and to abide the judgment of the district court (THEREIN).*

The (JUSTICE OR) judge may examine the proposed sureties under oath and (, IN SUCH CASE,) shall make and keep a record of their answers in respect to the kinds and amount of their property not exempt from execution (, AND). He shall furnish a copy of the (SAME) *record* to the director.

When an arrest (SHALL HAVE BEEN) *is* made for violation of any of the provisions of sections 88.03 to 88.22, or when information of (SUCH) a violation (SHALL HAVE) *has* been lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused (WITH DILIGENCE AND ENERGY).”

Page 5, line 6, after the period reinstate the stricken language

Page 5, line 7, reinstate the stricken “the effect of” and “a summons and complaint.”

Page 5, line 8, delete the new language

Page 5, line 24, delete the new language and insert "it"

Page 5, line 25, reinstate the stricken language and delete the new language.

Page 6, delete line 36

Page 7, delete lines 1 through 16

Page 8, line 13, strike "in case of" and before "those" insert "with"

Page 10, line 31, after the stricken "such" insert "the"

Page 10, line 31, reinstate the stricken "judicial officer" and delete the new language

Page 13, line 22, reinstate the stricken "judge" and "and"

Page 13, line 23, reinstate the stricken "every" and reinstate the comma

Page 16, line 27, strike "shall" and insert "may"

Page 17, line 6, strike "fund of the county" and insert "*district where the violation occurs*"

Page 19, line 8, reinstate the stricken "the" before "court"

Page 20, delete lines 25 to 36

Page 21, delete lines 1 to 25

Page 23, line 10, reinstate the stricken ", for which the" and after the stricken "justice" insert "*judge*" and reinstate "shall"

Page 23, line 11, reinstate the stricken language

Page 23, delete lines 30 to 36

Page 24, delete lines 1 to 11 and insert:

"Sec. 35. Minnesota Statutes 1982, section 351.03, is amended to read:

351.03 [REMOVAL BY GOVERNOR.]

The governor may remove from office any clerk of the supreme court or a district court, judge of probate, judge of any county or municipal court, (JUSTICE OF THE PEACE,) court commissioner, sheriff, constable, coroner, auditor, county recorder, county attorney, (COUNTY SUPERINTENDENT OF SCHOOLS,) county commissioner, county treasurer, or any collector, receiver, or custodian of public moneys, when it appears to him by competent evidence, that (EITHER) *the office holder* has been guilty of malfeasance or nonfeasance in the performance of his official duties (; FIRST GIVING TO SUCH). *The governor shall provide the officer with a copy of the charges against him and an opportunity to be heard in his defense prior to his removal.*"

Page 26, line 4, strike "where he crossed"

Page 26, line 5, delete the new language

Page 26, delete lines 28 to 36

Page 27, delete lines 1 to 4

Page 27, line 31, reinstate the stricken "book" and delete "record"

Page 27, line 33, reinstate the stricken language and after "fees" insert "*as were*"

Page 27, line 34, reinstate the stricken language

Page 27, line 35, reinstate the stricken language and delete the new language

Page 28, line 3, reinstate the stricken "same"

Page 28, line 5, after the stricken "may be" insert "*were*" and reinstate the stricken "vested by law in justices of the peace"

Page 28, line 6, delete "*provided by statute or court rule*"

Page 28, line 16, after the first stricken comma insert "*county or*" and reinstate the stricken "municipal" and delete "*clerk of*"

Page 33, delete lines 4 to 23

Page 33, lines 30, 31 and 32, reinstate the stricken "same"

Page 33, line 32, reinstate the stricken "if they" and after the stricken "has" insert "had" and reinstate the stricken "been served with a"

Page 33, line 33, reinstate the stricken language

Page 33, lines 34 and 35, delete the new language and insert "county or municipal judge"

Page 34, line 31, reinstate the stricken "probate" and "shall have" and "same" and "as a"

Page 34, line 31, delete "has"

Page 34, line 32, after the stricken "peace" insert "county or municipal judge"

Page 34, line 34, reinstate the stricken comma

Page 34, line 35, reinstate the stricken "who" and delete "The court"

Page 35, line 10, delete "court. The court" and insert "judge. The judge"

Page 40, line 19, reinstate "in which every" and delete the new language

Page 40, line 20, after the stricken "be" insert "is" and reinstate "entered" and delete "rendered"

Page 40, line 33, after "authority" insert "formerly" and reinstate the stricken language

Page 40, line 34, reinstate the stricken "magistrates" and delete the new language

Page 41, line 30, after "authority" insert "formerly" and reinstate the stricken language

Page 41, line 31, reinstate the stricken "magistrates" and delete the new language

Page 42, after line 1, insert:

"Section 67. Minnesota Statutes 1982, section 492.02, subdivision 3, is amended to read:

Subd. 3. [AMENDMENT OF RULE.] A rule establishing a traffic violations bureau may be amended at any time (, BUT NO AMENDMENT OF A JUSTICE COURT RULE SHALL

BE EFFECTIVE UNLESS APPROVED BY EACH JUSTICE TO WHOM THE RULE THEN APPLIES UNDER THE PROVISIONS OF SUBDIVISION 2). Before becoming effective each rule of a *county* or municipal (OR JUSTICE OF THE PEACE) court establishing a traffic violations bureau and any amendment (THERETO) *to it* shall be published at the expense of the (MUNICIPALITY) *county* in the same manner as its ordinances."

Page 45, delete line 36.

Page 46, delete lines 1 to 7 and insert:

"Sec. 76. Minnesota Statutes 1982, section 571.64, is amended to read:

571.64 [APPEAL.]

Any party to a garnishment proceeding deeming himself aggrieved by any order or final judgment (THEREIN) *in it* may remove (THE SAME) *it* from the (JUSTICE) *county or municipal* court to the district court, or from the district court to the supreme court, by appeal, in (LIKE CASE,) *the same manner* (, AND EFFECT,) as in a civil action.

Sec. 77. Minnesota Statutes 1982, section 574.18, is amended to read:

574.18 [UNDERTAKING IN LIEU OF BOND.]

In all cases of appeal from a county board to the district court upon the allowance or disallowance of claims, (IN ALL ACTIONS BROUGHT BEFORE JUSTICES OF THE PEACE,) in all appeals from a (JUSTICE) *judge* or probate court to the district court, in all actions begun in the district court, in all cases of appeal or writ of error to remove a cause or proceeding (THEREIN) to the supreme court, and in all cases of special or equitable proceedings in the district court or the supreme court, the filing or service, or both, as may be required, of an undertaking, signed by a surety or sureties, as the law (MAY REQUIRE) *requires*, containing a condition substantially the same as required for bonds, with like sureties, qualifications, and justifications, and without acknowledgment or signature of the principal, (SHALL BE DEEMED) *is* a sufficient compliance with the law to sustain (ANY SUCH) *the* action, appeal, or proceeding. (EVERY SUCH) *The* undertaking shall save and secure all rights and liabilities to the same extent as a bond, and the damages presumed to accrue to the party against whom (SUCH) *the* proceeding is taken (SHALL BE DEEMED) *are* a sufficient consideration for (SUCH) *the* undertaking, though no consideration (BE) *is* mentioned (THEREIN, BUT) *in it*. No undertaking or bond need be given upon any appeal or other

proceeding instituted in favor of the state, or any county, city, town, or school district (THEREIN), or of any executor or administrator as such."

Page 48, delete lines 16 through 30

Page 50, line 15, reinstate the stricken "juror,"

Page 52, after line 19, insert:

"Sec. 87. Minnesota Statutes 1982, section 611.18, is amended to read:

611.18 [APPOINTMENT OF PUBLIC DEFENDER.]

When it (SHALL APPEAR) *appears* to a court (OR MAGISTRATE) that a person requesting the appointment of counsel satisfies the requirements of (LAWS 1965,) *this* chapter (869), the court (OR MAGISTRATE) shall order the appropriate public defender to represent him at all further stages of the proceeding through appeal, if any. For those persons appealing to the supreme court from a conviction or pursuing a post conviction proceeding, after the time for appeal has expired, the state public defender shall be appointed. For all other persons covered by section 611.14, a district public defender shall be appointed to represent them. If conflicting interests exist, or if the district public defender for any other reason is unable to act, or if the interests of justice require, the state public defender may be ordered to represent (SUCH A) *the* person. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom he had retained, the court may appoint the appropriate public defender to represent him, as provided in this section. Provided, however, that prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent (SUCH) *the* person unless it is subsequently determined that (SUCH) *the* person is financially able to obtain counsel. (SUCH) *The* representation may be made available at the discretion of the public defender, upon the request of (SUCH) *the* person or someone on his behalf. Any law enforcement officer may notify the public defender of the arrest of any such person."

Page 53, line 25, reinstate the stricken "MAGISTRATE" and delete "JUDGE"

Page 55, line 14, reinstate the stricken "magistrate" and delete "judge"

Page 59, line 14, delete "court" and insert "judge"

Page 59, line 20, after "to" insert "*immediately*."

Page 61, lines 3 and 10, reinstate the stricken "magistrate" and delete "*court*"

Page 66, line 9, reinstate the stricken "MAGISTRATE"

Page 66, line 10, delete "*JUDGE*"

Page 67, line 2, reinstate the stricken "MAGISTRATE"

Page 67, line 3, delete "*JUDGE*"

Page 73, after line 13, insert:

"Sec. 145. Minnesota Statutes 1982, section 648.39, subdivision 2, is amended to read:

Subd. 2. [COUNTY OFFICERS.] Each county shall purchase from the revisor of statutes one copy each for the use of (THE) *each county court clerk and judge (OF PROBATE), county attorney, sheriff, auditor, treasurer, and county recorder (, AND SUPERINTENDENT OF SCHOOLS).*"

Page 73, line 22, delete "*357.15;*"

Page 73, line 25, after "*599.21;*" delete "*599.22; 599.23*" and insert "*599.24*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "*88.645;*" insert "*88.73;*"

Page 1, lines 6 and 7, delete "*127.17, subdivision 4;*"

Page 1, line 13, delete "*345.04; 345.05; 345.06;*"

Page 1, line 14, after "*347.04;*" insert "*351.03;*" and delete "*347.05;*"

Page 1, line 15, delete "*347.06;*" and delete "*357.29;*"

Page 1, line 18, delete "*375.24;*"

Page 1, line 24, after "*490.18;*" insert "*492.02, subdivision 3;*"

Page 1, line 25, delete "*571.65*" and insert "*571.64; 574.18;*"

Page 1, line 26, delete "588.02;"

Page 1, line 28, after "611.17;" insert "611.18;"

Page 1, line 39, delete "subdivision 3" and insert "subdivisions 2 and 3"

Page 1, line 40, delete "357.15;"

Page 1, line 43, delete "599.22; 599.23" and insert "599.24"

The motion prevailed and the amendment was adopted.

S. F. No. 708, A bill for an act relating to the court system; removing obsolete references to the justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17, subdivision 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05; 345.06; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 347.05; 347.06; 357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kostohryz	Pauly	Simoneau
Anderson, G.	Findlay	Krueger	Peterson	Skoglund
Anderson, R.	Fjoslien	Kvam	Piepho	Solberg
Battaglia	Forsythe	Larsen	Piper	Sparby
Beard	Frerichs	Levi	Price	Stadum
Begich	Graba	Long	Quinn	Staten
Bennett	Greenfield	Mann	Quist	Sviggum
Bergstrom	Gruenes	Marsh	Redalen	Swanson
Bishop	Gustafson	McDonald	Rice	Tomlinson
Blatz	Gutknecht	McEachern	Riveness	Tunheim
Brandl	Halberg	McKasy	Rodosovich	Uphus
Brinkman	Haukoos	Metzen	Rodriguez, C.	Valan
Burger	Heap	Munger	Rodriguez, F.	Valento
Carlson, D.	Heinitz	Murphy	Rose	Vellenga
Carlson, L.	Himle	Nelson, D.	Sarna	Waltman
Clark, J.	Hoffman	Nelson, K.	Schafer	Welch
Clark, K.	Hokr	Neuenschwander	Scheid	Welle
Clawson	Jacobs	Norton	Schoenfeld	Wenzel
Cohen	Jensen	O'Connor	Schreiber	Wigley
Coleman	Johnson	Olsen	Seaberg	Wynia
Dempsey	Kalis	Omann	Segal	Zaffke
DenOuden	Kelly	Onnen	Shaver	Speaker Sieben
Dimler	Knickerbocker	Osthoff	Shea	
Erickson	Knuth	Otis	Sherman	

Those who voted in the negative were:

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

H. F. No. 859, A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Bishop	Burger	Clark, K.
Anderson, G.	Begich	Blatz	Carlson, D.	Clawson
Anderson, R.	Bennett	Brandl	Carlson, L.	Cohen
Battaglia	Bergstrom	Brinkman	Clark, J.	Coleman

Dempsey	Hokr	Murphy	Rodosovich	Swanson
DenOuden	Jacobs	Nelson, D.	Rodriguez, C.	Thiede
Dimler	Jennings	Nelson, K.	Rodriguez, F.	Tomlinson
Eken	Jensen	Neuenschwander	Rose	Tunheim
Elioff	Johnson	Norton	St. Onge	Uphus
Erickson	Kalis	O'Connor	Sarna	Valan
Evans	Kelly	Ogren	Schafer	Valento
Findlay	Knickerbocker	Olsen	Scheid	Vanasek
Fjoslien	Knuth	Omann	Schoenfeld	Vellenga
Forsythe	Kostohryz	Onnen	Schreiber	Waltman
Frerichs	Krueger	Osthoff	Seaberg	Welch
Graba	Kvam	Otis	Segal	Welker
Greenfield	Larsen	Pauly	Shaver	Welle
Gruenes	Levi	Peterson	Shea	Wenzel
Gustafson	Long	Piepho	Sherman	Wigley
Gutknecht	Ludeman	Piper	Simoneau	Wynia
Halberg	Mann	Price	Skoglund	Zaiffke
Haukoos	McDonald	Quinn	Solberg	Speaker Sieben
Heap	McEachern	Quist	Sparby	
Heinitz	McKasy	Redalen	Stadum	
Himle	Metzen	Rice	Staten	
Hoffman	Munger	Riveness	Sviggum	

The bill was passed and its title agreed to.

S. F. No. 827, A bill for an act relating to retirement; public employees retirement association; removing a waiting period prior to the effect of an optional annuity for disabilitants; amending Minnesota Statutes 1982, sections 353.33, subdivision 3a; and 353.656, subdivision 1a.

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

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

Those who voted in the affirmative were:

Anderson, G.	Eken	Johnson	Neuenschwander	Rodriguez, F.
Anderson, R.	Elioff	Kalis	Norton	Rose
Battaglia	Erickson	Kelly	O'Connor	St. Onge
Beard	Evans	Knickerbocker	Ogren	Sarna
Begich	Findlay	Knuth	Olsen	Schafer
Bennett	Fjoslien	Kostohryz	Omann	Scheid
Bergstrom	Forsythe	Krueger	Onnen	Schoenfeld
Bishop	Frerichs	Kvam	Osthoff	Schreiber
Blatz	Graba	Larsen	Otis	Seaberg
Brandl	Gruenes	Levi	Pauly	Segal
Brinkman	Gustafson	Long	Peterson	Shaver
Burger	Gutknecht	Ludeman	Piepho	Shea
Carlson, D.	Halberg	Mann	Piper	Sherman
Carlson, L.	Haukoos	Marsh	Price	Simoneau
Clark, J.	Heap	McDonald	Quinn	Skoglund
Clark, K.	Heinitz	McEachern	Quist	Solberg
Clawson	Himle	McKasy	Redalen	Sparby
Cohen	Hoffman	Metzen	Reif	Stadum
Coleman	Hokr	Munger	Rice	Staten
Dempsey	Jacobs	Murphy	Riveness	Sviggum
DenOuden	Jennings	Nelson, D.	Rodosovich	Swanson
Dimler	Jensen	Nelson, K.	Rodriguez, C.	Thiede

Tomlinson	Valan	Vellenga	Welle	Wynia
Tunheim	Valento	Waltman	Wenzel	Zaffke
Uphus	Vanasek	Welker	Wigley	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 833, A bill for an act relating to retirement; White Bear Lake volunteer firefighters; providing for incentive benefit amounts, validating prior actions; repealing Laws 1971, chapter 214; Laws 1979, chapter 201, sections 30 and 31; Laws 1981, chapter 224, section 257.

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

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

Those who voted in the affirmative were:

Anderson, B.	Erickson	Knuth	Otis	Sherman
Anderson, G.	Evans	Kostohryz	Pauly	Simoneau
Anderson, R.	Findlay	Krueger	Peterson	Skoglund
Battaglia	Fjoslien	Kvam	Piepho	Solberg
Beard	Forsythe	Larsen	Price	Stadum
Begich	Frerichs	Levi	Quinn	Staten
Bennett	Graba	Long	Quist	Sviggum
Bergstrom	Greenfield	Ludeman	Redalen	Swanson
Bishop	Gruenes	Mann	Reif	Thiede
Blatz	Gustafson	Marsh	Rice	Tomlinson
Brandl	Gutknecht	McDonald	Riveness	Tunheim
Brinkman	Halberg	McEachern	Rodosovich	Uphus
Burger	Haukoos	McKasy	Rodriguez, C.	Valan
Carlson, D.	Heap	Metzen	Rodriguez, F.	Valento
Carlson, L.	Heinitz	Munger	Rose	Vanasek
Clark, J.	Himle	Murphy	St. Onge	Vellenga
Clark, K.	Hoffman	Nelson, D.	Sarna	Waltman
Clawson	Hokr	Nelson, K.	Schafer	Welch
Cohen	Jacobs	Neuenschwander	Scheid	Welker
Coleman	Jennings	Norton	Schoenfeld	Welle
Dempsey	Jensen	O'Connor	Schreiber	Wenzel
DenOuden	Johnson	Ogren	Seaberg	Wigley
Dimler	Kalis	Olsen	Segal	Wynia
Eken	Kelly	Onnen	Shaver	Zaffke
Elioff	Knickerbocker	Osthoff	Shea	Speaker Sieben

The bill was passed and its title agreed to.

S. F. No. 936 was reported to the House.

Sarna moved to amend S. F. No. 936, as follows:

Amend the title as follows:

Page 1, line 9, delete the second "1" and insert "2"

Page 1, line 11, delete "5" and insert "3"

The motion prevailed and the amendment was adopted.

S. F. No. 936, A bill for an act relating to retirement; the Minneapolis police relief association; board membership; sources and uses of funds; member contributions; amending Laws 1949, Chapter 406, Sections 1, Subdivision 1, as amended; 3, as amended; 4, Subdivisions 2 and 3, as amended; 5, Subdivisions 1, 3, and 5, as amended; and 6, Subdivision 3, as amended; Laws 1953, Chapter 127, Sections 1, Subdivisions 1, as amended, and 4, and by adding a subdivision; and Laws 1965, Chapter 493, Section 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kvam	Piepho	Solberg
Anderson, G.	Fjoslien	Larsen	Piper	Sparby
Anderson, R.	Forsythe	Levi	Price	Stadum
Battaglia	Frerichs	Long	Quinn	Staten
Beard	Graba	Ludeman	Quist	Sviggum
Begich	Greenfield	Mann	Redalen	Swanson
Bennett	Gruenes	Marsh	Reif	Thiede
Bergstrom	Gustafson	McDonald	Rice	Tomlinson
Bishop	Gutknecht	McEachern	Riveness	Tunheim
Blatz	Halberg	McKasy	Rodosovich	Uphus
Brandl	Haukoos	Metzen	Rodriguez, C.	Valan
Brinkman	Heap	Munger	Rodriguez, F.	Valento
Burger	Heinitz	Murphy	Rose	Vellenga
Carlson, D.	Hinle	Nelson, D.	St. Onge	Waltman
Carlson, L.	Hoffman	Nelson, K.	Sarna	Welch
Clark, J.	Hokr	Neuenschwander	Schafer	Welker
Clark, K.	Jacobs	Norton	Scheid	Welle
Clawson	Jennings	O'Connor	Schoenfeld	Wenzel
Cohen	Jensen	Ogren	Schreiber	Wigley
Coleman	Johnson	Olsen	Seaberg	Wynia
Dempsey	Kalis	Omann	Segal	Zaffke
DenOuden	Kelly	Onnen	Shaver	Speaker Sieben
Dimler	Knickerbocker	Osthoff	Shea	
Elioff	Knuth	Otis	Sherman	
Erickson	Kostohryz	Pauly	Simoneau	
Evans	Krueger	Peterson	Skoglund	

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

S. F. No. 530, A bill for an act relating to the city of Roseville; providing an exception from the Roseville police civil service system for the chief and deputy chief of police.

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

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

Those who voted in the affirmative were:

Anderson, B.	Erickson	Krueger	Pauly	Simoneau
Anderson, G.	Evans	Kvam	Peterson	Skoglund
Anderson, R.	Findlay	Larsen	Piepho	Solberg
Battaglia	Fjoslien	Levi	Price	Sparby
Beard	Forsythe	Long	Quinn	Stadum
Begich	Frerichs	Ludeman	Quist	Staten
Bennett	Graba	Mann	Redalen	Sviggum
Bergstrom	Greenfield	Marsh	Reif	Swanson
Bishop	Gruenes	McDonald	Rice	Thiede
Blatz	Gustafson	McEachern	Riveness	Tomlinson
Brandl	Gutknecht	McKasy	Rodosovich	Tunheim
Brinkman	Haukoos	Metzen	Rodriguez, C.	Uphus
Burger	Heinitz	Munger	Rodriguez, F.	Valan
Carlson, D.	Himle	Murphy	Rose	Valento
Carlson, L.	Hoffman	Nelson, D.	St. Onge	Vanasek
Clark, J.	Hokr	Nelson, K.	Sarna	Vellenga
Clark, K.	Jacobs	Neuenschwander	Schafer	Waltman
Clawson	Jennings	Norton	Scheid	Welch
Cohen	Jensen	O'Connor	Schoenfeld	Welker
Coleman	Johnson	Ogren	Schreiber	Welle
Dempsey	Kalis	Olsen	Seaberg	Wenzel
DenOuden	Kelly	Omman	Segal	Wigley
Dimler	Knickerbocker	Onnen	Shaver	Wynia
Eken	Knuth	Osthoff	Shea	Zaffke
Elioff	Kostohryz	Otis	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1107, A bill for an act relating to the Minnesota veterans home; clarifying the treatment of assets for purposes of calculating maintenance charges; amending Minnesota Statutes 1982, section 198.03.

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:

Anderson, B.	Coleman	Haukoos	Levi	Omman
Anderson, G.	Dempsey	Heap	Long	Onnen
Anderson, R.	DenOuden	Heinitz	Ludeman	Osthoff
Battaglia	Dimler	Himle	Mann	Otis
Beard	Eken	Hoffman	Marsh	Pauly
Begich	Elioff	Hokr	McDonald	Peterson
Bennett	Erickson	Jacobs	McEachern	Piepho
Bergstrom	Evans	Jennings	McKasy	Price
Bishop	Findlay	Jensen	Metzen	Quinn
Blatz	Fjoslien	Johnson	Munger	Quist
Brandl	Forsythe	Kalis	Murphy	Redalen
Brinkman	Frerichs	Kelly	Nelson, D.	Reif
Burger	Graba	Knickerbocker	Nelson, K.	Rice
Carlson, L.	Greenfield	Knuth	Neuenschwander	Riveness
Clark, J.	Gruenes	Kostohryz	Norton	Rodosovich
Clark, K.	Gustafson	Krueger	O'Connor	Rodriguez, C.
Clawson	Gutknecht	Kvam	Ogren	Rodriguez, F.
Cohen	Halberg	Larsen	Olsen	Rose

St. Onge	Shaver	Staten	Valan	Welle
Sarna	Sherman	Sviggum	Valento	Wenzel
Schafer	Simoneau	Swanson	Vanasek	Wigley
Scheid	Skoglund	Thiede	Vellenga	Wynia
Schreiber	Solberg	Tomlinson	Waltman	Zaffke
Seaberg	Sparby	Tunheim	Welch	Speaker Sieben
Segal	Stadum	Uphus	Welker	

The bill was passed and its title agreed to.

H. F. No. 1147, A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; requiring a report to the legislature.

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 99 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kahn	Olsen	Schoenfeld
Anderson, G.	Elioff	Kelly	Omann	Seaberg
Anderson, R.	Ellingson	Knickerbocker	Onnen	Segal
Battaglia	Erickson	Knuth	Osthoff	Shaver
Beard	Evans	Kostohryz	Otis	Simoneau
Begich	Fjoslien	Krueger	Peterson	Skoglund
Bennett	Forsythe	Kvam	Piper	Solberg
Bergstrom	Graba	Larsen	Price	Sparby
Blatz	Greenfield	Levi	Quinn	Staten
Brandl	Gruencs	Long	Redalen	Swanson
Brinkman	Gustafson	McEachern	Reif	Tomlinson
Burger	Gutknecht	Metzen	Rice	Vanasek
Carlson, D.	Halberg	Munger	Riveness	Vellenga
Carlson, L.	Heap	Murphy	Rodosovich	Welch
Clark, J.	Heinitz	Nelson, D.	Rodriguez, C.	Welle
Clark, K.	Himle	Nelson, K.	Rodriguez, F.	Wenzel
Clawson	Hoffman	Neuenschwander	Rose	Wigley
Cohen	Jacobs	Norton	St. Onge	Wynia
Coleman	Jensen	O'Connor	Sarna	Speaker Sieben
Dempsey	Johnson	Ogren	Scheid	

Those who voted in the negative were:

DenOuden	Jennings	Piepho	Sviggum	Waltman
Dimler	Ludeman	Schafer	Thiede	Welker
Frerichs	Marsh	Schreiber	Uphus	Zaffke
Haukoos	McDonald	Stadum	Valento	

The bill was passed and its title agreed to.

S. F. No. 639 was reported to the House.

Piper moved to amend S. F. No. 639, the first engrossment, as follows:

Page 3, after line 7, insert a new section to read:

"Sec. 4. Minnesota Statutes 1982, section 216B.01, is amended to read:

216B.01 [LEGISLATIVE FINDING.]

It is hereby declared to be in the public interest that public utilities be regulated as hereinafter provided in order to provide the retail consumers of natural gas and electric service in this state with adequate and reliable services at reasonable rates, consistent with the financial and economic requirements of public utilities and their need to construct facilities to provide such services or to otherwise obtain energy supplies, to avoid unnecessary duplication of facilities which increase the cost of service to the consumer and to minimize disputes between public utilities which may result in inconvenience or diminish efficiency in service to the consumers. *It is also hereby declared to be in the public interest that public utility rates be set only after giving full consideration to the impact these rates will have on the economic well-being of the state in general and on the particular consumers of the utility's services.* Because municipal utilities are presently effectively regulated by the residents of the municipalities which own and operate them, and cooperative electric associations are presently effectively regulated and controlled by the membership under the provisions of chapter 308, it is deemed unnecessary to subject such utilities to regulation under this chapter except as specifically provided herein."

Page 3, line 9, after "to" delete "3" and insert "4"

Renumber the remaining section accordingly.

Delete the title and insert:

"A bill for an act relating to energy; data reporting; definition of "earth sheltered"; biennial energy reports; certificate of need fees; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; 116J.18, subdivision 1; and 216B.01."

The motion prevailed and the amendment was adopted.

Piper moved to amend S. F. No. 639, as amended, as follows:

Page 2, line 4, delete "*an earth sheltered building*"

Page 2, delete line 5

Page 2, line 6, delete "*section 16.85.*"

The motion prevailed and the amendment was adopted.

Upon objection of ten members S. F. No. 639, as amended, was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 744, A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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 116 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Kostohryz	Pauly	Solberg
Anderson, G.	Findlay	Krueger	Piepho	Sparby
Anderson, R.	Fjoslien	Kvam	Piper	Stadum
Battaglia	Forsythe	Larsen	Price	Staten
Beard	Frerichs	Levi	Quinn	Swanson
Begich	Graba	Long	Redalen	Tomlinson
Bennett	Greenfield	Ludeman	Reif	Tunheim
Bergstrom	Gruenes	Mann	Rice	Uphus
Bishop	Gustafson	McDonald	Rivness	Valan
Blatz	Gutknecht	McEachern	Rodosovich	Valento
Brinkman	Halberg	McKasy	Rodriguez, F.	Vanasek
Carlson, L.	Haukoos	Metzen	Rose	Vellenga
Clark, J.	Heap	Munger	St. Onge	Waltman
Clark, K.	Himle	Murphy	Sarna	Welch
Clawson	Hoffman	Nelson, K.	Schafer	Welker
Cohen	Hokr	Neuenschwander	Scheid	Wenzel
Coleman	Jacobs	Norton	Schoenfeld	Wigley
Dempsey	Jennings	O'Connor	Schreiber	Wynia
DenOuden	Jensen	Ogren	Seaberg	Zaffke
Dimler	Johnson	Olsen	Segal	Speaker Sieben
Eken	Kahis	Omann	Shaver	
Elioff	Kelly	Onnen	Sherman	
Ellingson	Knickerbocker	Osthoff	Simoneau	
Erickson	Knuth	Otis	Skoglund	

Those who voted in the negative were:

Quist Shea

The bill was passed and its title agreed to.

H. F. No. 1058, A bill for an act relating to limited partnerships; providing for withdrawals of certain partners; providing for liabilities of partners; amending Minnesota Statutes 1982, sections 322A.27; and 322A.33.

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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Evans	Knuth	Pauly	Simoneau
Anderson, G.	Findlay	Kostohryz	Peterson	Skoglund
Anderson, R.	Fjoslien	Krueger	Piepho	Solberg
Battaglia	Forsythe	Kvam	Piper	Sparby
Beard	Frerichs	Larsen	Price	Stadum
Begich	Graba	Levi	Quinn	Staten
Bennett	Greenfield	Long	Quist	Swanson
Bergstrom	Gruenes	Ludeman	Redalen	Thiede
Bishop	Gustafson	Mann	Reif	Tunlinson
Blatz	Gutknecht	McDonald	Rice	Tunheim
Brinkman	Halberg	McKasy	Riveness	Uphus
Carlson, L.	Haukoos	Metzen	Rodosovich	Valan
Clark, J.	Heap	Munger	Rodriguez, C.	Valento
Clark, K.	Heinitz	Murphy	Rodriguez, F.	Vanasek
Clawson	Himle	Nelson, K.	Rose	Vellenga
Cohen	Hoffman	Neuenschwander	St. Onge	Waltman
Coleman	Hokr	Norton	Schafer	Welch
Dempsey	Jacobs	O'Connor	Scheid	Welker
DenOuden	Jennings	Ogren	Schoenfeld	Welle
Dimler	Jensen	Olsen	Schreiber	Wenzel
Eken	Johnson	Omann	Segal	Wigley
Elioff	Kalis	Onnen	Shaver	Wynia
Ellingson	Kelly	Osthoff	Shea	Zaffke
Erickson	Knickerbocker	Otis	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1092, A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, J.	Fjoslien	Hokr	Long
Anderson, G.	Clark, K.	Forsythe	Jacobs	Ludeman
Anderson, R.	Clawson	Frerichs	Jennings	Mann
Battaglia	Cohen	Graba	Jensen	McDonald
Beard	Coleman	Greenfield	Johnson	McEachern
Begich	Dempsey	Gruenes	Kalis	McKasy
Bennett	DenOuden	Custafson	Kelly	Metzen
Bergstrom	Dimler	Gutknecht	Knickerbocker	Munger
Bishop	Eken	Halberg	Knuth	Murphy
Blatz	Elioff	Haukoos	Kostohryz	Nelson, D.
Brandl	Ellingson	Heap	Krueger	Nelson, K.
Brinkman	Erickson	Heinitz	Kvam	Neuenschwander
Carlson, D.	Evans	Himle	Larsen	Norton
Carlson, L.	Findlay	Hoffman	Levi	O'Connor

Ogren	Quist	Scheid	Stadum	Waltman
Olsen	Redalen	Schoenfeld	Staten	Welch
Omann	Reif	Schreiber	Sviggum	Welker
Onnen	Rice	Seaberg	Swanson	Welle
Osthoff	Riveness	Segal	Thiede	Wenzel
Otis	Rodosovich	Shaver	Tomlinson	Wigley
Pauly	Rodriguez, C.	Shea	Tunheim	Wynia
Peterson	Rodriguez, F.	Sherman	Uphus	Zaffke
Piepho	Rose	Simoneau	Valan	Speaker Sieben
Piper	St. Onge	Skoglund	Valento	
Price	Sarna	Solberg	Vanasek	
Quinn	Schafer	Sparby	Vellenga	

The bill was passed and its title agreed to.

H. F. No. 1124, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; amending Minnesota Statutes 1982, sections 10A.275; 10A.31, subdivision 2; 10A.32, subdivision 3b; 10A.335; 11A.24, subdivision 6; 15.06, subdivision 1; 16.861, subdivision 3; 17A.06, subdivision 3; 32.212; 32.213; 35.251; 43A.18, subdivision 5; 45.16, subdivision 2; 48.605, subdivision 1; 60A.07, subdivision 8; 60A.17, subdivision 7a; 93.20, subdivision 9; 98.46, subdivision 16; 100.27, subdivision 9; 112.85, subdivision 2; 116D.05; 116G.03, subdivision 5; 116J.70, subdivision 2a; 120.80, subdivision 1; 120.81, subdivision 1; 121.904, subdivision 11b; 168.021, subdivision 2; 169.451; 169.974, subdivision 2; 169.974, subdivision 6; 169.99, subdivision 1; 171.131, subdivision 2; 179.70, subdivision 1; 238.04, subdivision 2; 244.09, subdivision 1; 252A.13, subdivision 2; 253B.19, subdivision 5; 256.871, subdivision 7; 256.976, subdivision 4; 260.185, subdivision 1; 260.193, subdivision 6; 268.18, subdivision 2; 273.13, subdivisions 6 and 7d; 275.125, subdivision 1; 282.38, subdivisions 1 and 2; 290.012, subdivision 2; 297.02, subdivision 5; 298.28, subdivision 1; 326.241, subdivision 1; 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivision 1; 327B.09, subdivision 1; 340.069; 354.532, subdivision 4; 363.03, subdivision 10; 367.41, subdivisions 1 and 5; 367.42, subdivision 1; 375B.01; 381.12, subdivision 2; 383A.35; 398A.01, subdivision 8; 462.355, subdivision 4; 462.36, subdivision 1; 462.445, subdivision 14; 462C.04, subdivision 2; 474.03; 508A.46; 515A.1-102; 518.24; and 525.619; amending Laws 1982, chapter 581, section 18, subdivision 4; and Laws 1982, Third Special Session chapter 1, article II, section 7; repealing Minnesota Statutes 1982, section 609.01, subdivision 2; repealing Laws 1976, chapters 2, section 62; and 173, section 53; Laws 1981, chapter 224, section 18; Laws 1982, chapters 416, section 1; 424, sections 3 and 8; and 642, section 8.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kvam	Piepho	Sparby
Anderson, G.	Fjoslien	Larsen	Piper	Stadum
Anderson, R.	Forsythe	Levi	Price	Staten
Battaglia	Frerichs	Long	Quinn	Sviggum
Beard	Graba	Ludeman	Quist	Swanson
Begich	Greenfield	Mann	Redalen	Thiede
Bennett	Gruenes	Marsh	Reif	Tomlinson
Bergstrom	Gustafson	McDonald	Rice	Tunheim
Bishop	Gutknecht	McEachern	Riveness	Uphus
Blatz	Halberg	McKasy	Rodosovich	Valan
Brandl	Haukoos	Metzen	Rodriguez, C.	Valento
Brinkman	Heap	Munger	Rodriguez, F.	Vanasek
Burger	Heinitz	Murphy	Rose	Vellenga
Carlson, D.	Himle	Nelson, D.	St. Onge	Waltman
Carlson, L.	Hoffman	Nelson, K.	Sarna	Welch
Clark, J.	Hokr	Neuenschwander	Schafer	Welker
Clark, K.	Jacobs	Norton	Scheid	Welle
Clawson	Jennings	O'Connor	Schoenfeld	Wenzel
Cohen	Jensen	Ogren	Schreiber	Wigley
Coleman	Johnson	Olsen	Seaberg	Wynia
Dempsey	Kalis	Omann	Segal	Zaffke
Dimler	Kelly	Onnen	Shea	Speaker Sieben
Eken	Knickerbocker	Osthoff	Sherman	
Elioff	Knuth	Otis	Simoneau	
Erickson	Kostohryz	Pauly	Skoglund	
Evans	Krueger	Peterson	Solberg	

The bill was passed and its title agreed to.

S. F. No. 115, A bill for an act relating to local government; providing for the budget date for the city of Minneapolis and Hennepin county municipal building commission; amending Laws 1903, chapter 247, section 5.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clawson	Gruenes	Knickerbocker	Nelson, D.
Anderson, G.	Cohen	Gustafson	Knuth	Nelson, K.
Anderson, R.	Coleman	Gutknecht	Kostohryz	Neuenschwander
Battaglia	Dempsey	Halberg	Krueger	Norton
Beard	DenOuden	Haukoos	Kvam	O'Connor
Begich	Dimler	Heap	Larsen	Ogren
Bennett	Eken	Heinitz	Levi	Olsen
Bergstrom	Elioff	Himle	Long	Omann
Bishop	Ellingson	Hoffman	Ludeman	Onnen
Blatz	Erickson	Hokr	Mann	Osthoff
Brandl	Evans	Jacobs	Marsh	Otis
Brinkman	Findlay	Jennings	McDonald	Pauly
Burger	Fjoslien	Jensen	McEachern	Peterson
Carlson, D.	Forsythe	Johnson	McKasy	Piepho
Carlson, L.	Frerichs	Kahn	Metzen	Piper
Clark, J.	Graba	Kalis	Munger	Price
Clark, K.	Greenfield	Kelly	Murphy	Quinn

Quist	St. Onge	Shea	Swanson	Waltman
Redalen	Sarna	Sherman	Thiede	Welch
Reif	Schafer	Simoneau	Tomlinson	Welker
Rice	Scheid	Skoglund	Tunheim	Welle
Riveness	Schoenfeld	Solberg	Uphus	Wenzel
Rodosovich	Schreiber	Sparby	Valan	Wigley
Rodriguez, C.	Seaberg	Stadum	Valento	Wynia
Rodriguez, F.	Segal	Staten	Vanasek	Zaffke
Rose	Shaver	Sviggum	Vellenga	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 779, A bill for an act relating to liquor; authorizing the cities of Roseau and Karlstad to issue one on-sale license to an Eagles Club.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Knickerbocker	Osthoff	Sherman
Anderson, G.	Evans	Knuth	Otis	Simoneau
Anderson, R.	Findlay	Kostohryz	Pauly	Skoglund
Battaglia	Fjoslien	Krueger	Peterson	Solberg
Beard	Forsythe	Larsen	Piepho	Sparby
Begich	Frerichs	Levi	Piper	Stadum
Bennett	Graba	Long	Price	Staten
Bergstrom	Greenfield	Ludeman	Quinn	Sviggum
Bishop	Gruenes	Mann	Quist	Swanson
Blatz	Gustafson	Marsh	Redalen	Thiede
Brandl	Gutknecht	McDonald	Reif	Tomlinson
Brinkman	Halberg	McEachern	Rice	Tunheim
Burger	Haukoos	McKasy	Rodosovich	Uphus
Carlson, D.	Heap	Metzen	Rodriguez, C.	Valan
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Valento
Clark, J.	Himle	Murphy	Rose	Vanasek
Clark, K.	Hoffman	Nelson, D.	St. Onge	Waltman
Clawson	Hokr	Nelson, K.	Sarna	Welch
Cohen	Jacobs	Neuenschwander	Scheid	Welker
Coleman	Jennings	Norton	Schoenfeld	Welle
Dempsey	Jensen	O'Connor	Schreiber	Wenzel
DenOuden	Johnson	Ogren	Seaberg	Wigley
Dimler	Kahn	Olsen	Segal	Wynia
Eken	Kalis	Omann	Shaver	Zaffke
Elioff	Kelly	Onnen	Shea	Speaker Sieben

Those who voted in the negative were:

Erickson.	Kvam	Schafer
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The bill was passed and its title agreed to.

H. F. No. 1006 was reported to the House.

Riveness moved to amend H. F. No. 1006, as follows:

Page 2, after line 15, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

H. F. No. 1006, A bill for an act relating to intoxicating liquor; authorizing a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

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

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Ellingson	Kostohryz	Piepho	Sherman
Anderson, G.	Evans	Krueger	Piper	Simoneau
Anderson, R.	Findlay	Kvam	Price	Skoglund
Battaglia	Forsythe	Larsen	Quinn	Solberg
Beard	Graba	Levi	Quist	Sparby
Begich	Greenfield	Long	Redalen	Stadum
Bennett	Gruenes	Ludeman	Reif	Staten
Bergstrom	Gustafson	Mann	Rice	Swanson
Bishop	Gutknecht	Marsh	Riveness	Tomlinson
Blatz	Halberg	McEachern	Rodosovich	Tunheim
Brandl	Haukoos	McKasy	Rodriguez, C.	Valan
Brinkman	Heap	Metzen	Rodriguez, F.	Valento
Burger	Heinitz	Munger	Rose	Vanasek
Carlson, L.	Hoffman	Murphy	St. Onge	Welch
Clark, J.	Hokr	Nelson, D.	Sarna	Welle
Clark, K.	Jacobs	Neuenschwander	Scheid	Wenzel
Clawson	Jennings	Norton	Schoenfeld	Wigley
Coleman	Jensen	Ogren	Schreiber	Wynia
Dempsey	Johnson	Olsen	Seaberg	Speaker Sieben
Dimler	Kalis	Otis	Segal	
Eken	Knickerbocker	Pauly	Shaver	
Elioff	Knuth	Peterson	Shea	

Those who voted in the negative were:

Carlson, D.	Fjoslien	Nelson, K.	Thiede	Vellenga
Cohen	Frerichs	Onnen	Uphus	Waltman
DenOuden	Kelly	Osthoff		
Erickson	McDonald	Sviggum		

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

The Speaker called Wynia to the Chair.

CALENDAR

H. F. No. 91, A bill for an act relating to public utilities; providing for rights of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

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

The question was taken on the passage of the bill and the roll was called. There were 87 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dempsey	Knickerbocker	Otis	Shea
Anderson, G.	Eken	Knuth	Pauly	Sherman
Anderson, R.	Elioff	Kostohryz	Peterson	Simoneau
Battaglia	Ellingson	Krueger	Piepho	Skoglund
Beard	Evans	Levi	Piper	Solberg
Begich	Fjoslien	Long	Price	Staten
Bennett	Greenfield	Marsh	Reif	Swanson
Bergstrom	Gustafson	McKasy	Rice	Tomlinson
Bishop	Gutknecht	Metzen	Riveness	Tunheim
Blatz	Halberg	Munger	Rodosovich	Vanasek
Brandl	Heap	Murphy	Rodriguez, C.	Vellenga
Carlson, D.	Hoffman	Nelson, D.	Rodriguez, F.	Welch
Carlson, L.	Hokr	Nelson, K.	Rose	Welle
Clark, J.	Jacobs	Neuenschwander	Sarna	Wynia
Clark, K.	Jensen	Norton	Scheid	Speaker Sieben
Clawson	Johnson	O'Connor	Seaberg	
Cohen	Kahn	Ogren	Segal	
Coleman	Kelly	Osthoff	Shaver	

Those who voted in the negative were:

Burger	Gruenes	McDonald	Schoenfeld	Waltman
DenOuden	Heinitz	McEachern	Sparby	Welker
Dimler	Jennings	Omam	Stadum	Wenzel
Erickson	Kalis	Onnen	Sviggum	Wigley
Findlay	Kvam	Quist	Thiede	
Forsythe	Larsen	Redalen	Uphus	
Frerichs	Ludeman	St. Onge	Valan	
Graba	Mann	Schafer	Valento	

The bill was passed and its title agreed to.

Carlson, D., was excused at 3:10 p.m. Ellingson was excused between the hours of 3:45 and 5:45 p.m. Swanson was excused at 4:00 p.m. Clawson was excused at 5:10 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Wynia in the Chair for the consideration of bills pending on General Orders of the Day.

Sieben presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

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

H. F. Nos. 521 and 904 which it recommended progress.

H. F. No. 270 which it recommended progress retaining its place on General Orders.

H. F. No. 89 which it recommended progress until Thursday, May 5, 1983.

H. F. No. 938 which it recommended to be advanced to the beginning of General Orders.

S. F. No. 238 which it recommended to pass with the following amendment offered by Munger:

Page 2, delete lines 24 to 36, and insert: "*(b) Unless the commissioner determines that a permit is necessary, no permit is required for a peat mining operation occupying a tract of 40 acres or less. However, at least 90 days before beginning any mining, a person intending to engage in or carry on a peat mining operation on a tract of land of 40 acres or less shall first notify the commissioner in writing, specifying the legal description of the tract to be mined and the mining methods to be used. The commissioner may require the person to obtain a permit before mining if the commissioner determines that there is potential for significant environmental effects which may result from the peat mining operation. Within 20 days after receipt of written notice of intent to mine such a 40 acre tract, the commissioner shall notify the person of his decision to require, or not to require, a*"

H. F. No. 474 which it recommended progress with the following amendments:

Offered by Greenfield:

Page 6, after line 25, insert:

"Sec. 5. [SEVERABILITY.]

If the United States federal emergency management agency determines that a provision of sections 1 to 6 is not in conformity

with federal laws, and if the agency indicates that it will disapprove the state's administrative plan because of the provision, that provision shall have no force or effect to the extent not in conformity. However, any remaining provisions which are in conformity with federal law shall remain effective."

Renumber the remaining sections

Page 6, line 27, delete "6" and insert "5"

Offered by Knickerbocker:

Page 4, delete lines 15 to 24

Page 4, line 25, delete "4" and insert "3"

Page 5, delete lines 11 to 32

Page 5, line 33, delete "6" and insert "4"

Page 6, line 19, delete the language that follows the period

Page 6, delete lines 20 to 25

Page 6, line 26, delete "7" and insert "6"

Amend the title as follows:

Page 1, lines 2 and 3, delete "prohibiting expenditures for certain civil defense purposes;"

Page 1, line 6, delete "subdivisions" and insert "subdivision" delete "and 3"

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

ROLL CALLS IN COMMITTEE OF THE WHOLE

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

Knickerbocker moved to amend H. F. No. 474, the first engrossment, as amended, as follows:

Page 4, delete lines 15 to 24

Page 4, line 25, delete "4" and insert "3"

Page 5, delete lines 11 to 32

Page 5, line 33, delete "6" and insert "4"

Page 6, line 19, delete the language that follows the period

Page 6, delete lines 20 to 25

Page 6, line 26, delete "7" and insert "6"

Amend the title as follows:

Page 1, lines 2 and 3, delete "prohibiting expenditures for certain civil defense purposes;"

Page 1, line 6, delete "subdivisions" and insert "subdivision" delete "and 3"

The question was taken on the amendment and the roll was called. There were 67 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Jensen	Piepho	Sviggum
Battaglia	Findlay	Johnson	Quist	Thiede
Begich	Fjoslien	Knickerbocker	Redalen	Tunheim
Bennett	Forsythe	Kvam	Reif	Uphus
Bishop	Frerichs	Levi	Rose	Valan
Blatz	Gruenes	Ludeman	Schafer	Valento
Brandl	Gutknecht	Marsh	Schoenfeld	Waltman
Brinkman	Halberg	McDonald	Schreiber	Welker
Burger	Haukoos	McKasy	Seaberg	Wenzel
Dempsey	Heap	Murphy	Segal	Wigley
DenOuden	Heinitz	Olsen	Shaver	Zaffke
Dimler	Himle	Omann	Sherman	
Elioff	Hokr	Onnen	Sparby	
Erickson	Jennings	Pauly	Stadum	

Those who voted in the negative were:

Anderson, B.	Graba	Munger	Rice	Tomlinson
Anderson, G.	Greenfield	Nelson, D.	Riveness	Vanasek
Bear	Hoffman	Nelson, K.	Rodosovich	Vellenga
Bergstrom	Jacobs	Norton	Rodriguez, F.	Welch
Carlson, L.	Kahn	O'Connor	St. Onge	Welle
Clark, J.	Kelly	Ogren	Scheid	Wynia
Clark, K.	Kostohryz	Osthoff	Shea	Speaker Sieben
Clawson	Krueger	Otis	Simoneau	
Cohen	Larsen	Peterson	Skoglund	
Coleman	Long	Piper	Solberg	
Eken	Mann	Price	Staten	

The motion prevailed and the amendment was adopted.

The question was taken on the motion to recommend passage of H. F. No. 474, as amended, and the roll was called. There were 49 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Graba	Munger	Riveness	Solberg
Anderson, G.	Greenfield	Nelson, D.	Rodosovich	Staten
Beard	Gustafson	Nelson, K.	Rodriguez, F.	Tomlinson
Carlson, L.	Hoffman	Neuenschwander	St. Onge	Vanasek
Clark, J.	Kahn	Norton	Scheid	Vellenga
Clark, K.	Kelly	Ogren	Seaberg	Welch
Clawson	Kostohryz	Otis	Shaver	Welle
Cohen	Larsen	Peterson	Shea	Wynia
Coleman	Long	Piper	Simoneau	Speaker Sieben
Eken	Mann	Rice	Skoglund	

Those who voted in the negative were:

Battaglia	Findlay	Johnson	Osthoff	Sviggum
Begich	Fjoslien	Knickerbocker	Pauly	Thiede
Bennett	Forsythe	Knuth	Piepho	Tunheim
Bishop	Frerichs	Krueger	Price	Uphus
Blatz	Gruenes	Kvam	Quist	Valan
Brandl	Gutknecht	Levi	Redalen	Valento
Brinkman	Halberg	Ludeman	Reif	Waltman
Burger	Haukoos	Marsh	Rose	Welker
Dempsey	Heap	McDonald	Schafer	Wenzel
DenOuden	Heinitz	McEachern	Schoenfeld	Wigley
Dimler	Himle	McKasy	Schreiber	Zaffke
Elioff	Hokr	Metzen	Sherman	
Erickson	Jennings	Murphy	Sparby	
Evans	Jensen	Olsen	Stadum	

The motion did not prevail.

Anderson, G., moved that H. F. No. 938, number 87 on General Orders for today, be placed at the beginning of General Orders for today and be given immediate consideration.

A roll call was requested and properly seconded.

POINT OF ORDER

Norton raised a point of order pursuant to rule 1.12. Chairperson Wynia deferred her decision pursuant to Section 244 of "Mason's Manual of Legislative Procedure."

POINT OF ORDER

Anderson, B., raised a point of order pursuant to Section 524 of "Mason's Manual of Legislative Procedure." Chairperson Wynia ruled the point of order not well taken.

Anderson, B., appealed the decision of the Chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Chairperson Wynia stand as the judgment of the House?" and the roll was called. There were 55 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Battaglia	Eken	Long	Otis	Simoneau
Beard	Elioff	Mann	Piper	Skoglund
Begich	Greenfield	Metzen	Price	Solberg
Bergstrom	Gustafson	Munger	Quinn	Staten
Brandl	Hoffman	Murphy	Rice	Tomlinson
Carlson, L.	Jacobs	Nelson, D.	Riveness	Vanasek
Clark, J.	Kahn	Nelson, K.	Rodriguez, C.	Vallenga
Clark, K.	Kelly	Norton	Rodriguez, F.	Welch
Clawson	Knuth	O'Connor	St. Onge	Wenzel
Cohen	Kostohryz	Ogren	Sarna	Wynia
Coleman	Larsen	Osthoff	Scheid	Speaker Sieben

Those who voted in the negative were:

Anderson, B.	Fjoslien	Johnson	Peterson	Sherman
Anderson, G.	Forsythe	Kalis	Piepho	Sparby
Anderson, R.	Frerichs	Knickerbocker	Quist	Stadium
Bennett	Graba	Krueger	Redalen	Swigum
Bishop	Gruenes	Kvam	Reif	Thiede
Blatz	Cutknecht	Levi	Rodosovich	Tunheim
Brinkman	Halberg	Ludeman	Rose	Uphus
Burger	Haukoos	Marsh	Schafer	Valan
Dempsey	Heap	McDonald	Schoenfeld	Valento
DenOuden	Heinitz	McKasy	Schreiber	Waltman
Dimler	Himle	Olsen	Seaberg	Welker
Erickson	Hokr	Omann	Segal	Welle
Evans	Jennings	Onnen	Shaver	Wigley
Findlay	Jensen	Pauly	Shea	Zaffke

So it was the judgment of the House that the decision of Chairperson Wynia should not stand.

The question recurred on the Norton point of order and Chairperson Wynia ruled the point of order not well taken.

The question recurred on the Anderson, G., motion that H. F. No. 938 be placed at the beginning of General Orders for today and be given immediate consideration. The roll was called and there were 74 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Heap	Levi	Peterson
Anderson, G.	Evans	Heinitz	Ludeman	Piepho
Anderson, R.	Findlay	Himle	Mann	Quist
Bennett	Fjoslien	Hokr	Marsh	Redalen
Bishop	Forsythe	Jennings	McDonald	Reif
Blatz	Frerichs	Jensen	McKasy	Rodosovich
Brinkman	Graba	Johnson	Neuenschwander	Rodriguez, C.
Burger	Gruenes	Kalis	Olsen	Rose
Dempsey	Cutknecht	Knickerbocker	Omann	Schafer
DenOuden	Halberg	Krueger	Onnen	Schoenfeld
Dimler	Haukoos	Kvam	Pauly	Schreiber

Seaberg	Sparby	Tunheim	Vanasek	Welle
Shaver	Stadum	Uphus	Vellenga	Wigley
Shea	Sviggum	Vaian	Waltman	Zaffke
Sherman	Thiede	Valento	Welker	

Those who voted in the negative were:

Battaglia	Eken	Long	Piper	Solberg
Beard	Elioff	Metzen	Price	Staten
Begich	Greenfield	Munger	Quina	Tomlinson
Bergstrom	Gustafson	Murphy	Rice	Welch
Brandl	Hoffman	Nelson, D.	Riveness	Wenzel
Carlson, L.	Jacobs	Nelson, K.	Rodriguez, F.	Wynia
Clark, J.	Kahn	Norton	St. Onge	Spcker Sieben
Clark, K.	Kelly	O'Connor	Sarna	
Clawson	Knuth	Ogren	Scheid	
Cohen	Kostohryz	Osthoff	Simoneau	
Coleman	Larsen	Otis	Skoglund	

The motion prevailed and H. F. No. 938 was reported to the Committee.

Sieben assumed the Chair.

Shea; Anderson, B.; Stadum; Heinitz; Anderson, G., and Schoenfeld offered an amendment to H. F. No. 938.

The question was taken on the Eken motion that the Committee do now arise and the roll was called. There were 64 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Battaglia	Greenfield	Mann	Peterson	Skoglund
Beard	Gustafson	McEachern	Piper	Solberg
Begich	Hoffman	Metzen	Price	Sparby
Bergstrom	Jacobs	Munger	Quina	Staten
Berkelman	Jensen	Murphy	Rice	Tomlinson
Brandl	Kahn	Nelson, D.	Riveness	Tunheim
Carlson, L.	Kalis	Nelson, K.	Rodriguez, C.	Vanasek
Clark, J.	Kelly	Neuenschwander	Rodriguez, F.	Vellenga
Clark, K.	Knuth	Norton	St. Onge	Welch
Coleman	Kostohryz	O'Connor	Sarna	Wenzel
Eken	Krueger	Ogren	Scheid	Wynia
Elioff	Larsen	Osthoff	Segal	Spcker Sieben
Ellingson	Long	Otis	Simoneau	

Those who voted in the negative were:

Anderson, B.	Dimler	Haukoos	Marsh	Rodosovich
Anderson, G.	Erickson	Heap	McDonald	Rose
Anderson, R.	Evans	Heinitz	McKasy	Schafer
Bennett	Findlay	Himle	Olsen	Schoenfeld
Bishop	Fjoslien	Hokr	Omann	Schreiber
Blatz	Forsythe	Jennings	Onnen	Seaberg
Brinkman	Frerichs	Johnson	Pauly	Shaver
Burger	Graba	Knickerbocker	Piepho	Sherman
Cohen	Gruenes	Kvani	Quist	Stadum
Dempsey	Gutknecht	Levi	Redalen	Sviggum
DenOuden	Halberg	Ludeman	Reif	Thiede

Uphus
Valan

Valento
Waltman

Welker
Welle

Wigley

Zaffke

The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 381:

Otis, Tomlinson and Dempsey.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 870:

Rodosovich, Clawson and Sviggum.

MOTIONS AND RESOLUTIONS

Elioff moved that the names of Clark, J., and Vanasek be added as authors on H. F. No. 439. The motion prevailed.

Fjoslien moved that his name be stricken as an author on H. F. No. 571. The motion prevailed.

Greenfield moved that the name of Blatz be added as an author on H. F. No. 723. The motion prevailed.

Heinitz moved that the name of Anderson, G., be added as chief author on H. F. No. 938. The motion prevailed.

Vanasek moved that the name of Bennett be added as an author on H. F. No. 1103. The motion prevailed.

Brinkman moved that his name be stricken as an author on H. F. No. 1218. The motion prevailed.

Price moved that the names of Levi and Rodriguez, F., be added as authors on H. F. No. 1248. The motion prevailed.

McDonald moved that H. F. No. 1211 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Greenfield moved that the name of Clark, K., be added as an author on H. F. No. 1242. The motion prevailed.

Gustafson moved that H. F. No. 1189 be returned to its author. The motion prevailed.

SUSPENSION OF RULES

Sparby moved that the rules be so far suspended that S. F. No. 402 be recalled from the Committee on Environment and Natural Resources, be given its second and third readings and be placed upon its final passage. The motion prevailed.

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sparby moved that the rule therein be suspended and an urgency be declared so that S. F. No. 402 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 402 was read for the second time.

S. F. No. 402, A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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 115 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kostohryz	Pauly	Shea
Anderson, G.	Fjoslien	Krueger	Peterson	Sherman
Battaglia	Forsythe	Kvam	Piepho	Solberg
Beard	Frerichs	Larsen	Piper	Sparby
Bennett	Graba	Levi	Price	Staten
Bergstrom	Greenfield	Long	Quinn	Swiggum
Berkelman	Gruenes	Ludeman	Quist	Thiede
Blatz	Gustafson	Mann	Redalen	Tomlinson
Brandl	Gutknecht	Marsh	Reif	Tunheim
Brinkman	Haukoos	McDonald	Rice	Uphus
Burger	Heap	McKasy	Riveness	Valan
Carlson, L.	Heinritz	Metzen	Rodosovich	Valento
Clark, J.	Himle	Murphy	Rodriguez, C.	Vanasek
Clark, K.	Hoffman	Nelson, D.	Rodriguez, F.	Vellenga
Cohen	Jacobs	Nelson, K.	Rose	Waltman
Coleman	Jennings	Neuenschwander	St. Onge	Welch
Dempsey	Jensen	Norton	Sarna	Welker
DenOuden	Johnson	O'Connor	Schafer	Welle
Dimler	Kahn	Olsen	Scheid	Wenzel
Eken	Kalis	Omann	Schoenfeld	Wigley
Elioff	Kelly	Onnen	Seaberg	Wynia
Erickson	Knickerbocker	Osthoff	Segal	Zaffke
Evans	Knuth	Oris	Shaver	Speaker Sieben

Those who voted in the negative were:

Munger

Ogren

Skoglund

The bill was passed and its title agreed to.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 25, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 25, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives